

**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
SEPTEMBER 25, 2023 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Mr. Brady
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	B. Harris, M. Meinzer, W. Poole, D. Murray, D. Brady, S. Poggiali, D. Waddington
APPROVAL OF MINUTES	September 11, 2023 Regular Meeting
AUDIENCE PARTICIPATION	
PRESENTATION	Sandusky 2022 Volunteer of the Year Awards, Mr. Waddington & Mr. Poggiali
COMMUNICATIONS	Motion to accept all communications submitted below.
CURRENT BUSINESS	

CONSENT AGENDA

ITEM A – Submitted by Jared Oliver, Police Chief

APPROVAL OF CONTRACT FOR WASTE VEHICLE INSPECTION SERVICES WITH ECHD

Budgetary Information: The City will collect an annual registration fee of fifty dollars (\$50.00) per vehicle, for the purpose of inspection, administration, and enforcement of Chapter 955. One half of the permit fees collected will be paid by the City to the Board of Health for providing bulky and solid waste vehicle inspection services.

RESOLUTION NO. _____: It is requested a resolution be passed authorizing the city manager to enter into a contract for services with the Erie County General Health District Board of Health for bulky and solid waste vehicle inspection services for the period of December 1, 2023, through November 30, 2024; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM B – Submitted by Jared Oliver, Police Chief

APPROVAL OF PAYMENT OF 9-1-1 FEES FOR 2024 TO ERIE COUNTY

Budgetary Information: The total amount of this expenditure is \$16,311.75. The cost will be paid with funds from the Police Department's 2023 Operating budget in the amount of \$8,155.88 and from the EMS Fund in the amount of \$8,155.87.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing payment for replacement and maintenance costs for calendar year 2024 pursuant to the 9-1-1 agreement between the City of Sandusky and Erie County; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Michelle Reeder, Finance Director

BUDGET AMENDMENT #5

Budgetary Information: Appropriation amendments are required to update the 2023 budget for these funds:

- General Funds
- Parks & Recreation Fund
- Capital Projects Funds
- General Bond Retirement Fund
- Urban Renewal Debt Fund
- Cooke Building Improvement
- Special Assessment Bond Fund

ORDINANCE NO. _____: It is requested an ordinance be passed adopting Amendment No. 5 to Ordinance No. 23-002 passed by this City Commission on January 9, 2023, making general appropriations for the fiscal year 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM D – Submitted by Cody Browning, IT Manager

APPROVAL OF FIREWALL AND ENDPOINT PROTECTION RENEWAL

Budgetary Information: The cost for the renewal of the current subscription licenses for a thirty-six (36) month period from September 23, 2023, through September 22, 2026, is \$54,327.60, and the cost for the replacement of four (4) firewalls is \$32,669.00 for a total cost of \$86,996.60 of which \$43,498.30 will be paid with General Funds, \$21,749.15 will be paid with Water Funds, and the balance of \$21,749.15 will be paid with Sewer Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to make payment to Selectus Consulting, LLC, of Marysville, Ohio, for the renewal of the subscription license for the City's endpoint protection for the period September 23, 2023, through September 22, 2026; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM E – Submitted by Mario D’Amico, Fire Chief

APPROVAL OF GRANT APPLICATION SUBMISSION TO MYLANDER FOUNDATION FOR FIRE

Budgetary Information: The cost of The Bullseye Digital Fire Extinguisher Training System is \$28,978.08 and if awarded is 100% funded by the Mylander Foundation Grant. There are no matching funds.

RESOLUTION NO. _____: It is requested a resolution be passed approving the submission of a grant application to the Mylander Foundation to purchase the Bullseye Digital Fire Extinguisher Training System for the Fire Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM F – Submitted by Troy Vaccaro, Fleet Maintenance Chief Foreman

APPROVAL TO DISPOSE OF UNNEEDED ITEMS

Budgetary Information: Proceeds from these sales will be deposited into the appropriate accounts.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to dispose of vehicles and miscellaneous items as having become unnecessary and unfit for City use pursuant to Section 25 of the City Charter; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM G – Submitted by Megan Stookey, Project Manager

APPROVAL OF ENCROACHMENT LICENSE AGREEMENT TO TONY’S DUGOUT

Budgetary Information: There is no budgetary impact with this item. The property owner is responsible for recording feeds to the Erie County Recorder Office.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing the City Manager to enter into a license agreement with Alpha Omega Development Company, LLC (d.b.a. Tony’s), to provide for the use of a certain portion of the City’s rights-of-way as described in the grant of a license for encroachment; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

REGULAR AGENDA

ITEM 1 – Submitted by Arin Blair, Chief Planner (FIRST READING)

APPROVAL TO AMEND THE CODIFIED ORDINANCE FOR DOWNTOWN DESIGN REVIEW PROCESS

Budgetary Information: The code change does not require funding. Historic preservation is an economic development tool that adds value to the city overall, thus having an indirect, net positive budgetary impact.

ORDINANCE NO. _____: It is requested an ordinance be passed amending Part Thirteen (Building Code), Title Five (Additional Local Provisions), Chapter 1359 (Downtown Design Review Process) of the Codified Ordinances of the City of Sandusky, in the manner and way specifically set forth hereinbelow.

ITEM 2 – Submitted by Aaron Klein, Public Works Director

AMENDMENT #1 TO PDS AGREEMENT FOR CHURCHWELL & MACARTHUR PARKS WITH STRAND

Budgetary Information: The original cost of the profession services was \$110,000, with Amendment #1 of \$15,250, the total revised cost shall not exceed \$125,250 and will initially be paid with Capital Funds but reimbursed entirely from the remaining funds on this grant.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an Amendment to the Agreement for Professional Design Services with Strand Associates, Inc., of Cincinnati, Ohio, for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 3 – Submitted by Megan Stookey, Project Manager

PERMISSION TO AWARD CONTRACT FOR JAYCEE & WASHINGTON PARK PROJECT TO RMH

Budgetary Information: The construction cost shall not exceed \$44,048.20 of which \$30,176.20 will be paid with funds donated from the Randolph J. & Estelle M. Dorn Foundation designated for the Sandusky Neighborhood Initiative, \$9,872.00 will be paid with funds donated from the Mylander Foundation, and \$4,000.00 will be paid with Friends of the Sandusky Greenhouse Funds donated from the Michelle Wightman and Karrie Wieber Charitable Foundation.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with RMH Concrete & Foundations, Inc. of Collins, Ohio, for the 2023 Jaycee and Washington Park Concrete Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 4 – Submitted by Nicole Grohe, CDBG Program Administrator

PERMISSION TO AWARD CONTRACT FOR CDBG FY21 DEMO PROJECT #7 TO ED BURDUE

Budgetary Information: The total cost for the asbestos abatement and demolition is \$39,985 and will be paid with FY21 Community Development Block Grant Funds. Liens will be placed on the properties for the total cost of the asbestos abatement and demolition.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with Ed Burdue & Company of Sandusky, Ohio, for the CDBG FY21 Demolition Project #7; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 5 – Submitted by James Stacey, Transit Administrator

APPROVAL OF GRANT SUBMISSION FOR STS SFY25 WITH ODOT

Budgetary Information: The Ohio Transit Partnership Program (OTP2) funds comprise a significant portion of STS’s budget and without this funding the system would not be able to operate. The required local matching funds to access these funds will be generated from multiple local sources.

RESOLUTION NO. _____: It is requested a resolution be passed approving and ratifying the submission of a grant application to the Ohio Department of Transportation for State Fiscal Year 2025 Ohio Transportation Partnership Program grant funds for the Sandusky Transit System; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

CITY MANAGER’S REPORT

OLD BUSINESS

NEW BUSINESS

AUDIENCE PARTICIPATION: Open discussion on any item (5-minute limit)

EXECUTIVE SESSION(S)

ADJOURNMENT

Online: www.CityofSandusky.com/Live – Click “Play” 



CITY OF SANDUSKY POLICE DEPARTMENT

222 Meigs Street
Sandusky, Ohio 44870
419.627.5863
www.cityofsandusky.com

To: John Orzech, City Manager
From: Jared Oliver, Police Chief
Date: September 13, 2023
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter into a contract for bulky and solid waste vehicle inspection services with the Erie County General Health District Board of Health for the period of 12/1/23 through 11/30/24.

BACKGROUND INFORMATION: Starting in 2010, the City of Sandusky has entered into contracts with the Erie County General Health District Board of Health for inspection services of all commercial haulers of solid and/or bulky waste who operate within the City of Sandusky. This is in compliance with Section 955.05 of the City of Sandusky Ordinances. Under this Section, all commercial haulers are required to apply for a registration certificate with the City annually and provide proof that all vehicles used for the collection and transportation of solid waste and/or bulky waste within the City have been inspected annually by the Erie County Health Department. The Sandusky Police Department works in conjunction with the Erie County Health Department to register, inspect, and enforce the ordinance. The current contract expires November 30, 2023.

BUDGETARY INFORMATION: The City will collect an annual registration fee of fifty dollars (\$50.00) per vehicle, for the purpose of inspection, administration, and enforcement of Chapter 955. One half of the permit fees collected will be paid by the City to the Board of Health for providing bulky and solid waste vehicle inspection services.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a contract for inspection services for the period of 12/1/23 through 11/30/24 with the Erie County General Health District Board of Health. It is requested that this legislation be approved in accordance with Section 14 of the City Charter in order to execute the contract prior to the current contract's expiration date of November 30, 2023, and continue to be in compliance with the City's Ordinance and the Solid Waste Management District Plan.

Approved:

I concur with this recommendation:

Jared Oliver, Police Chief

John Orzech, City Manager

cc: Michelle Reeder, Finance Director
Justin Harris, Interim Law Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR SERVICES WITH THE ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH FOR BULKY AND SOLID WASTE VEHICLE INSPECTION SERVICES FOR THE PERIOD OF DECEMBER 1, 2023, THROUGH NOVEMBER 30, 2024; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved the Erie County Solid Waste Management District Plan by Resolution No. 018-10R, and the Amendment of Chapter 955 (Solid Waste Disposal) of the Codified Ordinances, both passed on June 28, 2010; and

WHEREAS, starting in 2010, the City has annually entered into a contract with the Erie County General Health District Board of Health for inspection services of all commercial haulers of solid and/or bulky waste who operate within the City; and

WHEREAS, pursuant to Section 955.05 of the Codified Ordinances, all commercial haulers of solid and/or bulky waste intending to operate within the City Sandusky are required to apply for a registration certificate with the City annually and provide proof that all vehicles used for the collection and transportation of solid waste and/or bulky waste within the City have been inspected annually by the Erie County Health Department; and

WHEREAS, the City will collect an annual registration fee of \$50.00 per vehicle for the purpose of inspection, administration and enforcement of Chapter 955 and one-half of the fees collected will be paid by the City to the Erie County Board of Health; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the agreement prior to the current contract's expiration date of November 30, 2023, and continue to be in compliance with the City's Ordinance and the updated Solid Waste Management District Plan; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Police Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission approves the Contract for Services with the Erie County General Health District Board of Health for bulky and solid waste vehicle inspection services for the period of December 1, 2023, through November

30, 2024, a copy of which is marked Exhibit "1", and attached to this Resolution and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Resolution, and authorizes and directs the City Manager to sign the Contract for Services on behalf of the City.

Section 2. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023

CONTRACT FOR SERVICES

This Contract entered into at Sandusky, Ohio, between the Erie County General Health District Board of Health [Inspector] and the City of Sandusky [City].

