



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
DECEMBER 11, 2023 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION	Mr. Brady
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	S. Poggiali, D. Waddington, B. Harris, M. Meinzer, W. Poole, D. Murray, D. Brady
APPROVAL OF MINUTES	November 27, 2023 Regular Meeting
PRESENTATION	Kiwanis Imagination Library, Anne McGookey
AUDIENCE PARTICIPATION	
COMMUNICATIONS	Motion to accept all communications submitted below.
CURRENT BUSINESS	

CONSENT AGENDA

ITEM A – Submitted by John Orzech, City Manager

PERMISSION TO PARTICIPATE IN INTERNET SALES IN CY 2024

Budgetary Information: The City is responsible for the disposal of unneeded property to promote operational efficiency. Using public internet auction for the disposal of unneeded items will generate more revenue and make items available to a larger community of potential buyers. Proceeds from sales will be deposited into the account of the department financially responsible for the assets.

RESOLUTION NO. _____: It is requested a resolution be passed declaring the intent of the City of Sandusky to dispose of personal property and equipment as having become obsolete, unnecessary, or unfit for City use through internet auctions during the calendar year 2024, making general appropriations for the fiscal year 2023; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM B – Submitted by Aaron Klein, Public Works Director

APPROVAL TO PAY THE OHIO EPA LICENSE TO OPERATE FEE FOR BIWW CY 2024

Budgetary Information: The total amount of \$12,180.00 shall be paid with Water funds and has been appropriated in the O & M Budget for 2023.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the Finance Director to make payment to the State of Ohio Environmental Protection Agency for the renewal of the license to operate a public water system for the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Aaron Klein, Public Works Director

APPROVAL TO PAY THE OHIO EPA ANNUAL DISCHARGE FEE FOR WWTP CY 2023

Budgetary Information: The total amount of \$15,550.00 shall be paid with Sewer funds and has been appropriated in the O & M Budget for 2023.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the Finance Director to make payment to the State of Ohio Environmental Protection Agency for the annual discharge fee for NPDES permit number 2PF00001 for the Wastewater Treatment Plant for the CY 2023; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM D – Submitted by Aaron Klein, Public Works Director

APPROVAL TO SUBMIT TO OHIO’S URBAN FORESTRY GRANT PROGRAM 2023

Budgetary Information: No funds will be expended for submitting a grant application. The estimated cost of the project is \$125,000. Projects funded through this opportunity will receive a full match waiver, with the requirement that 100% of the program benefits are delivered to disadvantaged communities.

RESOLUTION NO. _____: It is requested a resolution be passed approving the submission of a grant application to the Ohio Department of Natural Resources, Division of Forestry, for financial assistance through the Urban Forestry Grant Program for a tree planting project as part of the MacArthur Park Roadway and Utility Improvements Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM E – Submitted by Aaron Klein, Public Works Director

APPROVAL OF AMENDMENT #1 TO PDSA FOR E. PERKINS AVENUE WATERLINE PROJECT WITH BRAMHALL

Budgetary Information: The not to exceed cost for professional design services is \$3,351.00 to be paid with City Water Funds, increasing the total contract amount to \$22,251.00.

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 Bramhall Engineering & Surveying Company of Avon, Ohio, for the East Perkins Avenue Waterline Replacement Project in conjunction with the East Perkins Avenue Resurfacing Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM F – Submitted by Aaron Klein, Public Works Director

APPROVAL OF 2024 CHEMICAL CONTRACTS FOR BIWW AND THE WWTP

Budgetary Information: Funds for the purchase of these items are routinely included in the operating budgets of the Water and Sewer Plants.

- 1. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 12,000 gallons, more or less, of liquid sodium permanganate from Bonded Chemicals Inc. of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
- 2. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 17,000 gallons, more or less, of hydrofluosilicic acid from Bonded Chemicals Inc. of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
- 3. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 50,000 gallons, more or less, of sodium hydroxide liquid from Univar USA Inc. of Cincinnati, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
- 4. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 90,000 gallons, more or less, of sodium hypochlorite from Bonded Chemicals Inc. of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
- 5. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 110,500 gallons, more or less, of aluminum sulfate polymer blend from Applied Specialties, Inc., of Avon Lake, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
- 6. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 155,000 pounds, more or less, of powdered activated carbon from Chemrite Inc. of Buford, Georgia, for use at the Big Island Water Works Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
- 7. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 350,000 pounds, more or less, of ferrous chloride solution from Kemira Water Solutions, Inc., of Lawrence, Kansas, for use at the Wastewater Treatment Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.
- 8. **ORDINANCE NO. _____:** It is requested an ordinance be passed authorizing and directing the City Manager to purchase 88,000 pounds, more or less, of polymer liquid from SNF Polydyne Inc. of Riceboro, Georgia, for use at the Wastewater Treatment Plant during the calendar year 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM G – Submitted by Josh Snyder, Public Works Engineer

APPROVAL TO AMEND ORDINANCE 21-082 FOR ENCROACHMENT LICENSE FOR 426 WARREN STREET

Budgetary Information: The cost of the recording is estimated to be \$90.00 and will be paid for using Capital Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed amending Ordinance No. 21-082, passed on June 14, 2021; authorizing the City Manager to enter into a license agreement with Scott and Dawn Gallagher, to provide for the use of a certain portion of the City’s right-of-way, as described in the grant of a license for encroachment, for purposes of retaining an existing brick planter and building; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM H – Submitted by Josh Snyder, Public Works Engineer

APPROVAL TO SUBMIT SYSTEMIC SAFETY IMPROVEMENT GRANT APPLICATIONS TO ODOT

Budgetary Information: There is no financial obligation to apply for said grant(s). Any further project development (planning, design, construction, etc.) requiring expenditures over \$10,000 will be forthcoming to the City Commission for approval.

- 1. **RESOLUTION NO. _____:** It is requested a resolution be passed authorizing the filing of a grant application with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the Washington Parks Pedestrian Improvements Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.
- 2. **RESOLUTION NO. _____:** It is requested a resolution be passed authorizing the filing of a grant application with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the East Cleveland Road (US Rte 6) Sidewalk, Curb & Drainage Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

3. RESOLUTION NO. _____: It is requested a resolution be passed authorizing the filing of a grant application with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the Cleveland Road Revetment Project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM I – Submitted by Josh Snyder, Public Works Engineer

APPROVAL OF C/O #1 & FINAL DEDUCT FOR E. MONROE STREET PROJECT WITH ERIE BLACKTOP

Budgetary Information: The original contract with Erie Blacktop Inc. of Sandusky, Ohio was \$769,134.27, Change Order 1 is a decrease of \$13,472.18, making the final cost of the project \$755,662.09 of which \$589,064.35 will be paid with ODOT funds and \$166,597.74 paid for with Capital Projects funds (Issue 8).

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first & final change order for work performed by Erie Blacktop, Inc. of Sandusky, Ohio, for the East Monroe Street Resurfacing Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM J – Submitted by Megan Stookey, Project Manager

APPROVAL OF C/O #1 & FINAL DEDUCT FOR 2023 SIDEWALK REPAIR PROJECT WITH HULA CONSTRUCTION

Budgetary Information: The original contract with JMJ Incorporated, LTD d.b.a Hula Construction of Castalia, Ohio, was \$153,628.70, Change Order 1 is a decrease of \$12,483.81, making the final cost of the project \$141,144.89 of which \$75,752.11 will be paid with Capital Projects Funds (Issue 8 Infrastructure), \$18,075.68 paid with American Rescue Act Funds and the remaining balance of \$47,317.10 paid with Capital Improvement Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first & final change order for work performed by JMJ Incorporated LTD, d.b.a. Hula Construction of Castalia, Ohio, for the 2023 Sidewalk Repair & Replacement Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM K – Submitted by Scott Thom, Chief Building Official

APPROVAL OF 2024 CONSULTING CONTRACT WITH GEORGE POULOS

Budgetary Information: Mr. Poulos will be paid at the rate of \$2,500 per month for work performed for a total of \$30,000.00. The cost of this contract will be paid with the Building Division operating budget. The plan review expense will be paid by the collection of plan review fees by the Building Division. This contract can be terminated at any time, by either party, with thirty (30) day notice to the other party.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a consulting contract with George J. Poulos for CY 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM L – Submitted by Scott Thom, Chief Building Official

APPROVAL OF 2024 CONSULTING CONTRACT WITH ROBERT STADLER

Budgetary Information: Mr. Stadler will be paid at the rate of \$55.00 per hour for work performed up to a maximum of \$7,500.00. The cost of this contract will be paid with the Building Division operating budget. The plan review expense will be paid by the collection of plan review fees by the Building Division. This contract can be terminated at any time, by either party, with thirty (30) day notice to the other party.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a consulting contract with Robert G. Stadler for CY 2024; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM M – Submitted by Colleen Gilson, Community Development Director

APPROVAL TO SUBMIT ODNR COASTAL MANAGEMENT ASSISTANCE GRANTS

Budgetary Information: There is no impact on the City of Sandusky budget. The estimated cost of the project is \$89,870.00 of which \$39,870.00 will initially be paid with City funds and then, if awarded, reimbursed through the program. The required match of \$50,000.00 (at least 50% match) will be paid with funds from the joint Structural Maintenance Fund in accordance with the terms of the Battery Park Lease Agreement.

RESOLUTION NO. _____: It is requested a resolution be passed approving the submission of a grant application to the Ohio Department of Natural Resources, Office of Coastal Management for financial assistance through the FY 2024 Coastal Management Assistance Grant Program for field exploration and geotechnical assistance at the Meigs Street Pier and Battery Park Marina; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM N – Submitted by Nicole Grohe, CDBG Program Administrator

APPROVAL OF CONTRACT FOR HUD FY 24-29 CONSOLIDATED PLAN & 2024 ACTION PLAN WITH WADE TRIM

Budgetary Information: The cost for the professional services for the coordination, administration, development, and implementation of the City's CDBG 2024-2029 Consolidated Plan and 2024 One-Year Action Plan is \$27,000 and if requested, the cost of the AIFH study is \$11,900 for a total cost of \$38,900. There is no impact to the City's General Fund. All funds will be allocated out of the FY 2023 CDBG funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement with Wade Trim Associates, Inc., of Detroit, Michigan, for professional services for the preparation of the U.S. Department of Housing & Urban Development (HUD) 2024-2029 Consolidated Plan,

2024 One-Year Action Plan, and update to the Analysis of Impediments to Fair Housing (AIFH); and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM O – Submitted by Michelle Reeder, Finance Director

APPROVAL OF 2024 ADMINISTRATIVE EMPLOYEES 2% WAGE INCREASE

Budgetary Information: The amount needed for this salary increase in 2024 is \$64,868.23. This amount will be paid from the appropriate fund based on the employee’s job duties.