WHEREAS, the City is in need of the services of the Inspector to provide solid and bulky waste hauler inspection services; and

WHEREAS, the Inspector is qualified and willing to provide such services as may be needed by the City, NOW, THEREFORE, it is hereby mutually understood and agreed as follows:

A. DUTIES OF INSPECTOR

1. The Inspector will provide a scheduled inspection of bulky and solid waste hauler trucks that collect waste in enforcement of Chapter 955 of the City codified ordinances for the City during regular hours of operation between 8AM and 5PM Monday through Friday prior to initial registration, or renewal of annual vehicle registration, with the City; and
2. The Inspector will provide scheduled re-inspections of bulky and solid waste hauler vehicles to confirm resolution of documented violations; and
3. The Inspector will provide violation inspection records to the City for consideration prior to registration by the City; and
4. The Inspector will make its authorized representatives available for consultation upon prior request of the City or its authorized representatives; and
5. The Inspector will invoice the City on a monthly basis for all inspections done in that month.

B. DUTIES OF THE CITY

1. The City will provide a list of applicants for solid waste haulers to the Inspector who shall utilize the list for the purposes of inspections; and

2. Any changes or alterations in the City's administrative or regulatory requirements, in regard to bulky or solid waste inspection services, may be done after consultation and approval by the Inspector; and
3. The City agrees to reimburse the Inspector from any collected fees, Twenty-five Dollars (\$25.00) per inspection of any initial or renewal of a registered bulky or solid waste vehicle; payable within 30 days of invoice and vehicle registration as agreed in this Contract.

C. TERM OF CONTRACT AND TERMINATION OF THIS CONTRACT

1. This Contract shall become effective on December 1, 2023, and shall remain in effect until November 30, 2024, unless terminated in accordance with this section.
2. Either party may terminate this Contract at any time without cause after giving thirty (30) days notice to the other by simultaneous U.S. Regular and Certified Mail to the addresses listed below.
3. Either Party may terminate this Contract immediately upon notice as given above if:
 - a. The Inspector is no longer able to provide inspections;
 - b. The City no longer has solid waste haulers.
 - c. The City does not provide the required list of applicants for hauling solid waste.

D. MISCELLANEOUS

1. Neither agreement or any duties or obligations imposed hereunder shall be assignable by the City or Inspector without the prior written consent of the other party.
2. No modification of this Contract shall be effective unless it is in writing and signed by both Parties.

3. This Contract contains the entire agreement between the Parties and all of the terms and conditions to which the Parties have agreed and supersedes all prior oral or written agreements or understandings concerning the subject matter hereof and shall be interpreted in accordance with the laws of the State of Ohio.
4. Notice: Any notice under this Contract shall be by simultaneous U.S. Regular and Certified Mail, return receipt requested, addressed to the following:

For the City

City of Sandusky
ATTN: City Manager
240 Columbus Avenue
Sandusky, OH 44870

For the Inspector

Erie County Health Department
ATTN: Health Commissioner
420 Superior Street
Sandusky, OH 44870

5. The City and Inspector will provide a resolution and/or approved meeting minutes, herein attached as Exhibit "A" and Exhibit "B", respectively, which authorizes its designated representative to enter into this Contract.
6. If any section, sentence, clause or phrase of this Contract is for any reason held to be illegal, invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of this contract and it shall remain in full force and effect.

SIGNATURES TO FOLLOW

FOR THE CITY OF SANDUSKY

John Orzech, City Manager
City of Sandusky

Date

Sarah S. Chiappone, Assistant Law Director
City of Sandusky

Date

FOR THE ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH

Peter T. Schade, M.P.H., R.E.H.S.
Health Commissioner
Erie County General Health District

Date



CITY OF SANDUSKY POLICE DEPARTMENT

222 Meigs Street
Sandusky, Ohio 44870

419.627.5863

www.cityofsandusky.com

To: John Orzech, City Manager

From: Jared Oliver, Police Chief
Mario D'Amico, Fire Chief

Date: September 11, 2023

Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation authorizing the payment of 9-1-1 fees for 2024 to Erie County.

BACKGROUND INFORMATION: This is an agreement between the Erie County Commissioners and the City of Sandusky to pay annual charges for the 9-1-1 equipment beginning in 1999. We have now been invoiced the 9-1-1 fees for 2024.

BUDGETARY INFORMATION: The total amount of this expenditure is \$16,311.75. The cost will be paid with funds from the Police Department's 2023 Operating budget in the amount of \$8,155.88 and from the EMS Fund in the amount of \$8,155.87.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow for the payment of the 9-1-1 fees in the amount not to exceed **\$16,311.75**. It is further requested that this be passed in accordance with Section 14 of the City Charter in order for payment to be made to the County as the payment is due by October 31, 2023.

Approved:

I concur with this recommendation:

Jared Oliver, Police Chief

John Orzech, City Manager

Mario D'Amico, Fire Chief

cc: Michelle Reeder, Finance Director
Justin Harris, Interim Law Director



**Erie County Emergency Management Agency &
Office of Homeland Security**

2900 Columbus Avenue
Sandusky, Ohio 44870

Office: (419) 627-7617

FAX: (419) 627-8108

Timothy G. Jonovich, Director

September 12, 2023

Sandusky Police Department
Attn: Eva Olcott
222 Meigs St.
Sandusky, OH 44870

Re: Erie County 911 fees for 2024.

Below is the invoice for the 911 fees for the **CITY OF SANDUSKY** based on the on the U. S. Bureau of Census 2022 figure of **25095** persons.

911 (24861-3600-434200) 0.65 x 25,095 = \$ 16,311.75

Total = \$ 16,311.75

Please remit to Erie County Emergency Management Agency, 2900 Columbus Avenue, Sandusky, OH 44870 no later than October 31, 2023. Thank you for your continued support.

Sincerely,

Timothy G. Jonovich, Director
Erie County Emergency Management Agency

TGJ/klj

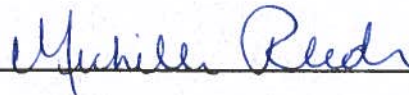
CERTIFICATE OF FUNDS

In the Matter of: Erie County Commissioners – 911 fees

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account # 110-1020-53000, 431-1330-53000

By: _____



Michelle Reeder

Finance Director

Dated: 9/20/2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING PAYMENT FOR REPLACEMENT AND MAINTENANCE COSTS FOR CALENDAR YEAR 2024 PURSUANT TO THE 9-1-1 AGREEMENT BETWEEN THE CITY OF SANDUSKY AND ERIE COUNTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky entered into an agreement with Erie County to provide funding for an enhanced 911 system as authorized by Ordinance No. 99-244, passed by the City Commission on August 23, 1999; and

WHEREAS, authorization for payment of the City's share for replacement and maintenance for the calendar year 2024 is being requested; and

WHEREAS, the total cost for the 9-1-1 equipment replacement and maintenance charges for the calendar year 2024 as reflected on the current unpaid invoice is \$16,311.75 and will be paid with funds from the Police Department's 2023 operating budget in the amount of \$8,155.88 and from EMS Funds in the amount of \$8,155.87; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules and in accordance with Section 14 of the City Charter in order to make payment to Erie County in a timely manner and prior to the due date of October 31, 2023; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Fire and Police Departments, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager and/or the Finance Director are authorized and directed to make payment to the Erie County Commissioners for the City's share of the 9-1-1 replacement and maintenance costs for CY 2024 in an amount **not to exceed** Sixteen Thousand Three Hundred Eleven and 75/100 Dollars (\$16,311.75) consistent with the invoice received by the City from the Erie County Emergency Management Agency & Office of Homeland Security.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

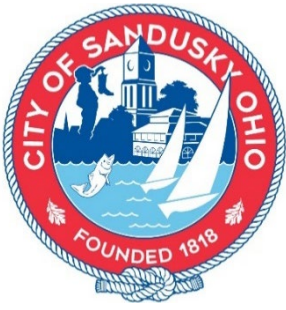
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023



FINANCE DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5776
www.cityofsandusky.com

TO: John Orzech, Interim City Manager
FROM: Michelle Reeder, Finance Director
DATE: September 13, 2023
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.40 states that any appropriation ordinance or measure may be amended or supplemented, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making an original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation. I am submitting amendment #5 to the 2023 General Appropriations.

BUDGETARY INFORMATION:

Appropriation amendments are required to update the 2023 budget for these funds:

- General Funds
- Parks & Recreation Fund
- Capital Projects Funds
- General Bond Retirement Fund
- Urban Renewal Debt Fund
- Cooke Building Improvement
- Special Assessment Bond Fund

ACTION REQUIRED:

It is requested that the City Commission enact the ordinance, and have it take immediate effect under Section 14 of the City Charter, so that the budget amendments can be entered into the financial system and purchases can be made to continue the flow of city operations.

I concur with this recommendation:

John Orzech

Interim City Manager

Michelle Reeder

Finance Director

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENT NO. 5 TO ORDINANCE NO. 23-002 PASSED BY THIS CITY COMMISSION ON JANUARY 9, 2023, MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2023; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission made general appropriations for the Fiscal Year 2023 Operating Budget by Ordinance No. 23-002, passed on January 9, 2023; and

WHEREAS, this City Commission adopted Amendment No. 1 to Ordinance No. 23-002 to cover deficiencies or needs which existed in the General, Street, State Grants, Capital Projects, Urban Renewal Debt Retirement, Water, and Sewer Funds by Ordinance No. 23-035, passed on February 27, 2023; and

WHEREAS, this City Commission adopted Amendment No. 2 to Ordinance No. 23-002 to cover deficiencies or needs which existed in the General, Capital Projects, Water and Sewer Funds by Ordinance No. 23-093, passed on April 24, 2023; and

WHEREAS, this City Commission adopted Amendment No. 3 to Ordinance No. 23-002 to cover deficiencies or needs which existed in the State Grants, Federal Grants, Cooke Building Improvement TIF, Capital Projects, Water and Sewer Funds by Ordinance No. 23-123, passed on June 12, 2023; and

WHEREAS, this City Commission adopted Amendment No. 4 to Ordinance No. 23-002 to cover deficiencies or needs which existed in the General, State Grant, Capital Projects, General Bond Retirement, and Water Funds by Ordinance No. 23-152, passed on July 24, 2023; and

WHEREAS, this Ordinance has been prepared to cover deficiencies or needs which exist in the General, Parks & Recreation, Capital Projects, General Bond Retirement, Urban Renewal Debt, Cooke Building Improvement, and Special Assessment Bond Funds; and

WHEREAS, amendments are required to adjust the budget for previous actions of the City; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to prevent delays in the use of the funds for an extended period of time and not restrict the operation of City departments; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Finance Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Ordinance No. 23-002 passed by this City Commission on the 9th day of January, 2023, be amended as hereinafter set forth:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
Jackson Street Pier	-	12,500	12,500
Community Development	-	13,000	13,000
Transfers- Capital Projects	-	1,500,000	1,500,000
GENERAL FUND	-	1,525,500	1,525,500
PARKS & RECREATION FUND	-	22,000	22,000
CAPITAL PROJECTS FUND	-	8,897,650	8,897,650
GENERAL BOND RETIREMENT	-	3,000	3,000
URBAN RENEWAL DEBT	-	6,000	6,000
COOKE BUILDING IMPROVEMENT	-	78,000	78,000
SPECIAL ASSESSMENT BOND	-	2,800	2,800
TOTAL ALL FUNDS	-	10,534,950	10,534,950

Section 2. The Finance Director is authorized to draw warrants upon the City treasury for funds appropriated in this Ordinance upon presentation of properly approved vouchers and when in conformity with the Charter and general laws of the State of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in City funds provided said transfers are included in the general appropriations.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023



ADMINISTRATIVE SERVICES

240 Columbus Ave.
Sandusky, Ohio 44870

To: John Orzech, City Manager

From: Cody Browning, IT Manager

Date: September 12th, 2023

Subject: Commission Agenda Item – Firewall and Endpoint Protection Renewal

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City Manager to expend funds to renew the subscription license from Selectus Consulting LLC of Marysville, OH, for the City's Endpoint Protection and the replacement of four (4) firewalls.