ORDINANCE NO. _____: It is requested an ordinance be passed approving a wage increase for the City’s non-probationary administrative employees; authorizing the Finance Director to expend the necessary funds; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

REGULAR AGENDA

ITEM 1 – Submitted by Colleen Gilson, Community Development Director (TABLED) Need Motion to Un-Table

APPROVAL OF ED FUND GRANT AGREEMENT WITH WTF-R2 INVESTMENTS

Budgetary Information: The City will be responsible for providing \$15,000 in grant proceeds from the Economic Development Capital Projects Fund on a reimbursement basis.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and approving a grant in the amount of \$15,000.00 through the Economic Development Fund Program to WTF-R2 Investments LLC (d.b.a. What the Fried Rice) in relation to the property located at 186 East Market Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 2 – Submitted by Colleen Gilson, Community Development Director

APPROVAL OF GREATER SANDUSKY PARTNERSHIP GRANT

Budgetary Information: The City will be responsible for providing \$300,000 per year in grant proceeds for a period of three years from sources as follows:

- \$150k from Capital Projects Funds (Programming Funds)
- \$30k from General Fund (Community Development, old ECEDC funding)
- \$50k From General Fund (Marketing fund)
- \$70k from Capital Projects Funds (Issue 8 ED Grants)

The grant will be subject to annual renewal based on performance and deliverables met.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and approving a grant in the amount of \$900,000.00 to the Greater Sandusky Partnership for the purpose of furthering community and economic development and providing services to the City; and declaring that this ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

ITEM 3 – Submitted by Colleen Gilson, Community Development Director

APPROVAL OF 2ND AMENDMENT TO FEICK BUILDING ENTERPRISE ZONE AGREEMENT

Budgetary Information: The percentage and number of years of real property tax abatement provided to the project will remain the same. The project will have an ongoing positive impact on the general fund due to increased income and property taxes.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a second amendment to the Enterprise Zone Agreement with Feick Building LLC, relating to property located at 158-160 East Market Street; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 4 – Submitted by Arin Blair, Chief Planner

APPROVAL OF LANDMARK COMMISSION APPEAL FOR 160 WAYNE STREET

Budgetary Information: There are no costs associated with this legislation.

- 1. RESOLUTION NO. _____:** It is requested a resolution be passed remanding MRE Development Co. LLC’s, d.b.a. Subway®, appeal of the Sandusky Landmark Commission decision to deny the Certificate of Appropriateness for exterior paint color alternations of the building located at 160 Wayne Street to the Landmark Commission in order to hold a *de novo* hearing; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.
- 2. RESOLUTION NO. _____:** It is requested a resolution be passed denying MRE Development Co. LLC’s, d.b.a. Subway®, appeal of the Sandusky Landmark Commission decision to deny the Certificate of Appropriateness for exterior paint color alternations of the building located at 160 Wayne Street; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.
- 3. RESOLUTION NO. _____:** It is requested a resolution be passed granting MRE Development Co. LLC’s, d.b.a. Subway®, appeal of the Sandusky Landmark Commission decision to deny the Certificate of Appropriateness for exterior paint color alternations of the building located at 160 Wayne Street; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 5 – Submitted by Jason Werling, Recreation Superintendent

APPROVAL OF AGREEMENT FOR PAPER MARINA DISTRICT WITH TOWBOAT MARINE

Budgetary Information: The agreement will not result in any additional budgetary expenses. The City will benefit from Lake Erie Towing management and operation of the Marina, as well as the agreed upon first \$10,000.00 revenue each year going to the City of Sandusky, with an additional 50% split after revenues received meets \$45,000.00 for the season.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a three (3) year agreement with Towboat Marine, LLC (d.b.a. Lake Erie Towing) of Sandusky, Ohio, for the operation & management of the Paper District Marina; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 6 – Submitted by Jason Werling, Recreation Superintendent

APPROVAL OF 1ST AMENDMENT TO THE HOST VENUE AGREEMENT WITH WORLD TRIATHLON

Budgetary Information: The annual host fee of \$25,000 is paid each year and will be paid out of Recreation or Capital Funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a first amendment to the Host Venue Agreement with World Triathlon Corporation and Lake Erie Shores & Islands for services related to hosting Ironman 70.3® Ohio Triathlon events for the Division of Parks and Recreation; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 7 – Submitted by Jason Werling, Recreation Superintendent

APPROVAL OF CHEMICAL SPRAYING CONTRACT AT MILLS CREEK GOLF COURSE WITH BAY AREA

Budgetary Information: The contract calls for \$13,085 in 2024 and \$13,085 in 2025 for a total amount of \$26,170 and will be budgeted and paid from the Mills Creek Golf Course contractual services account.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a two (2) year agreement with Pisarsky Enterprises, LLC (d.b.a. Bay Area Lawn Care) for lawn spraying services at the Mills Creek Golf Course for the seasons in CY 2024 and CY 2025; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 8 – Submitted by Jason Werling, Recreation Superintendent