BACKGROUND INFORMATION: In 2020, the City purchased subscription licensing for Firewall and Endpoint Protection for the City's network and replaced four (4) firewalls. In February 2022, the Cybersecurity and Infrastructure Security Agency (CISA) issued a "Shields Up" warning that all local government agencies should be extra cautious about potential hacking attempts from Russia as tensions with the country rise, particularly during the Russian-Ukraine conflict. In response to the warning and due to the City seeing a significant rise in breach attempts on the network, the City upgraded the Firewall and Endpoint Protection with a Managed Threat Response. The protection solution has provided the City with ongoing 24/7 monitoring and response experts who proactively hunt for and validate potential threats and incidents. Four (4) firewalls need to be replaced as well as renewing the subscription license and subscribing to a 36 month license providing considerable savings to the City.

BUDGETARY INFORMATION: The cost for the renewal of the current subscription licenses for a thirty-six (36) month period from September 23, 2023, through September 22, 2026, is \$54,327.60, and the cost for the replacement of four (4) firewalls is \$32,669.00 for a total cost of \$86,996.60 of which \$43,498.30 will be paid with General Funds, \$21,749.15 will be paid with Water Funds, and the balance of \$21,749.15 will be paid with Sewer Funds.

ACTION REQUESTED: It is recommended that the proper legislation be prepared authorizing the City Manager to expend funds to renew the subscription license for Firewall and Endpoint Protection solution from Selectus Consulting LLC of Marysville, OH. It is requested that this legislation take effect in full accordance with Section 14 of the City Charter in order to make payment as soon as possible to ensure protection to the City's network.

I concur with this recommendation:

John Orzech, City Manager

Cody Browning, IT Manager

cc: Cathy Meyers, Commission Clerk; M. Reeder, Finance Director; J. Harris, Interim Law Director



Quote for City of Sandusky

09/13/2023

Cody Below is your Sophos quote that you requested. Pricing is available on our GSA Schedule 47QTCA21D00ED or on our Ohio STS schedule 534378. Please let us know how you would like to proceed.

Start Date 09/23/2023 End date 09/22/2026.

Central Managed Detection and Response Essentials Endpoint

Qty 230 Central Managed Detection and Response 36 Month subscription	\$192.84Ea	\$44,353.20
	Total	\$44,353.20

Start Date 09/23/2023 End date 09/22/2026.

Central Managed Detection and Response Essentials Server

Qty 30 Central Managed Detection and Response 36 Month subscription	\$332.48Ea	\$9974.40
	Total	\$9974.40

Total for both products to continue coverage of current products		\$54,327.60
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36 Month subscription: XGS3100 XStream Protection 1 for Admin building 1 for Police.

Qty 2 XGS3100 XStream Protection 24x7 support Includes appliance at No Charge with 36 mo. subscription.	\$11,236.00Ea	\$22,472.00
Qty 2 XGS3100 Appliance for failover running Active/Passive	\$5098.50	\$10,197.00
	Total	\$32,669.00

Total for all products listed above.	Total	\$86,996.60
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Installation setup and configuration of the Sophos firewall product build not to exceed 20 hours If needed	\$110.00 hour
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Special Pricing is valid 09/29/2023.

Thank You

Todd Brown
Selectus Consulting

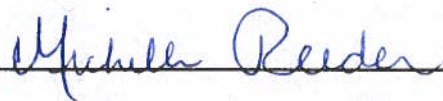
CERTIFICATE OF FUNDS

In the Matter of: Selectus Consulting LLC- Managed Threat Response Solution

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account # 110-7080-53001, 612-5900-53001, 613-5900-53001

By: _____



Michelle Reeder

Finance Director

Dated: 9/20/2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE PAYMENT TO SELECTUS CONSULTING, LLC, OF MARYSVILLE, OHIO, FOR THE RENEWAL OF THE SUBSCRIPTION LICENSE FOR THE CITY'S ENDPOINT PROTECTION FOR THE PERIOD SEPTEMBER 23, 2023, THROUGH SEPTEMBER 22, 2026; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved the expenditure of funds for an upgraded subscription license for Sophos Fullguard Plus for Firewall Security and Intercept-X with EDR for Endpoint Protection, which included the replacement of four (4) physical firewalls, from Selectus Consulting, LLC, of Marysville, Ohio, through the State of Ohio Department of Administrative Services Cooperative Purchasing Program by Ordinance No. 20-132, passed on September 14, 2020, and subsequently upgraded the subscription license to include a Managed Threat Response (MTR) solution by Ordinance No. 22-118, passed on June 13, 2022; and

WHEREAS, the cost for the renewal of the current subscription licenses for a thirty-six (36) month period from September 23, 2023, through September 22, 2026, is \$54,327.60, and the cost for the replacement of four (4) firewalls is \$32,669.00 for a total cost of \$86,996.60 of which \$43,498.30 will be paid with General Funds, \$21,749.15 will be paid with Water Funds, and the balance of \$21,749.15 will be paid with Sewer Funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to make payment to Selectus Consulting, LLC, as soon as possible to ensure protection to the City's network; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Information Technology Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to Selectus Consulting, LLC of Marysville, Ohio, in the amount of Fifty-Four Thousand Three Hundred Twenty-Seven and 60/100 Dollars (\$54,327.60) for the renewal of the current subscription licenses for the City's Endpoint Protection for a thirty-six (36) month period beginning September 23, 2023, through September 22, 2026, and in the amount

of Thirty-Two Thousand Six Hundred and Sixty-Nine and 00/100 Dollars (\$32,669.00) for the replacement of four (4) firewalls for a total amount **not to exceed** Eighty-Six Thousand Nine Hundred Ninety-Six and 60/100 Dollars (\$86,996.60)

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023



FIRE DEPARTMENT

600 West Market Street

Sandusky, Ohio 44870

419.627.5822

Fire Prevention 419.627.5823

Fax 419.627.5820

www.ci.sandusky.oh.us

TO: John Orzech, City Manager

FROM: Mario D'Amico III, Fire Chief

DATE: September 13, 2023

RE: Commission Agenda Item – Approval to Apply for Grant

ITEM FOR CONSIDERATION: Requesting legislation for the approval of the submission of a grant application for the Mylander Foundation.

BACKGROUND INFORMATION: The purpose of this grant request is to purchase The Bullseye Digital Fire Extinguisher Training System. Utilizing such a device is the solution to ensuring the citizens of Sandusky are properly trained on how to use a fire extinguisher. It also enables fire safety education to be delivered in infinite locations because you are not confined to being outdoors and it allows for training school aged kids all the way through adulthood.

BUDGETARY INFORMATION: The cost of The Bullseye Digital Fire Extinguisher Training System is \$28,978.08 and if awarded is 100% funded by the Mylander Foundation Grant. There are no matching funds.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow for the approval of the submission of the grant application to the Mylander Foundation. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to meet the grant deadline of October 1, 2023.

Approved:

I concur with this recommendation:

Mario D'Amico III, Fire Chief

John Orzech, City Manager

Cc: Justin Harris, Interim Law Director; Michelle Reeder, Finance Director

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE MYLANDER FOUNDATION TO PURCHASE THE BULLSEYE DIGITAL FIRE EXTINGUISHER TRAINING SYSTEM FOR THE FIRE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the purpose of the grant request is to purchase The Bullseye Digital Fire Extinguisher Training System to utilize for training school aged kids through adulthood to ensure they are properly trained on how to use a fire extinguisher and this system will enable fire safety education to be delivered in infinite location and can be used indoors and outdoors; and

WHEREAS, the cost of The Bullseye Digital Fire Extinguisher Training System is \$28,978.08 and if awarded, will be 100% funded by the Mylander Foundation Grant; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to submit the grant application by the grant deadline of October 1, 2023; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Fire Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves the submission of a grant application to the Mylander Foundation for the purpose of purchasing The Bullseye Digital Fire Extinguisher Training System for the Fire Department and authorizes and directs the City Manager to lawfully expend funds consistent with the application and execute any grant agreements should funds be awarded.

Section 2. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023



CITY MANAGER

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5846
www.cityofsandusky.com

To: John Orzech, City Manager

From: Troy Vaccaro, Fleet Maintenance Chief Foreman

Date: September 11, 2023

Subject: Commission Agenda Item- Permission to dispose of unneeded items

ITEM FOR CONSIDERATION: It is requested that the City Commission authorize legislation to dispose of the items listed below, pursuant to Section 25 of the City Charter.

BACKGROUND INFORMATION: It has been determined by the Fleet Maintenance Chief Foreman and corresponding Department Heads that the items listed below are beyond their useful life or of no use to the City and that the items should be declared obsolete, unnecessary, and unfit for City use. It is requested that the items be sold on GovDeals, an internet auction site for government entities.

2004 Mercury Grand Marquis: Vin- 2MEHM75W14X674550, 133,087 miles. This vehicle was seized and awarded to the City by the courts and any related Court cases have been adjudicated and closed. The proceeds from the sale will be deposited into the Law Enforcement Trust Fund.

1987 Ford F700 Winch Truck: Vin- 1FDNF70H8HVA52571, 44,145 miles. This truck was purchased new and used primarily to load large logs before larger cranes were purchased. Proceeds from this sale will be deposited into the Capital Funds account.

1986 Ford 2810 Tractor: S/N- C747348, 4,169 hours. This tractor was used by both the Street and Horticultural departments. The proceeds from this sale will be deposited into the Capital Funds account.

55KB Onan Natural Gas Generator: This generator was removed from a Sewer Department Lift Station that has been upgraded. The proceeds from this sale will be deposited into the Sewer Fund.

70KR Onan Natural Gas Generator: This generator was removed from a Sewer Department Lift Station that has been upgraded. The proceeds from this sale will be deposited into the Sewer Fund.

Miscellaneous Items:

---Power cord reel, removed from generator unit, history unknown

---Hydraulic hose reel, history unknown

---Miscellaneous new & used parts, used light bars, sirens, auto / truck / lawn & garden parts

Proceeds from the miscellaneous items will be deposited into the General Fund.

BUDGETARY IFORMATION: Proceeds from these sales will be deposited into the appropriate accounts as listed above.

ACTION REQUESTED: It is requested that proper legislation is approved authorizing the disposal of the items listed above. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to allow for the depreciating items to be placed on the internet and sold at the earliest opportunity to continue good housekeeping practices.

I concur with this recommendation.