APPROVAL OF SHELBY STREET BOAT LAUNCH AGREEMENT WITH SANDUSKY BAIT

Budgetary Information: The agreement will not result in any additional budgetary expenses. The City will benefit from the agreed upon rental fee income of \$100 per month during the peak season and \$50 per month during the off-season.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a three (3) year agreement with Sandusky Bait Company of Flatrock, Ohio, for the operation of a retail business for the sale of bait and tackle, convenience items, food, beverages, and fishing equipment and supplies at the building located at the Shelby Street Boat Launch Ramp Facility for the period of January 1, 2024, through December 31, 2026; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 9 – Submitted by Jason Werling, Recreation Superintendent

APPROVAL OF AGREEMENT WITH GARNER SANITATION FOR PORTABLE RESTROOMS

Budgetary Information: The total cost of this contract for the years 2024-2026 is \$56,429.25. The cost of the rental and service of the portable restrooms will be paid with General Funds and Recreation Funds based on the usage (number of service times and the restroom size) and location. All costs have been included in the Contractual Services portions of the Operations and Maintenance budgets for the respective departments. This agreement may be amended if additional units are needed in the future.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a three (3) year agreement with Garner Sanitation Service Inc. of Sandusky, Ohio, for the rental and service of portable restrooms in City parks; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 10 – Submitted by Aaron Klein, Public Works Director

APPROVAL OF C/O #1 ON JUSTICE CENTER PROJECT WITH MOSSER

Budgetary Information: The original contract with Mosser was \$10,623,800.00 and the architect’s opinion of probable cost was \$13,177,301.00. Change Order 1 would be an overall increase of \$483,730.70 of the original contract, increasing the contract total to \$11,107,530.70. Staff still anticipates issuing debt for this project with debt service payments being paid from Capital Projects and General Bond Retirement funds. Sandusky Municipal Court will be responsible for 40% and SPD for 60% of total project costs.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to approve the first change order for work performed by Mosser Construction, Inc. of Fremont, Ohio, for the Sandusky Justice Center Project in the amount of \$483,730.70; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 11 – Submitted by Jared Oliver, Police Chief

PERMISSION TO SUBMIT 2024 MARINE PATROL ASSISTANCE GRANT FOR SPD

Budgetary Information: The estimated cost for the Marine Patrol in 2024 is \$30,000 and if awarded, 75% will be paid with grant funds and the required match of 25% will be paid with funds from the Police Department’s operating budget.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing the submission of a grant application to the Ohio Department of Natural Resources Division of Parks and Watercraft for the participation in the 2024 Marine Patrol Assistance Grant Program for the Police Department; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 12 – Submitted by Submitted by Jared Oliver, Police Chief & Mario D’Amico, Fire Chief

APPROVAL OF AGREEMENT FOR DISPATCHING SERVICES WITH ERIE COUNTY SHERIFF

Budgetary Information: The city agrees to reimburse the Erie County Sheriff’s Department in 2024 for the dispatching services at an amount not to exceed **\$312,479.00** which **\$156,239.50 (50%)** will be taken from the 2024 Fire Department Proposed Budget (110-1310-53001 at 22% and 431-1330-53001 at 28%) and **\$156,239.50 (50%)** will be taken from the 2024 Police Department Proposed Budget, (110-1020-53001).

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with the Erie County Sheriff for the provision of public safety dispatching services for the City of Sandusky Police, Fire and Service Departments commencing on January 1, 2024, through December 31, 2024; and declaring that this ordinance 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 MANAGER

240 Columbus Avenue
Sandusky, Ohio 44870
419-627-5846
www.cityofsandusky.com

TO: City Commissioners

FROM: John Orzech, City Manager

DATE: November 27, 2023

SUBJECT: **Commission Agenda Item – Permission to Participate in Internet Sales in CY 2024**

ITEM FOR CONSIDERATION: It is requested that the City Commission approve legislation declaring the City's intent to sell unneeded vehicles, equipment and other assets, through the use of public internet auction for the calendar year 2024.

BACKGROUND INFORMATION: Ohio Revised Code, Section 721.15 (D) requires the adoption of a resolution expressing the intent of the City of Sandusky to sell unneeded property by internet auction during each calendar year. Each item shall be offered for sale for a minimum of ten (10) calendar days and shall be paid for as described in the "Online Sales Terms and Conditions of the City of Sandusky" (Exhibit A to Ordinance). Shipping and delivery costs shall be the responsibility of the purchaser. Representatives for the City will be designated by the City Manager or designee as needed. Internet auctions shall be conducted by using Govdeals.com, Propertyroom.com, Assetnation.com, EBay.com, Government Surplus or other such websites, that are found to be most effective and efficient in disposing of the items at the best price obtainable. The items will be designated for disposal by the division head and subsequently approved as unnecessary and unfit for City use by the City Commission. The City's website will be a link for the Public to participate in the auction process.

BUDGET IMPACT: The City is responsible for the disposal of unneeded property to promote operational efficiency. Using public internet auction for the disposal of unneeded items will generate more revenue and make items available to a larger community of potential buyers. Proceeds from sales will be deposited into the account of the department financially responsible for the assets.

ACTION REQUESTED: It is requested that legislation be approved, authorizing the disposal of the vehicles, equipment and other assets through the use of public internet auction. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to begin conducting sales through internet auctions at the earliest opportunity in 2024.

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

RESOLUTION NO. _____

A RESOLUTION DECLARING THE INTENT OF THE CITY OF SANDUSKY TO DISPOSE OF PERSONAL PROPERTY AND EQUIPMENT AS HAVING BECOME OBSOLETE, UNNECESSARY OR UNFIT FOR CITY USE THROUGH INTERNET AUCTIONS DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ohio Revised Code Section 721.15(D), the City is required to adopt a Resolution, during each calendar year, expressing its intent to sell personal property that has become unneeded, obsolete or unfit for municipal purposes by internet auction; and

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

WHEREAS, the internet auctions will be conducted in accordance to the City's online sales terms and conditions and each item shall be offered for sale for a minimum of ten (10) calendar days including Saturday, Sunday, and legal Holidays; 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 begin conducting sales through internet auctions at the earliest opportunity in calendar year 2024; 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, 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 declares its intent to use internet auctions as a means to dispose of personal property that this Commission declares obsolete, unnecessary or unfit for City use pursuant to Section 25 of the City Charter for the period of January 1, 2024, through December 31, 2024.

Section 2. This City Commission authorizes and directs the City Manager or designee to conduct the internet auctions in accordance to the City's on-line sales terms and conditions, a copy of which is on file in the office of the Director of Public Works and attached to this Resolution, marked Exhibit "A", and 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 the objectives and requirements of this Resolution.

Section 3. The Clerk of the City Commission be and is hereby directed to publish notice of the City's intent to dispose of personal property and equipment as having become obsolete, unnecessary or unfit for City use through internet auctions pursuant to Ohio Revised Code Section 721.15(D).

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: December 11, 2023



**City of Sandusky
Sandusky, Ohio
Online Sales - Terms and Conditions
01/01/2024**

All bidders and other participants of this service agree they have read and fully understand these terms and agree to be bound thereby.

Guaranty Waiver. All assets are offered for sale “AS IS, WHERE IS.” Seller makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential.

Description Warranty. Seller warrants to the Buyer the property offered for sale will conform to its description. Any claim for mis-description must be made prior to removal of the property. If **Seller** confirms the property does not conform to the description, **Seller** will keep the property and refund any money paid. The liability of the **Seller** shall not exceed the actual purchase price of the property. Please note upon removal of the property, **all sales are final.**

Personal and property risk. Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the seller and **GovDeals** or any other internet auction host from liability therefore.

Inspection. Most assets offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the asset description. See special instructions on each asset page for inspection details.

Consideration of Bid. **Seller** reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.

Buyer's Certificate. Successful bidders will receive a Buyer's Certificate by email from **GovDeals** or where it applies with any other internet auction websites.

Buyers Premium. If a Buyer's Premium if applicable, is shown on the auction page bidder box, then that amount (expressed as a percentage of the final selling price) will be added to the final selling price of all items in addition to any taxes imposed.

Payment. Payment in full is due not later than **5 business days** from the time and date of the Buyers Certificate.

Acceptable forms of payment are:

- PayPal
- Wire Transfer
- Visa
- MasterCard
- American Express
- Discover
- U. S. Currency
- Certified Cashier's Check
- Money Order
- Company Check (with Bank Letter guaranteeing funds)

PayPal and Credit Card purchases are limited to below \$5,000.00. If the winning bid plus applicable taxes, if any indicated, and the buyer's premium, equals more than \$4,999.99, PayPal and Credit Cards may not be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

Removal. All assets must be removed within **ten (10) business days** from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **Seller** assume responsibility for packing, loading or shipping. See special instructions on each asset page for removal details. A daily storage fee of \$10.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.

Vehicle Titles. **Seller** will issue a title or certificate upon receipt of payment. Titles may be subject to restrictions as indicated in the asset description on the website.

Default. Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. **Seller** reserves the right to reclaim and resell all items not removed by the specified removal date.

Acceptance of Terms and Conditions. By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each asset listed on **GovDeals** or where it applies to any other internet auction host website. Special Instructions appearing on the asset page will override certain sections of the terms and conditions.

State/Local Sales and/or Use Tax. Buyers may be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacting seller or the appropriate tax office, completing any forms and paying any taxes that may be imposed.

Sales to Employees. Employees of the Seller may bid on the property listed for auction, so long as they do NOT bid while on duty.



DEPARTMENT OF PUBLIC WORKS

Big Island Water Works

240 Columbus Avenue

Sandusky, Ohio 44870

419.627.5829

www.ci.sandusky.oh.us

To: John Orzech, City Manager

From: Aaron M. Klein, P.E.

Date: November 27, 2023

Subject: **Commission Agenda Item – Ohio EPA License to Operate Fee for BIWW CY 2024**

ITEM FOR CONSIDERATION: Legislation authorizing payment to the Ohio EPA for the annual licensing fee to operate Big Island Water Works for the calendar year 2024.

BACKGROUND INFORMATION: In accordance with Ohio Law (Ohio Revised Code 6109.21), public water systems in Ohio must obtain a License to Operate from the Director of the Ohio Environmental Protection Agency (Ohio EPA). Fees are determined by the number of service connections within the City and fee schedule set by Ohio EPA.

For calendar year 2024, the City of Sandusky is required to pay a license renewal fee for Big Island Water Works in the amount of \$12,180.00. The fee has remained unchanged since 2014.

BUDGETARY INFORMATION: The total amount of \$12,180.00 shall be paid with Water funds and has been appropriated in the O & M Budget for 2023.