John Orzech, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF VEHICLES AND MISCELLANEOUS ITEMS AS HAVING BECOME UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Section 25 of the City Charter authorizes the City Manager to conduct all sales of personal property that has become obsolete, unnecessary and unfit for City use; and

WHEREAS, the following vehicles and miscellaneous items have been determined by the Fleet Maintenance Chief Foreman and the respective Department Heads to be beyond their useful life and/or of no use to the City and is recommending the vehicles and miscellaneous items be declared obsolete, unnecessary and unfit for City use and it is requested the items be disposed of via www.Govdeals.com, which is an internet auction site for governmental entities:

<u>Year / Make / Model</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
2004 Mercury Grand Marquis	2MEHM75W14X674550	133,087
1987 Ford F700 Winch Truck	1FDNF70H8HVA52571	44,145
1986 Ford 2810 Tractor	S/N - C747348	4,169 hours

Miscellaneous Items

55KB Onan Natural Gas Generator	Hydraulic Hose Reel
70KR Onan Natural Gas Generator	Power Cord Reel
Miscellaneous parts including, used light bars, sirens, auto / truck / lawn & garden parts	

WHEREAS, the 2004 Mercury Grand Marquis listed above was forfeited to or confiscated by the Sandusky Police Department and any related Court cases have been adjudicated and closed thereby eliminating the need to retain the vehicle as evidence and the proceeds from the sale will be placed into the Law Enforcement Trust Fund; and

WHEREAS, the proceeds from the sale of the 1987 Ford Truck and 1986 Ford Tractor will be placed into the Capital Fund, the proceeds from the sale of the gas generators will be placed into the Sewer Fund, and the proceeds from the miscellaneous items will be placed into the General Fund; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the depreciating vehicles and items to be placed on the internet for auction at the earliest opportunity to continue with good housekeeping practices; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists

regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds and determines that the vehicles and miscellaneous items described in the preamble above have become obsolete and are unnecessary and unfit for City use pursuant to Section 25 of the City Charter and the City Manager is authorized and directed to dispose of the vehicles and miscellaneous items no longer needed for City purposes through internet auction, public auction, or by sale process with the proceeds from the sale of the vehicles and miscellaneous items to be placed appropriately into the Law Enforcement Trust Fund, Capital Fund, Sewer Fund, and General Fund.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Megan Stookey, Project Manager

Date: September 13, 2023

Subject: Commission Agenda Item – 115 – 117 West Water Street, Encroachment License Agreement

ITEM FOR CONSIDERATION: Legislation approving an Encroachment License be granted to the property owner of 115 & 117 West Water Street, Alpha Omega Development for the use of right-of-way along Shoreline Drive for an outdoor dining facility and deck/stairway for rear egress from the facility.

BACKGROUND INFORMATION: The property owner of 115 & 117 West Water Street, operating as Tony's has obtained a temporary outdoor dining encroachment permit over the past few years to operate their outdoor dining facility along the rear of their building on Shoreline Drive known as The Dugout. The owners have shown interest in opening their outside facility during the winter months, outside of the City's approved temporary permit timeline. They desire to operate later into the fall and early spring, as well as offering service during peak events downtown throughout the holiday season.

The required encroachment documentation was submitted to the City for review, with City staff having no objection to their request. The total encroachment will encompass 680 sq ft of the right-of-way along Shoreline Drive, assuring that a minimum 5-foot walking path will be left around the structure for public access.

There are no known conflicts with existing public infrastructure, further the structure placed within the encroachment area is temporary and can be removed at the request of the City. Furthermore, a Certificate of Appropriateness has been issued by the Department of Community Development for the existing patio. The licensee acknowledges that this Encroachment License is terminable at the will of the City.

BUDGETARY INFORMATION: There is no budgetary impact with this item. The property owner is responsible for recording fees to the Erie County Recorder Office.

ACTION REQUESTED: It is recommended that proper legislation be prepared to grant an Encroachment License to Alpha Omega Development of 115 – 117 W Water Street, Sandusky, OH be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to allow for execution and recording of the agreement in order for the property owner to operate their outdoor dining facility outside of the temporary outdoor dining encroachment permit expiration date of October 31, 2023.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Public Works Director

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; J. Harris, Interim Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH ALPHA OMEGA DEVELOPMENT COMPANY, LLC (D.B.A. TONY'S), TO PROVIDE FOR THE USE OF A CERTAIN PORTION OF THE CITY'S RIGHTS-OF-WAY AS DESCRIBED IN THE GRANT OF A LICENSE FOR ENCROACHMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, certain property of the City is currently platted as City right-of-way including the property identified and more fully described in Exhibit "A"; and

WHEREAS, Alpha Omega Development Company, LLC, is the owner of the property located at 115 & 117 W. Water Street, operating as Tony's, and for the past few years has obtained a temporary outdoor dining permit to operate their outdoor dining area, known as The Dugout, at the rear of their property abutting the Shoreline Drive right-of-way; and

WHEREAS, this proposed License for Encroachment will allow the property owner, Alpha Omega Development Company, LLC, d.b.a. Tony's, to operate their outdoor dining area known as The Dugout, outside the City's temporary permit time period for outdoor dining; and

WHEREAS, a Certificate of Appropriateness has been issued by the Department of Community Development for the existing patio; and

WHEREAS, this City Commission, under powers of Local self-government granted to the City by Article XVIII of the Ohio Constitution and Section 3 and Section 25 of the Charter of the City of Sandusky, has the power to change the use of City property to a use that would be of greater benefit and use to the public; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to immediately execute the Grant of a License for Encroachment and allow the outdoor dining area to be utilized past the temporary permit expiration date of October 31, 2023; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into the Grant of a License for Encroachment Agreement with Alpha Omega Development

Company, LLC (d.b.a. Tony’s), to provide for the use of a certain portion of the City’s rights-of-way, substantially in the same form as contained in Exhibit "1", which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the City's public purpose as set forth in the preamble hereto.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023

GRANT OF LICENSE FOR ENCROACHMENT ON THE SOUTH SIDE OF SHORELINE DRIVE RIGHT-OF-WAY

This License Agreement is made this _____ day of _____, 2023, between the City of Sandusky, Ohio ("City") whose tax mailing address is 240 Columbus Avenue, Sandusky, Ohio 44870, and Alpha Omega Development Company, LLC ("Licensee") whose tax mailing address is 117 Water Street, Sandusky, Ohio 44870, under the following circumstances:

- A. The City of Sandusky, Erie County, Ohio, is the Owner and Trustee for the general public of the rights-of-way as defined in the Ohio Revised Code Section 4511.01(uu), including Shoreline Drive, and is more fully described in Exhibit "A" which is attached to this License Agreement and is specifically incorporated as if fully rewritten herein.
- B. Licensee is the owner in fee simple of the real estate on the north side of Water Street right-of-way and located at 115 and 117 Water Street.
- C. The Licensee desires to operate an outdoor dining facility on the rear side of the facility ("Encroachment") within the Owner's right-of-way in relation to the Licensee's property located at 115 and 117 Water Street, Sandusky, Ohio, and as more fully described in Exhibits "A" and "B" which are attached to this License Agreement and are specifically incorporated as if fully rewritten herein.
- D. The City is willing to grant to Licensee a license to maintain the Encroachment for so long as Licensee remains the owner of the property on the north side of the Water Street right-of-way and provided the Encroachment is not substantially altered and is maintained for the purpose of accommodating outdoor dining and in compliance with all legal requirements including those established for outdoor dining facilities within the City of Sandusky, State of Ohio.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION PAID, THE PARTIES AGREE AS FOLLOWS:

- 1. The City grants to Licensee the license and permission to retain and maintain the Encroachment as more fully described in Exhibits "A" and "B" which are attached to this License Agreement and are specifically incorporated as if fully rewritten herein, for so long as Licensee, or an assignee approved by the City, remains the owner of real property located at 115 and 117 Water Street, Sandusky, Ohio, and provided that the Encroachment is not substantially altered and Licensee, or approved assignee, complies with all applicable legal requirements including those established for outdoor dining facilities within the City of Sandusky, State of Ohio, and provided the Licensee ensures that the five (5) foot public walking area is clear of all debris including but not limited to snow and ice. The City grants to Licensee the right to assign this license to an assignee approved by the City. Licensee acknowledges that this grant of a license is terminable by the City in the event that Licensee, or an approved assignee, does not continue to meet these conditions;
- 2. Licensee agrees that, except for the license granted pursuant to this Agreement, Licensee makes no claim of right and has no interest or title in any part of the property and Licensee further agrees that the maintenance of the Encroachment shall not, at any time, be deemed or construed to be an adverse possession of any part of the City's right-of-way;

3. Licensee agrees to maintain the Encroachment solely at Licensee's expense for use in conjunction with Licensee's property located at 115 and 117 Water Street, Sandusky, Ohio, and further agrees to indemnify and hold harmless the City of Sandusky (it's officials, employees, boards, commissions and agents) from any and all loss, damage, expense, or liability arising from the maintenance of the Encroachment;
4. The License granted by this Agreement is subject to a permanent easement in favor of the City for maintenance of any utility lines, any irrigation lines and valves, and any other underground lines that may exist within the right-of-way Encroachment property;
5. This Agreement shall not be construed to run with the land and is only a temporary license, terminable at the will of the City in the event that Licensee, or approved assignee, does not continue to meet the conditions set forth in this Agreement.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the parties have hereunto set their hands on the dates indicated below:

SIGNED AND ACKNOWLEDGED
IN THE PRESENCE OF:

CITY:
CITY OF SANDUSKY

John Orzech, City Manager

State of Ohio)
) ss:
County of Erie)

Before me a Notary Public for the State of Ohio, appeared the above named, John Orzech, City Manager of the City of Sandusky, who acknowledged that he signed the foregoing instrument and that the signing was a free act.

IN TESTIMONY WHEREOF, I have hereto subscribed my name and affixed my seal this ____ day of _____, 2023.

Notary Public
My Commission Expires:

SIGNED AND ACKNOWLEDGED
Company, LLC
IN THE PRESENCE OF:

LICENSEE: Alpha Omega Development

Signature

Printed Name & Title

State of Ohio)
) ss:
County of Erie)

Before me a Notary Public for the State of Ohio, appeared the above named_____, _____ of Alpha Omega Development Company, LLC, who acknowledged that he signed the foregoing instrument and that the signing was a free act.

IN TESTIMONY WHEREOF, I have hereto subscribed my name and affixed my seal this ____ day of _____, 2023.

Notary Public
My Commission Expires:

Instrument prepared by:

Sarah Chiappone #0101179
Assistant Law Director, City of Sandusky

ENCROACHMENT DESCRIPTION

Situated in part of the southerly right of way of Shoreline Drive, Ward 1, City of Sandusky, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin found at the intersection of the centerline of Shoreline Drive with the centerline of Jackson Street;

Thence North $66^{\circ}-15'-12''$ East, along the centerline of Shoreline Drive, a distance of 307.91 feet to a point;

Thence South $23^{\circ}-44'-31''$ East, a distance of 20.00 feet to a point, said point being the principal place of beginning for this description;

1. Thence North $66^{\circ}-15'-12''$ East, a distance of 34.00 feet to a point;
2. Thence South $23^{\circ}-44'-31''$ East, a distance of 20.00 feet to a point on the southeasterly right of way line of Shoreline Drive, being on the northwesterly line of Lot Number 62 on Water Street, being the most westerly corner of a parcel of land now or formerly owned by the Hubbard Building Condominium as per deed recorded in RN200512287 of the Erie County Record, said point also being the most northerly corner of a parcel of land now or formerly owned by Alpha Omega Development Company, LLC as per deed recorded in RN201009582 of the Erie County Records;
3. Thence South $66^{\circ}-15'-12''$ West, along the southeasterly right of way line of Shoreline Drive and the northwesterly line of said Lot Number 62 and Lot Number 63 on Water Street, now or formerly owned by said Alpha Omega Development, LLC and being the northwesterly edge of a building, a distance of 34.00 feet to a point at the most westerly corner of said Lot Number 63, being the most northerly corner of Lot Number 64 on Water Street, now or formerly owned by Waters Edge Building, LLC as per deed recorded in RN201706242 of the Erie County Records;
4. Thence North $23^{\circ}-44'-31''$ West, a distance of 20.00 feet to the place of beginning and containing 0.0156 acres (680.00 Sq. Ft.) of land but subject to all legal highways, easements and restrictions of record.