ACTION REQUESTED: It is recommended that the proposed payment of the license to operate fee with the Ohio EPA be approved and the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to expend funds appropriated in the O & M budget for 2023 and to make payment prior to the December 31, 2023 due date.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director



November 2023

Re: License to Operate Application

Public Water System Owner:

In accordance with Ohio Law (Ohio Revised Code §6109.21), public water systems in Ohio must obtain a license to operate from the Director of the Ohio Environmental Protection Agency. Attached to the email that you received is an application for your license. A schedule summarizing the fees can be found on the second page of this letter. The associated LTO fee can be paid on-line at Ohio EPA's eBusiness Center. The instructions on how to pay the fee on-line can be found below starting on page four.

To pay by check please use the remittance form found on the bottom of your LTO invoice. Mail the form along with your check to the address listed on the remittance form.

Failure to submit payment by the due date may result in a 10% penalty. Payment alone of the appropriate fee does not guarantee the issuance of the license to operate. Non-compliance with Ohio's drinking water rules may result in denial of the license.

The information shown on the application is current as of the date of this letter and is the basis for the 2024 fees. If there are changes to the owner's information or water system information used to determine the fee, **contact your local Ohio EPA district office**. The phone number for your local Ohio EPA district office can be found on page three.

Method of payment questions should be directed to Vickie Stevens-Pease, Division of Drinking and Ground Waters at (614) 644-2752.

Sincerely,

A handwritten signature in black ink that reads "Amy J. Klei".

Amy J. Klei, Chief
Division of Drinking and Ground Waters

- NO PERSON SHALL OPERATE OR MAINTAIN A PUBLIC WATER SYSTEM IN THE STATE OF OHIO WITHOUT A PUBLIC WATER SYSTEM LICENSE.
- IF THERE ARE ANY CHANGES TO THE OWNER OR WATER SYSTEM INFORMATION CONTAINED ON THIS APPLICATION, CONTACT NORTHWEST DISTRICT OFFICE - DDAGW at 419-352-8461.

SANDUSKY CITY
240 COLUMBUS AVE.
SANDUSKY, OH 44870

ONLINE PAYMENT INFORMATION

Below you will find two links. The first link will take you to the instructions on how to setup an OHID account and how to pay the fee once you have logged onto the portal. The second link will take you to the portal login page.

[Link to Online Payment Instructions](#)

<https://epa.ohio.gov/static/Portals/28/documents/enforcement/FeeSchedule-PaymentInstructions.pdf>

[Link to OHID Portal](#)

<https://ohid.ohio.gov/wps/portal/gov/ohid/>

WATER SYSTEM INFORMATION

PWS ID: OH2201411 PWS Name: SANDUSKY CITY

PWS Type : COMMUNITY

Number of Service Connections: 10500

Surface Water Source: Yes

FEES FOR YEAR 2024

Based on the water system information above, the fee owed by your water system is shown in the total column.

Included with this invoice is a handout that indicates how this information was used to calculate your fee.

TOTAL

Pay this amount:

\$12,180.00

PAYING BY CHECK, DETACH THIS STUB AND INCLUDE WITH YOUR PAYMENT. RETAIN THE TOP PORTION FOR YOUR RECORDS.

DDAGW PW- Public Water System License to Operate (LFCWS)

PWS NAME: SANDUSKY CITY

PWS ID: OH2201411

Contact NAME: SANDUSKY CITY

Pay to: **Treasurer, State of Ohio.** Please write the **Revenue ID** on your check.
This is a lockbox. Please do not send other correspondence to this address.

Ohio EPA
PO BOX 77005
Cleveland, OH 44194-7005

Due Date:	12/31/2023
Revenue ID:	1597069
Amount Due:	\$12,180.00
Type Code:	LFCWS
Transaction ID:	

License to Operate (Effective July 1, 2003)

A person applying for a license or license renewal to operate a public water system must pay the appropriate fee at the time of application to the director. Any person who fails to pay the fee at the time must pay an additional amount that equals ten percent of the required fee. Fees must be calculated in accordance with the following schedule:

COMMUNITY WATER SYSTEMS (Effective July 1, 2003)

Number of Service Connections	Fee per Service Connection
Not more than 49	\$112 (total)
50-99	176 (total)
100 to 2,499	1.92
2,500 to 4,999	1.48
5,000 to 7,499	1.42
7,500 to 9,999	1.34
10,000 to 14,999	1.16
15,000 to 24,999	1.10
25,000 to 49,999	1.04
50,000 to 99,999	0.92
100,000 to 149,999	0.86
150,000 to 199,999	0.80
200,000 or more	0.76

A public water system may determine how it will pay the total amount of the fee calculated, including the assessment of additional user fees that may be assessed on a volumetric basis. As used in this schedule, "Service Connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

NON-TRANSIENT NON-COMMUNITY WATER SYSTEMS (Effective July 1, 2003)

Population Served	Fee Amount
Fewer than 150	\$ 112
150 to 299	176
300 to 749	384
750 to 1,499	628
1,500 to 2,999	1,268
3,000 to 7,499	2,816
7,500 to 14,999	5,510
15,000 to 22,499	9,048
22,500 to 29,999	12,430
30,000 or more	16,820

As used in this schedule, "Population Served" means the total number of individuals receiving water from the water supply during a twenty-four hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number must be calculated at the rate of three individuals per service connection.