In the above description the courses were referred to a meridian assumed for the purpose of indicating angles only.

This description was prepared by David A. Williams, Registered Surveyor No. 7166 and was taken from an actual field survey performed on August 4, 2023.

David A. Williams



Registered Surveyor No. 7166

EXHIBIT "A"

MOU. BOX FD.

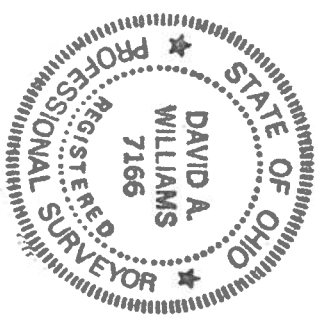
LEGEND

WATERS EDGE
BUILDING LLC.
RU201706242

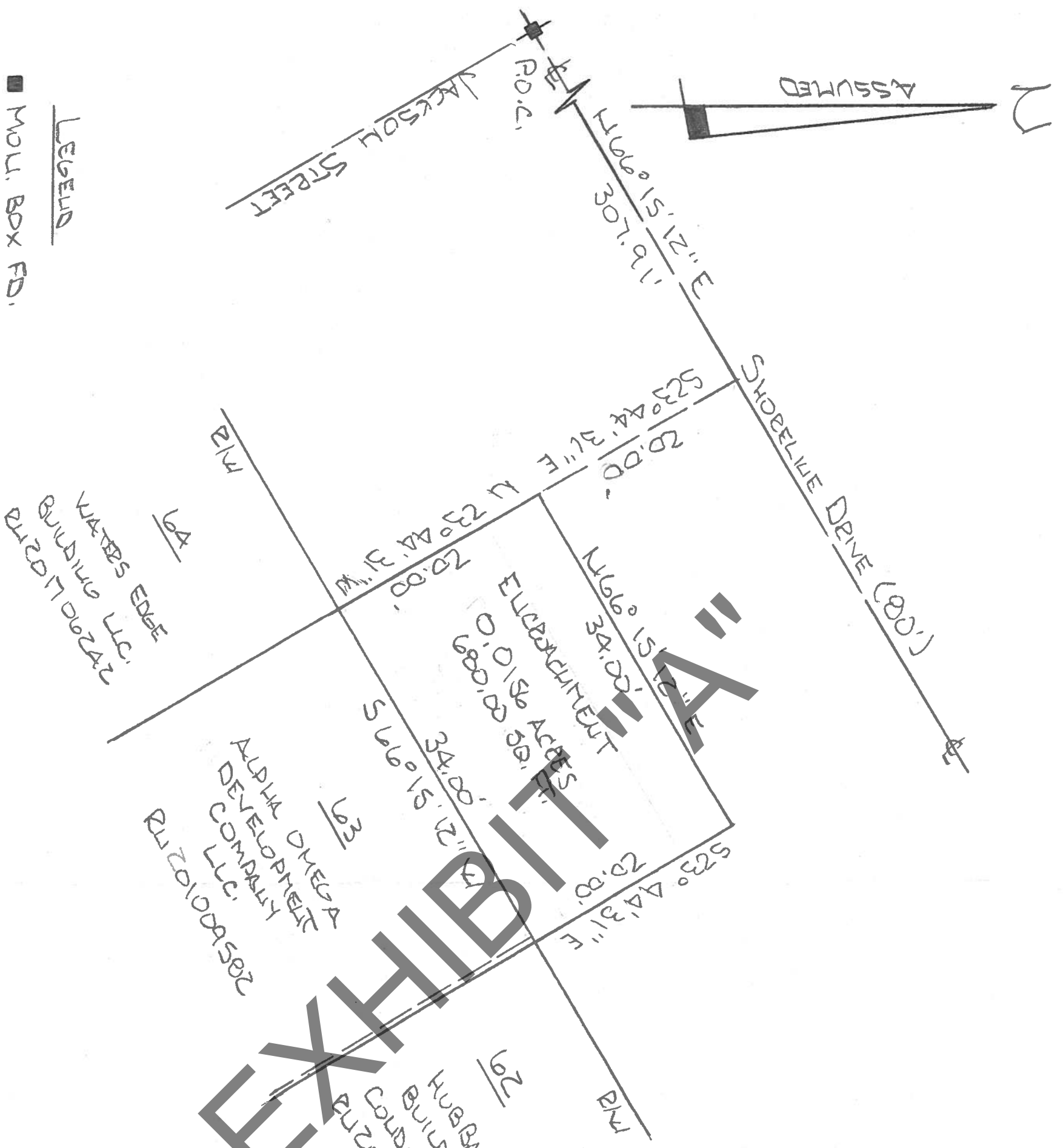
ALPHA OMEGA
DEVELOPMENT
COMPANY
LLC.
RU201004502

HUBBARD
BUILDING
CONDOMINIUM
RU200517207

David A. Williams
DAVID A. WILLIAMS
REG. SURVEYOR #7166



PLAT OF A SURVEY
BEING PART OF THE SOUTHERLY
PLAT OF WAY OF SHOEBUE DRIVE
WARD 1 CITY OF SANDUSKY
ERIE COUNTY OHIO
August 2023
SCALE ~ 1" = 10'





COMMUNITY DEVELOPMENT

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

To: John Orzech, City Manager
From: Arin Blair, Chief Planner
Date: September 13, 2023
Subject: **Commission Agenda Item – Proposal to amend the Codified Ordinance of Sandusky, Ohio, Chapter 1359, Downtown Design Review Process**

ITEM FOR CONSIDERATION: Proposal for an amendment to the Downtown Design Review Process ordinance, Chapter 1359 of the Codified Ordinance of Sandusky to align with the Landmark Preservation Ordinance, Chapter 1161 and enable the adoption of the upcoming, updated Historic Preservation Design Guidelines.

BACKGROUND INFORMATION: The preservation of our historic structures and design review of new improvements downtown are paramount to retaining the historic character and economic value of our city's core. In 2015, the City of Sandusky adopted the Landmark Preservation Ordinance (chapter 1161 in the Planning & Zoning Code). This ordinance established the Landmark Commission, their duties and procedures, and the process of granting Certificates of Appropriateness for changes to the exterior of structures on the National Register of Historic Places or within a Historic District.

The Landmark Commission uses the Sandusky Preservation Design Guidelines to review cases for appropriate changes according to the guidelines and the Secretary of the Interior Standards for the Treatment of Historic Properties. The current Sandusky Preservation Design Guidelines were developed in 2007 for use in the Downtown Design Review Process, chapter 1359 of the Building Code, which was adopted in 1998. The guidelines have not been updated since the creation of Landmark Preservation ordinance, and therefore contain conflicting and inaccurate direction for applicants seeking a Certificate of Appropriateness to make improvements to downtown and historic buildings.

In 2022, the city was awarded a Certified Local Government grant from the State Historic Preservation Office. The grant application promised to edit any conflicting or inaccurate information, add guidance for new development and construction, and overall ensure the guidelines adhere to contemporary historic preservation practices most relevant to Sandusky.

SUMMARY OF PROPOSED CHANGES: The Community Development Department proposes to amend the Downtown Design Review District ordinance to enable the upcoming adoption of the updated preservation design guidelines. Our ordinances must first be in alignment before the guidelines document is able to clearly direct applicants through the review process.

The proposed update to the Downtown Design Review District is summarized as follows:

- Retains the physical boundaries of the Downtown Design Review District as originally established.
- Reduces the volume of text in the ordinance by pointing to the Landmark Preservation chapter as much as possible for definitions, process, and administration.

- Establishes the Landmark Commission as the advisory body for Downtown Review District cases as needed.
- Amends the process for adopting preservation design guidelines to a formal adoption by City Commission following a recommendation from Landmark Commission.

The Landmark Commission regularly meets each month, and its members are deeply familiar with the preservation design guidelines and process for reviewing applications for a Certificate of Appropriateness. Their expertise and experience make them the most appropriate reviewing body for these cases and the guiding documents of downtown design review and historic preservation in the city.

BUDGETARY INFORMATION: The code change does not require funding. Historic preservation is an economic development tool that adds value to the city overall, thus having an indirect, net positive budgetary impact.

ACTION REQUESTED: It is requested that the City Commission approve the proposed amendment to the Downtown Design Review Process, Chapter 1359 of the Codified Ordinance of Sandusky.

Arin Blair, AICP, Chief Planner

I concur with this recommendation.

John Orzech, City Manager

Colleen Gilson, Community Development Director

Cc: Cathy Myers, Clerk of City Commission
Michelle Reeder, Finance Director
Justin Harris, Interim Law Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART THIRTEEN (BUILDING CODE), TITLE FIVE (ADDITIONAL LOCAL PROVISIONS), CHAPTER 1359 (DOWNTOWN DESIGN REVIEW PROCESS) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, the City Commission amended the Planning and Zoning Code with the adoption of new Chapter 1161 (Landmark Preservation) by Ordinance No. 15-161, passed on November 23, 2015, to establish the Landmark Commission, their duties and procedures, and the process of granting Certificates of Appropriateness for changes to the exterior of structures on the National Register of Historic Places or within a Historic District; and

WHEREAS, the Landmark Commission uses the Sandusky Preservation Design Guidelines to review cases for appropriate changes according to the guidelines and the Secretary of the Interior Standards for the Treatment of Historic Properties; and

WHEREAS, the current Sandusky Preservation Design Guidelines were developed in 2007 for use with Chapter 1359 (Downtown Design Review Process), which was adopted in 1998 and the guidelines have not been updated since the creation of Chapter 1161 (Landmark Preservation), and therefore contain conflicting and inaccurate direction for applicants seeking a Certificate of Appropriateness to make improvements to downtown and historic buildings; and

WHEREAS, in February of 2022, the City applied to the Ohio History Connection for a Certified Local Government Grant through the State Historic Preservation Office to update the Sandusky Preservation Design guidelines and subsequently, this City Commission accepted funds in the amount of \$18,800.00 by Ordinance No. 22-136, passed on July 25, 2022; and

WHEREAS, this City Commission authorized an Agreement for Professional Services with Designing Local, LTD, of Columbus, Ohio, for the Sandusky Preservation Design Guidelines Update Project by Ordinance No. 23-010-passed on January 23, 2023; and

WHEREAS, the proposed amendments to Chapter 1359 are to eliminate the inconsistencies within the Chapter in preparation for the updated Preservation Design Guidelines to be adopted; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Part Thirteen (Building Code), Title Five (Additional Local Provisions), Chapter 1359 (Downtown Design Review Process) of the Codified Ordinances of the City of Sandusky be amended as follows:

NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT

CHAPTER 1359 Downtown Design Review Process

- 1359.01 Establishment of ~~Downtown Design Review Committee~~ **Landmark Commission as the Advisory Body for Downtown Design Review.**
- 1359.02 Purpose. 1359.03 Definitions.
- 1359.04 Downtown Design Review District boundaries.
- ~~1359.05 Members; terms; compensation.~~
- ~~1359.06~~ **5** Organization, rules and ~~d~~Design guidelines.
- ~~1359.07~~ **6** Duties of the ~~Review Committee~~ **Landmark Commission for Downtown Design Review.**
- ~~1359.08~~ **7** Limitations on issuance of building permits, sign permits and certificates of zoning compliance.
- ~~1359.09~~ **8** Issuance of certificates of appropriateness.
- ~~1359.10~~ **9** Criteria for evaluating applications for certificates of appropriateness.
- ~~1359.10~~ **1** Limitations on landscaping.
- ~~1359.11~~ **2** Existing sign limitations.
- ~~1359.12~~ **3** Certificate of appropriateness required for new signs.
- ~~1359.13~~ **4** Exclusions.
- ~~1359.14~~ **5** **Enforcement, penalties, and appeals.** ~~Inspection and order for removal of violation.~~
- ~~1359.16~~ ~~Appeal from decision of the Review Committee.~~
- ~~1359.99~~ ~~Penalty.~~

1359.01 ESTABLISHMENT OF ~~DOWNTOWN DESIGN REVIEW COMMITTEE~~ LANDMARK COMMISSION AS THE ADVISORY BODY FOR DOWNTOWN DESIGN REVIEW.