TRANSIENT NON-COMMUNITY WATER SYSTEM (Effective July 1, 2003)

Number of Wells Supplying System	Fee Amount
1	\$112
2	112
3	176
4	278
5	568
System designated as using a surface water source	792

As used in this schedule, "Number of Wells Supplying System" means those wells (either active or inactive) that are physically connected to the plumbing system serving the public water system.

All public water systems designated as using a surface water source must pay a fee of \$792 or the amount calculated using the number of service connections or population served whichever is higher.

Ohio EPA District Offices

Northeast District Office
Division of Drinking and Ground Waters
2110 East Aurora Road
Twinsburg, OH 44087
330-963-1200

Northwest District Office
Division of Drinking and Ground Waters
347 North Dunbridge Road
Bowling Green, OH 43402
419-352-8461

Southeast District Office
Division of Drinking and Ground Waters
2195 Front Street
Logan, OH 43138
740-385-8501

Southwest District Office
Division of Drinking and Ground Waters
401 East Fifth Street
Dayton, OH 45402-2911
937-285-6357

Central District Office
Division of Drinking and Ground Waters
50 West Town Street, Suite 700
Columbus, OH 43215
614-644-2752

Below is a link you can use for instructions on how to create an OHID account or get help with a forgotten Username or Password. You will need an OHID account to access Ohio EPA's eBusiness Center.

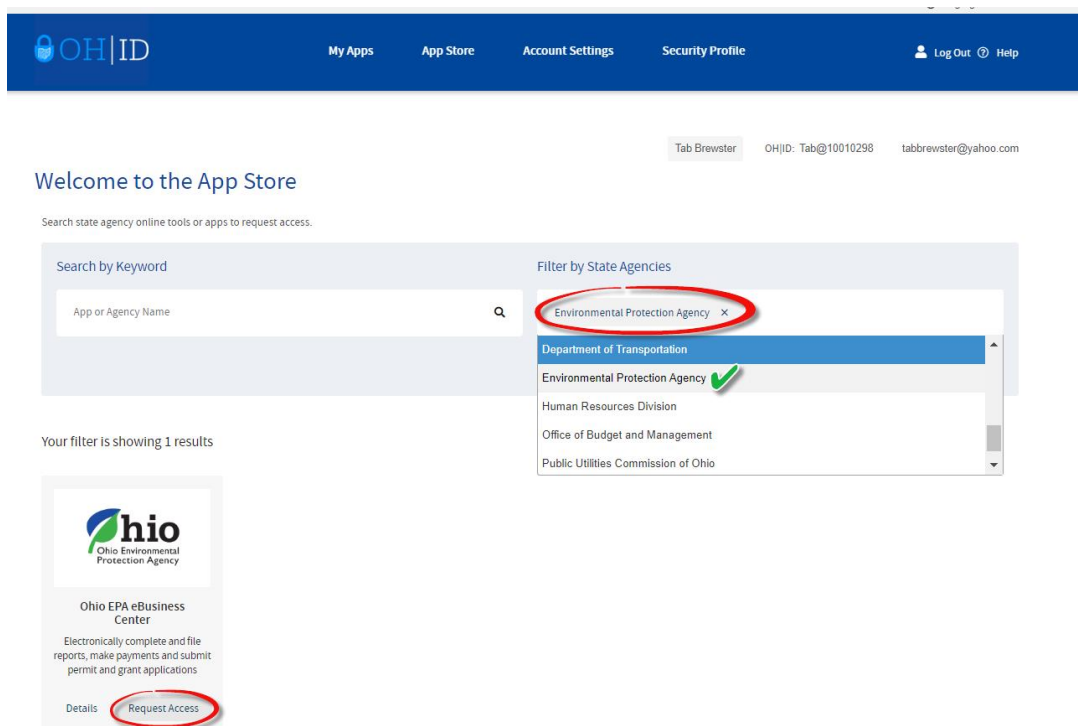
<https://ohid.ohio.gov/wps/portal/gov/ohid/help-center/help-logging-in>

How to request access to Ohio EPA's eBusiness Center

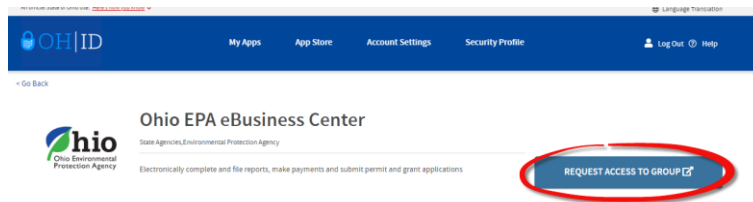
1. Once you are logged into the OHID portal click on the App Store link in the blue menu bar.