In recognition of the need for the establishment of a public advisory committee to advise upon the changes to structures and objects in the Downtown Design Review District when staff of the Community Development Department cannot resolve problems with applications for Certificates of Appropriateness, the ~~Downtown Design Review Committee is hereby established to replace the original Downtown Design Review Board. This committee~~ **Landmark Commission (as defined in Chapter 1161) is hereby established as the advisory body. The Landmark Commission** will be available for special meetings, as needed, to be called by the Community Development Department. (~~Ord. 98-197. Passed 8-10-98.~~)

1359.02 PURPOSE.

The City Commission, being mindful of the proud history of this community and of the importance of beauty in the everyday lives of our citizens, declares as a matter of public policy that the preservation, restoration, rehabilitation and overall aesthetic improvement of our community are matters of public necessity involving the health, safety, prosperity and welfare of the people. In the last decade, the importance of assisting private property owners in creating a cohesive and attractively designed downtown area has been impressed upon the public sector. The economic health of an area is reflected by the appearance of the "heart" of that area, its downtown. Therefore, the purpose of this chapter is to:

- (a) Maintain and enhance the distinctive character of the Downtown by safeguarding the architectural integrity of the various period structures within it, and to prevent intrusions and alterations within this district that would be incompatible with this established character.
- (b) Maintain and enhance the distinctive character of the properties in the Downtown by safeguarding the architectural integrity of the various period structures.
- (c) Provide for a means of design review for other aspects of community development within the Downtown area that will be of any assistance in achieving a more pleasing environment for the residents of and visitors to the City, as well as prospective businesses and developers.

(Ord. 98-197. Passed 8-10-98.)

1359.03 DEFINITIONS.

Terms herein follow definitions as established in Chapter 1161 as applicable. The following definitions shall apply only to the provisions of the Downtown Design Review Regulations:

- ~~(a) "Alter" or "alteration" means any material change in the external architectural features of any property which lies within the Downtown Design Review District, including landscaping of real property and demolition as defined herein.~~
- ~~(b)~~ **(a)** "Applicant" means any owner, owners, person, persons, association, partnership, or corporation, including governmental bodies, who applies for a Certificate of Appropriateness in order to undertake any change on property subject to this chapter.
- ~~(c) "Change" means any exterior alteration, removal, or construction involving any property subject to the provisions of this chapter including signs.~~
- ~~(d) "Demolition" shall mean the removal of a building or portion of a building which shall result in exposing a structure or a portion of a structure which was not designed or intended to be an exterior facade.~~
- (e)** "Property" means any place, building, structure, work of art, fixture, or

similar object, but shall not include real property unless expressly provided.

- (fc) "Landscaping" means only such major landscaping work that is to be on open tracts of land, parking lots, streets, alleys, and other large open areas, but not including the planting or arrangement of flowers and plants incidental to the enhancement of single properties.

~~(g) "Member" means any member of the Review Committee.~~

~~(hd) "Owner" means the owner or owners of record.~~

~~(i) "Review Committee" means the Downtown Design Review Committee established under the provisions of these Codified Ordinances.~~

~~(Ord. 98-197. Passed 8-10-98.)~~

1359.04 DOWNTOWN DESIGN REVIEW DISTRICT BOUNDARIES.

The Downtown Design Review District boundaries are Sandusky Bay on the north, Hancock Street on the east, Washington Street on the south, and Decatur Street on the west. All properties within such boundaries and all properties fronting on the opposite side of Washington, Decatur, and Hancock Streets are subject to the regulations of this chapter.

~~(Ord. 98-197. Passed 8-10-98.)~~

~~1359.05 MEMBERS; TERMS; COMPENSATION.~~

~~_____The Downtown Design Review Committee, hereinafter referred to as the Review Committee, shall consist of three to six members. One member shall always be a member of the Planning Commission. The remaining members shall be recommended to the City Commission for appointment to the Review Committee by the Community Development Department. The following membership requirements are:~~

~~(a) All members shall be residents of Erie County and at least three shall reside in the City.~~

~~(b) Of the membership, at least one member shall be a professional qualified in the field of architecture, planning, law, history, design, or art.~~

~~(c) At least one member shall be a property owner and/or business owner/ manager located within the District.~~

~~(d) Each member shall serve a term of three years.~~

~~(e) The members shall serve without compensation from the City and may be removed for just cause by the City Commission.~~

~~(Ord. 98-197. Passed 8-10-98.)~~

1359.056 ORGANIZATION, RULES, AND DESIGN GUIDELINES.

~~_____The Community Development Department shall assist the Review Committee with the development of rules of procedure for its special meetings, as called by the Community Development Department. Before the adoption of such rules of procedure, such rules shall be submitted to the Planning Commission for~~

~~review and approval.~~

The Review Process will ~~continue to use~~ the Secretary of the Interior's Standards for Rehabilitation, Title 38 of the Code of Federal Regulations, Part 1208, and ~~other~~ guidelines as **recommended for adoption by the Landmark Commission and formally adopted by the City Commission.** ~~may be appropriate. Any additional guidelines shall be submitted to the Planning Commission for their approval.~~
(Ord. 98-197. Passed 8-10-98.)

1359.067 DUTIES OF THE ~~REVIEW COMMITTEE~~ LANDMARK COMMISSION FOR DOWNTOWN DESIGN REVIEW.

~~The Review Committee shall meet~~ **Downtown Design Review cases**, as necessary, **shall be reviewed as agenda items** at ~~special meetings regularly scheduled~~ **Landmark Commission meetings, as determined** ~~called~~ by the Community Development Department.; **The role of the Landmark Commission in these cases is** to act as an advisory committee to the Community Development Department regarding problems concerning applications for Certificates of Appropriateness.
(Ord. 98-197. Passed 8-10-98.)

1359.078 LIMITATIONS ON ISSUANCE OF BUILDING PERMITS, SIGN PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE.

No permits which require a Certificate of Appropriateness shall be issued through otherwise established procedures, under the Zoning Code or Building Code, within the Downtown Design Review District, except in cases coming under Section 1359.134, unless the application for such permit is approved by the Community Development Department through issuance of a Certificate of Appropriateness in the manner prescribed herein.

No sign permit shall be issued by the Community Development Department or through otherwise established procedures for any sign to be erected or placed within the Downtown Design Review District unless a Certificate of Appropriateness has been issued for that sign in the manner prescribed herein.
(Ord. 98-197. Passed 8-10-98.)

1359.089 ISSUANCE OF CERTIFICATES OF APPROPRIATENESS.

When the owner of a property within the Downtown Design Review District desires to make any change to the exterior of the property other than ordinary maintenance, and those changes involve construction, reconstruction, or alteration of any property, structure, tree, sign, area, or object within the District, including the changing of any exterior color or building material, such owner or his agent shall first secure a Certificate of Appropriateness from the Community Development Department, unless such property is exempt in accord with the exclusions permitted in Section 1359.134. Such exemptions shall be determined by the Community Development Department.

Applications for Certificates of Appropriateness shall be filed with the Community Development Department who shall, prior to issuance of any permits, review the application for compliance with the ~~Design Review Standards~~ **preservation design guidelines as established in 1161.07(g)**. If the application is acceptable, the Director of the Community Development Department will approve the Certificate of Appropriateness within ~~five days~~ **a reasonable timeframe** of receipt of the application. If the application is not acceptable, the Community Development Department will work with the owner of the property to resolve the problem. If resolution of the problem cannot be achieved, ~~a special meeting of the Review Committee~~ **the items will be heard as part of the agenda of the next regularly scheduled Landmark Commission meeting.** ~~will be scheduled as soon as possible, but not later than thirty calendar days from the date of the original denial of the Certificate of Appropriateness.~~

Any changes agreed to by the ~~Review Committee~~ **Landmark Commission** and the owner shall be in accordance with the guidelines of the Design Review Process and once consensus is reached, the Director of the Community Development Department will approve the Certificate of Appropriateness with conditions or changes noted. A record of the Certificate of Appropriateness will remain on file in the Community Development Department.

~~(Ord. 98-197. Passed 8-10-98.)~~

1359.0910 CRITERIA FOR EVALUATING APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.

- ~~(a)~~ In considering the appropriateness of any changes, including signs and tree removal, the Community Development Department shall **consider the following standards created by the U.S. Department of the Interior, including:**
- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;**
 - (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;**
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;**
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;**
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be**

preserved;

- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;
- (9) New additions, exterior, alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

~~take into account the historical and architectural value and significance, architectural style and general design, arrangement, texture, material, and color of the proposed change and the relation thereof to the same or related factors in other properties, objects, and areas in the immediate vicinity.~~

~~Attention shall be taken to avoid the environmentally harmful effect often created by the clash of disguised contemporary materials with those of older origin, such as aluminum or other metals, plastics, fiberglass, and glass improperly used with brick, stone, masonry, and wood.~~

~~The Community Development Department shall favor the use of authentic and traditional earth colors and trim colors as opposed to colors of contemporary origin.~~

- (b) In considering a demolition request the Community Development Department shall not be charged with the review of the appropriateness of demolition in lieu of renovation but shall review the site characteristics and impacts on adjacent buildings as the result of the demolition.

Attention shall be paid to the facades of the adjacent structures which may not have been designed to be exterior elements. It shall be the responsibility of the property owner doing the demolition to make arrangements with adjacent property owners to repair, renovate, or replace the facade treatment affected by the demolition in conformance with the requirements of subsection (a) hereof.

The Community Development Department shall also review each demolition for the impacts said act would have on the site and the proposed use of the site after demolition. The Community Development Department may require landscaping in conformance with Section 1359.101 or other such elements to ensure the property relates appropriately to the immediate vicinity.
(Ord. 98-197. Passed 8-10-98.)

1359.101 LIMITATIONS ON LANDSCAPING.

No landscaping, as defined in these Design Review Regulations, shall be performed in the Downtown Design Review District unless a Certificate of Appropriateness has first been issued.
(Ord. 98-197. Passed 8-10-98.)

1359.112 EXISTING SIGN LIMITATIONS.

Although signs which were in place prior to the passage of this chapter are not subject to review, if any business they relate to closes, the signs shall be removed within thirty calendar days of the last day of that business. The property owner is responsible for applying to the Community Development Department for a Certificate of Appropriateness for any subsequent treatment of that space unless it meets the exemptions as defined in Section 1359.134.
(Ord. 98-197. Passed 8-10-98.)

1359.123 CERTIFICATE OF APPROPRIATENESS REQUIRED FOR NEW SIGNS.

As has been provided under the provisions of this chapter, a Certificate of Appropriateness shall be obtained for any new sign an applicant wishes to erect or place within the Downtown Design Review District. The Certificate of Appropriateness shall be obtained prior to the issuance of any required sign permit by the Community Development Department.
(Ord. 98-197. Passed 8-10-98.)

1359.13 14 EXCLUSIONS.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any property, area, or object within the Downtown Design Review District or otherwise listed under the provisions of this chapter, provided such work involves no change in material, design, texture, color, or outer appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, or alteration of any feature which in the

view of the Community Development Department acting lawfully is required for the public safety because of an unsafe or dangerous condition.

(Ord. 98-197. Passed 8-10-98.)

~~1359.1415 INSPECTION AND ORDER FOR REMOVAL OF VIOLATION ENFORCEMENT, PENALTIES, AND APPEALS.~~

~~Enforcement, penalties, and appeals procedures shall follow those stated in Sections 1161.09 and 1161.10. Either or both the Director of the Community Development Department or the Building Official or their designee is empowered to inspect, examine, and to order in writing the remedy of any condition found to exist in violation of any provision of this chapter. After an order to remedy such violation is served or posted on the premises, no work, except to correct the violation or comply with the order, shall proceed on any building or tract of land included in the violation. Compliance time for such violation is seventy two hours.~~

~~(Ord. 98-197. Passed 8-10-98.)~~

~~1359.16 APPEAL FROM DECISION OF THE REVIEW COMMITTEE.~~

~~———— In the case of a denied Certificate of Appropriateness, the Review Committee shall attempt to work out an alternative plan with the owner or his agent that is acceptable to all parties. If the Review Committee and the owner are unable to work out an alternative plan, or if the owner does not wish to take this action, the owner may take the written decision of denial from the Review Committee and make an appeal to the Zoning Board of Appeals in accordance with Chapter 1111 of the Zoning Code.~~

~~(Ord. 98-197. Passed 8-10-98.)~~

~~1359.99 PENALTY.~~

~~———— Whoever constructs, reconstructs, alters, or changes any exterior feature of any property, area, or object in violation of these Design Review Regulations, or whoever maintains, changes, or installs a sign in violation of these regulations, shall be deemed in violation of these Regulations and such violation shall be considered a misdemeanor of the third degree. Each and every day such violation is continued or permitted to exist without compliance shall constitute a separate violation, punishable upon conviction in the manner prescribed in this section.~~

~~(Ord. 98-197. Passed 8-10-98.)~~

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were

taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHY MYERS
CLERK OF THE CITY COMMISSION

Passed:



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue

Sandusky, Ohio 44870

419.627.5829

www.cityofsandusky.com

To: John Orzech, City Manager

From: Aaron M. Klein, P.E.

Date: September 13, 2023

Subject: Commission Agenda Item – Amendment #1 to Professional Design Services Agreement with Strand Associates, Inc. for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements

ITEM FOR CONSIDERATION: Legislation providing Amendment #1 to Agreement for Professional Design Services Agreement with Strand Associates, Inc. for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements.

BACKGROUND INFORMATION: The South Side Neighborhood Plan (Plan) was formally adopted on May 8, 2023, at the Sandusky City Commission meeting. On July 10, 2023, via Ordinance 23-145, the City Commission approved entering into a Professional Design Services Agreement with Strand Associates, Inc. for the preliminary design on the utility infrastructure and park amenity improvements in the MacArthur Park neighborhood. This approval allowed the consultant to proceed with an alternatives analysis and public engagement prior to working out pricing for a scope of services through final design.

The first phase of the agreement is being paid in full through a grant obtained by the Erie County Health Department (ECHD) which needs to have final payment on the grant prior to December 31, 2023. It is anticipated that the subsequent scope of work will be presented to City Commission in November or December of this year. Therefore, this amendment is designed to serve dual purposes. Since survey work will be required for final design and since there are still some funds remaining on that grant, staff at the City and ECHD would like to add the remaining grant dollars to Strand's contract to ensure survey's transition seamlessly in November between phased approvals and to ensure payment is made prior to the end of the year. See scope of work for surveying activities that is attached to the Ordinance.

BUDGETARY INFORMATION: The original cost of the profession services was \$110,000, with Amendment #1 of \$15,250, the total revised cost shall not exceed \$125,250 and will initially be paid with Capital Funds but reimbursed entirely from the remaining funds on this grant.

The Erie County Health Department provided reimbursable grant funds totaling \$275,000 for this project, of which \$149,750 was spent on the South Side Neighborhood Plan. Detailed design will utilize funding made available to the City of Sandusky through the American Rescue Plan Act (ARPA) which must be encumbered by the end of 2024.

ACTION REQUESTED: It is recommended that proper legislation be prepared granting Amendment #1 to Professional Design Services Agreement with Strand Associates, Inc. for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements in an amount of \$15,250 and that it be passed under suspension of the rules in full accordance with Section 14 of the City Charter to allow for surveying activity to take place and meet grant funding requirements.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; J. Harris, Interim Law Director

CERTIFICATE OF FUNDS

In the Matter of: Design for Churchwell & MacArthur Park

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account # 431-4351-53000

By: _____



Michelle Reeder

Finance Director

Dated: 9/6/2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH STRAND ASSOCIATES, INC. OF CINCINNATI, OHIO, FOR THE CHURCHWELL PARK RECREATION IMPROVEMENTS AND MACARTHUR PARK ROADWAY AND UTILITY IMPROVEMENTS PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved a Memorandum of Understanding (MOU) with the Erie County Board of Health for the reimbursement of costs for the design and revitalization of Churchwell Park as part of the South Side Plan by Ordinance No. 23-048, passed on February 27, 2023; and

WHEREAS, this City Commission approved and adopted the South Side Plan by Ordinance No. 23-106, passed on May 8, 2023; and

WHEREAS, one of the focal points of the South Side Plan was improvements of recreation and utility infrastructure within the MacArthur Park neighborhood, which is bounded by North Forest Drive, East Forest Drive, South Forest Drive and West Forest Drive, including Parkview Boulevard and Forest Drive, and the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project is the first project to commence from the Plan; and

WHEREAS, subsequent to a Request for Qualifications (RFQ) process, this City Commission approved an agreement with Strand Associates, Inc. of Cincinnati, Ohio, for Professional Design Services for the preliminary design phase for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project by Ordinance No. 23-145, passed on July 10, 2023; and

WHEREAS, Strand Associates Inc. will be providing professional surveying services for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project and is more fully described in the Scope of Services, which is attached to this Ordinance and marked Exhibit "A" and specifically incorporated herein; and

WHEREAS, the original cost of the Professional Design Services was \$110,000.00 and with the additional cost for surveying services provided in this Amendment in the amount of \$15,250.00, the total revised cost is \$125,250.00 and will initially be paid with Capital Funds and then reimbursed from the Erie County Board of Health through the Ohio Department of Health's Ohio Healthy Improvement Zones Grant program; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to proceed with services and complete the surveying services so the invoice can be submitted to the Erie County Health Department for reimbursement by the end of year pursuant to the Memorandum of Understanding; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into an Amendment to the Agreement with Strand Associates, Inc., of Cincinnati, Ohio, for professional surveying services for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance, at an amount **not to exceed** Fifteen Thousand Two Hundred Fifty and 00/100 Dollars (\$15,250.00) resulting in a total revised amount **not to exceed** One Hundred Twenty-Five Thousand Two Hundred Fifty and 00/100 Dollars (\$125,250.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City

PAGE 3 - ORDINANCE NO. _____

Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023

**FIRST AMENDMENT TO THE AGREEMENT
FOR
PROFESSIONAL SERVICES**

This First Amendment to the Agreement for Professional Design Services (this "Agreement"), made as of _____, 2023, by and between the City of Sandusky (the "City"), whose contact person shall be the Director of Public Works designated below or successor (the "City Engineer"), and Strand Associates, Inc. (the "Architect/Engineer"), whose contact person and address are set forth below.

WHEREAS, the City is operating under its Charter, ordinances and regulations and it is the intention of the City, in the exercise of its powers, to obtain professional design/engineering services for the following project (the "Project"):

Project Name:	Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements
City Engineer: Address:	Aaron Klein, P.E. Department of Public Works City of Sandusky 240 Columbus Ave Sandusky, Ohio 44870
Architect/Engineer: Contact: Address:	Strand Associates, Inc. Kelly Kuhbander, P.E., LEED AP 615 Elsinore Place, Suite 320 Cincinnati, Ohio 45202

NOW, THEREFORE, in consideration of the mutual promises contained in the Professional Design/Engineering Services Agreement executed on July 27, 2023, the City and the Architect/Engineer agree as follows:

The Architect/Engineer shall perform additional tasks included in Exhibit "A" as described therein, in accordance with the Professional Services Amendment executed on _____, between the City and Strand Associates, Inc. for a revised fee not to exceed \$125,250.00.

Signature Page to Follow

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year first above written.

Strand Associates, Inc.
("Architect/Engineer")

By: _____

CITY OF SANDUSKY

By: _____

John Orzech
City Manager

APPROVAL:

The legal form and correctness of the within instrument is hereby approved.

Justin Harris
Interim Law Director

CERTIFICATE OF FUNDS

In the matter of: **Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements**

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Agreement have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to the appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code (ORC).

Dated: _____, 2023

CITY OF SANDUSKY

By: _____

Michelle Reeder
Finance Director

Account Number

Amount

Exhibit "A"

Additional Services: Perform topographic survey to collect information within the project area including Churchwell Park and the streets surrounding the park, including North Forest, West Forest, East Forest and South Forest Drives, and Parkview Blvd. Information to be collected includes marked buried infrastructure, sanitary manhole and storm structure depths, edge of pavement, curb lines, and above ground amenities and infrastructure in the park. Correspond with utility marking company to locate underground utilities prior to topographic survey.

Additional Compensation: \$15,250



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.cityofsandusky.com

To: John Orzech, City Manager

From: Megan Stookey, Project Manager

Date: September 14, 2023

Subject: **Commission Agenda Item – Award a Contract to RMH Concrete & Foundations, Inc. of Collins, OH for the 2023 Jaycee and Washington Park Concrete Project**

ITEM FOR CONSIDERATION: Requesting legislation awarding a contract to RMH Concrete & Foundations, Inc. of Collins, OH for the 2023 Jaycee and Washington Park Concrete Project.

BACKGROUND INFORMATION: Legislation was presented at the August 28, 2023, City Commission meeting requesting permission to bid on the 2023 Jaycee and Washington Park Concrete project (Resolution No. 037-23R).

At Jaycee Park, a concrete slab will be installed to be used as the foundation under a 20' x 20' shelter building just south of the parking lot off Wayne Street, that will provide shade and a hub for different activities on this end of the park. A generous grant from the Dorn Foundation for use in Neighborhood Parks will pay for 100% of this work.

At West Washington Park (NW Quadrant), due West of the Popcorn Wagon location, the addition of an oversized chess board, approximately 32' x 20' complete with oversized pieces and seating will lie just North of the existing diagonal walk between the center of the park and the popcorn wagon on the SW corner of Washington Row and Columbus Ave. A generous grant from the Michelle Wightman and Karrie Wieber Charitable Foundation to the Friends of the Sandusky Greenhouse and the remaining funds coming from the Mylander Foundation donation for City of Sandusky Parks & Recreation will pay for 100% of this work.

The following bid was received on Thursday, September 14, 2023, at a formal bid opening:

RMH Concrete & Foundations, Inc.	Part A	\$30,176.20
Collins, OH	Part B	\$13,872.00
		\$44,048.20

The completion date of December 1, 2023 has been set for the project.

BUDGETARY INFORMATION: The construction cost shall not exceed \$44,048.20 of which \$30,176.20 will be paid with funds donated from the Randolph J. & Estelle M. Dorn Foundation designated for the Sandusky Neighborhood Initiative, \$9,872.00 will be paid with funds donated from the Mylander Foundation, and \$4,000.00 will be paid with Friends of the Sandusky Greenhouse Funds donated from the Michelle Wightman and Karrie Wieber Charitable Foundation.

ACTION REQUESTED: It is recommended that proper legislation be prepared awarding a contract to RMH Concrete & Foundations, Inc. of Collins, OH for the 2023 Jaycee and Washington Park Concrete Project in the amount of \$44,048.20 be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to proceed with construction so the project can be completed prior to the completion date of December 1, 2023.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director of Public Works

cc: Commission Clerk; M. Reeder, Finance Director; J. Harris, Interim Law Director

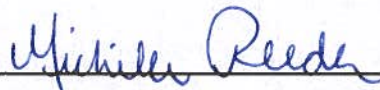
CERTIFICATE OF FUNDS

In the Matter of: Jaycee & Washington Park Improvements

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account # 431-4351-53000, 431-3440-53000, 863-3483-53000

By: _____



Michelle Reeder

Finance Director

Dated: 9/6/2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RMH CONCRETE & FOUNDATIONS, INC. OF COLLINS, OHIO, FOR THE 2023 JAYCEE AND WASHINGTON PARK CONCRETE PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the 2023 Jaycee and Washinton Park Concrete Project involves the addition of a walkway and concrete slab, to be used as the foundation under a 20' x 20' shelter, at Jaycee Park just south of the parking lot off Wayne Street and the addition of an oversized concrete chess board, approximately 32' x 20', and walkway at the northwest quadrant of West Washington Park; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed 2023 Jaycee and Washington Park Concrete Project by Resolution No. 037-23R, passed on August 28, 2023; and

WHEREAS, upon public competitive bidding as required by one (1) appropriate bid was received and the bid from RMH Concrete & Foundations, Inc. of Collins, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost of this project is \$44,048.20 of which \$30,176.20 will be paid with funds donated from the Randolph J. & Estelle M. Dorn Foundation designated for the Sandusky Neighborhood Initiative, \$9,872.00 will be paid with funds donated from the Mylander Foundation, and \$4,000.00 will be paid with Friends of the Sandusky Greenhouse Funds donated from the Michelle Wightman and Karrie Wieber Charitable Foundation; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to proceed with construction so the project can be completed by the completion deadline of December 1, 2023; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a contract with RMH Concrete & Foundations, Inc. of Collins, Ohio, for the 2023 Jaycee and Washington Park Concrete Project, in an amount **not to exceed** Forty-Four Thousand Forty-Eight and 20/100 Dollars (\$44,048.20) consistent with the bid submitted by RMH Concrete & Foundations, Inc. of Collins, Ohio, currently on

file in the office of the Director of Public Works.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023



COMMUNITY DEVELOPMENT DEPARTMENT

240 Columbus Avenue
Sandusky, Ohio 44870
(419) 627-5730
www.cityofsandusky.com

To: John Orzech, City Manager

From: Nicole Grohe, CDBG Program Administrator

Date: September 13th, 2023

Subject: Commission Agenda Item – CDBG FY 21 – Demolition Project #7 Contract

Item for Consideration: Ordinance authorizing and directing the City Manager to enter into a contract for the CDBG FY21 –Demolition Project #7, involving asbestos abatement and demolition of two (2) properties.

Background Information: On August 14th, 2023, City Commission approved Resolution No. 031-23R which directed the City Manager to advertise and receive bids for the demolition and asbestos abatement of the following two (2) properties – which are vacant and blighted structures and were ordered demolished by the City's Housing Appeals Board:

1. 736 E. Park Street 2. 521 Perry Street

Results of the bids, opened on September 7th, 2023 were as follows:

Ed Burdue & Company	Sandusky, OH	\$39,985
Sandstone	Excavating Inc. Amherst, OH	\$45,800

Ed Burdue and Company, of Sandusky, Ohio was determined to be the lowest and best bid.

Budgetary Information: The total cost for the asbestos abatement and demolition is \$39,985 and will be paid with FY21 Community Development Block Grant Funds. Liens will be placed on the properties for the total cost of the asbestos abatement and demolition.

Action Requested: It is requested that the proper legislation be approved to permit the City Manager to enter into a contract with Ed Burdue & Company for asbestos abatement and demolition of two (2) properties and that legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to move forward with the project and to continue to implement the City's efforts towards blight elimination in the interest of the health and safety and general welfare of the citizens of Sandusky.

I concur with this recommendation:

Nicole Grohe, Community Development Program Administrator

I concur with this recommendation:

Colleen Gilson, Community Development Director

John Orzech, City Manager

cc: Justin Harris, Interim Law Director; Michelle Reeder, Finance Director; Cathy Myers, City Commission Clerk

CERTIFICATE OF FUNDS

In the Matter of: CDBG Demo #7

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Contract have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to an appropriate fund, free from any previous encumbrances. This certificate is given compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Account # 241-4447-53000

By: 

Michelle Reeder

Finance Director

Dated: 9/20/2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ED BURDUE & COMPANY OF SANDUSKY, OHIO, FOR THE CDBG FY21 DEMOLITION PROJECT #7; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the CDBG FY21 Demolition Project #7 involves the asbestos abatement and demolition of two (2) residential structures located at 736 Park Street and 521 Perry Street and were ordered for demolition by the City's Housing Appeals Board; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed CDBG FY21 Demolition Project #7 by Resolution No. 031-23R, passed on August 14, 2023; and

WHEREAS, upon competitive bidding as required by law two (2) appropriate bids were received and the bid from Ed Burdue & Company of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost for of the project is \$39,985.00 and will be paid with FY21 Community Development Block Grant (CDBG) funds and subsequently all costs related to the demolitions and asbestos abatements will be charged to the owners and assessed to the property; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to move forward with the project and to continue to implement the City's efforts towards blight elimination in the interest of the health and safety and general welfare of the citizens of Sandusky; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Community Development, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into a contract with Ed Burdue & Company of Sandusky, Ohio, for the CDBG FY21 Demolition Project #7, in an amount **not to exceed** Thirty-Nine Thousand Nine Hundred Eighty-Five and 00/100 Dollars (\$39,985.00) consistent with the bid submitted by Ed Burdue & Company of Sandusky, Ohio, currently on file in the office of the Director of Public Works.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023



DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Transit

240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891
www.cityofsandusky.com

TO: John Orzech, City Manager

FROM: James A. Stacey III, Transit Administrator

DATE: September 14, 2023

SUBJECT: SFY 2025 Sandusky Transit System Ohio Transit Partnership Program Grant Application

ITEM FOR CONSIDERATION: Request for Resolution approving and ratifying the submission of an application with the Ohio Department of Transportation (ODOT) for the SFY 2025 Ohio Transit Partnership Program (OTP2) and upon approval for the City Manager to execute all grant or agreement as awarded.

BACKGROUND INFORMATION: The Ohio Department of Transportation (ODOT) instituted the Ohio Transportation Partnership Program (OTP2) to provide State funds to the rural and urban transit systems in Ohio beginning in state fiscal year 2020. The program purpose is to facilitate the most efficient and effective use of state funds in the provision of public transportation services, while meeting transit system needs, improving economic conditions, and providing a quality-of-life environment for the State of Ohio.

The City was notified in March of 2023 that the Sandusky Transit system will transition into to a new federal funding source this calendar year and the City of Sandusky is requesting OTP2 Operating funds in the amount of \$365,000 to aid the transition from state to federal funding sources. These funds will be used to cover the daily operation expenses of the Sandusky Transit System. Along with operating assistance, the application will include one vehicle replacement request to transition out inventory past their useful life expectancy set by industry standards. Additionally, financial assistance is being requested in the amount of \$96,663.03 for various maintenance equipment upgrades designed to ensure an adequate and safe workplace for STS mechanics to perform daily activities.

BUDGET IMPACT: The Ohio Transit Partnership Program (OTP2) funds comprise a significant portion of STS's budget and without this funding the system would not be able to operate. The required local matching funds to access these funds will be generated from multiple local sources.

ACTION REQUESTED: A resolution authorizing the filing of an application with the Ohio Department of Transportation for the SFY 2025 Ohio Transit Partnership Program (OTP2), and upon approval, for the City Manager to execute any grant or agreement as awarded. It is further requested that this legislation takes immediate effect in full accordance with Section 14 in order to ratify the submission of the grant application to the Ohio Department of Transportation for SFY 2025 Ohio Transportation Partnership Program which was submitted on September 11, 2023.

James A. Stacey III, Transit Administrator

I concur with this recommendation:

John Orzech

City Manager

Colleen Gilson

Director of Community
Development

RESOLUTION NO. _____

A RESOLUTION APPROVING AND RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR STATE FISCAL YEAR 2025 OHIO TRANSPORTATION PARTNERSHIP PROGRAM GRANT FUNDS FOR THE SANDUSKY TRANSIT SYSTEM; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Department of Transportation (ODOT) instituted the Ohio Transportation Partnership Program (OTP2) to provide State funds to the rural and urban transit systems in Ohio beginning in state fiscal year 2020 and the program purpose is to facilitate the most efficient and effective use of state funds in the provision of public transportation services, while meeting transit system needs, improving economic conditions, and providing a quality-of-life environment for the State of Ohio; and

WHEREAS, the City was notified in March of 2023 by the Federal Transit Administration that the federal funding for the Sandusky Transit System will be transitioning from the Formula Grants for Rural Areas (Section 5311) to the Urbanized Area Formula Grants (Section 5307) resulting from the Census Bureau's recent publication of new urban area boundaries based on 2020 Census data and in order to assist in the transition, the City is applying to the Ohio Department of Transportation for State funding through the OTP2 Program; and

WHEREAS, the City has applied for financial assistance in the amount of \$365,000.00 for operating funds, along with funding for one (1) vehicle replacement, and \$96,663.03 for various maintenance equipment upgrades; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to ratify the submission of the grant application to the Ohio Department of Transportation for SFY 2025 Ohio Transportation Partnership Program which was submitted on September 11, 2023; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Sandusky Transit System, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves and ratifies the submission of a grant application to the Ohio Department of Transportation for the State Fiscal Year 2025 Ohio Transportation Partnership Program (OTP2) for funding to assist with the operation of the Sandusky Transit System, and to execute any contracts or agreements on behalf of the City and lawfully expend funds should they be

awarded.

Section 2. The City Manager is authorized to execute and file with the City's applications any assurances or any other documentation required by the Ohio Department of Transportation and to furnish such additional information as the Ohio Department of Transportation may require in connection with the City's applications.

Section 3. The Clerk of the City Commission is hereby directed to furnish a certified copy of this Resolution to be utilized for the filing of any applications for financial assistance from the Ohio Department of Transportation.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023