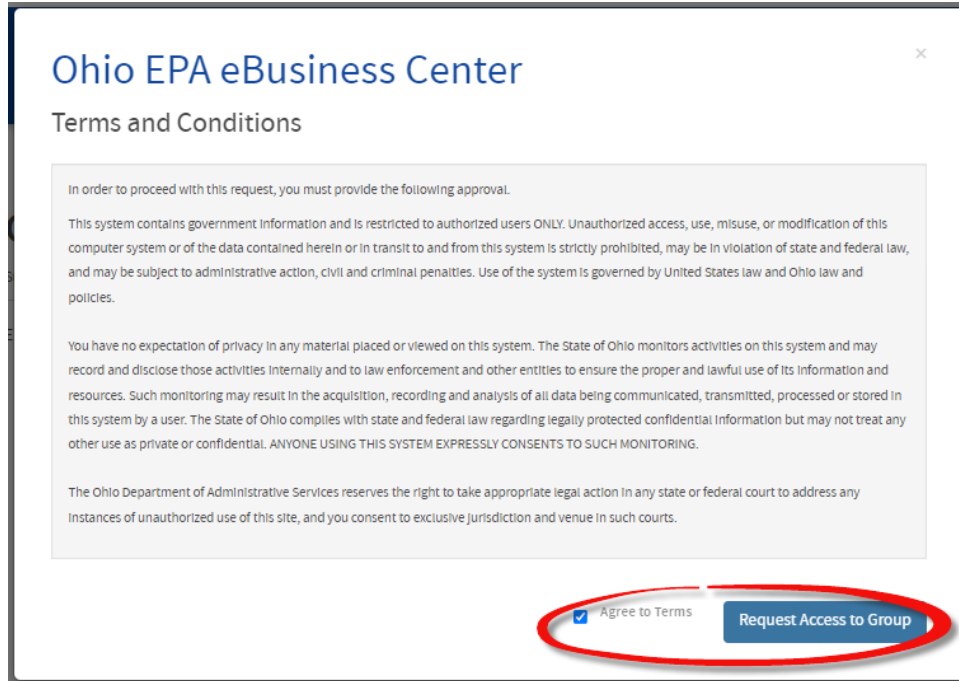
2. Click in the Filter by State Agencies box select Environmental Protection Agency from the dropdown.
3. Click on the Request Access button on the Ohio EPA eBusiness Center Tile.



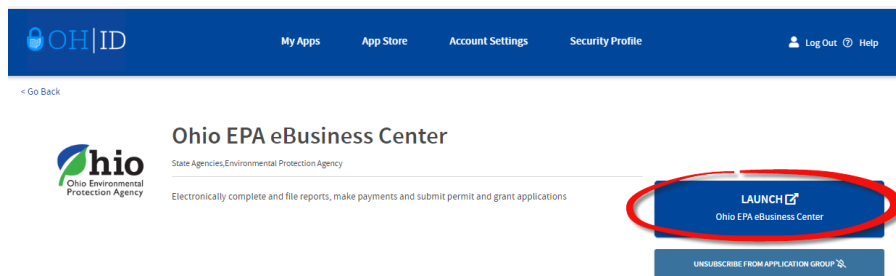
- Click on the REQUEST ACCESS TO GROUP button on the next window.



- Check the Agree to Terms box and click on Request Access to Group.



- Click on the LAUNCH Ohio EPA eBusiness Center button.



7. The Create New Account window will open, and you will need to complete all the fields that have an *. The first 3 required fields are pre-populated and cannot be changed. Once you have entered the required information click on the Create button at the bottom of the window. The eBusiness Center home page should open.

eBusiness Center

User ID*76569230

First Name*Tab

Middle Name

Last Name*Brevster

Company Name

Job Title*Yahoo

Security Question*What is Red

Security Answer*Apple

Address Line 1*10 Town St

Address Line 2

City*Columbus

State*OH

Zip*43215

Primary Email Addresstabobrevster@yahoo.com

Secondary Email Address

Verify Secondary Email Address

Phone Number*(614) 644-2764

Create

Cancel

Reset

8. Use the instructions below to make your payment.

How to pay by credit card

A service fee of 1.9% is added to payments made by credit card. You will be charged for two payments, the invoice payment, and a separate service fee. When you arrive at the payment screen, please enter your billing name and address exactly as it appears on your credit card statement. You must use either a Master Card, VISA, or Discover Credit Card.

1. Click on the service labelled Pay Ohio EPA Fees Online

Protection Agency

eBusiness Home **My Account** ▼

 **Welcome to the Ohio EPA eBusiness Center**

Available Services (What is this?)

Service
Air Services
Asbestos Services
Certified Operator Minimum Staffing Reporting
Conference and Events Registration
Division of Surface Water Credible Data
Division of Surface Water NPDES Permit Applications (STREAMS)
DMWM License and Registration Service
DMWM Solid Waste/C&DD Disposal Fees (Submit Report)
DSW 401 Certification and Isolated Wetlands Permit
e-Discharge Monitoring Reports (eDMR)
e-Drinking Water Reports
E2 Administration
Generic File Upload
Hazardous Waste Report (eDRUMS)
OEEF Grant Service (No PIN Required)
Pay Ohio EPA Fees Online
Water/Wastewater Exam Providers
Water/Wastewater Operators
Water/Wastewater Training Providers

2. Click on the Lookup Invoice to Pay Online button
3. Click on the circle next to Revenue ID/Receivable ID.
4. Enter the Revenue ID/Receivable ID in the 2 boxes provided and click continue. You should see the Revenue ID/Receivable ID on the invoice or letter you received.
5. On the next window you will click on the Pay button.
6. Click on the Pay with Credit Card. You will get a warning notice click continue.
7. The Central Payment Portal will open. There you will see two amounts listed. The revenue balance due and the service fee that will be charged.
8. You will need to fill in all the boxes that have an *. If you need a Receipt you will need to click the checkbox and provided your email address in the box across from it.

Central Payment Portal

Enter Payment Information

Please enter your credit card payment and billing information below. All of the fields marked with an asterisk are required.

For assistance locating the card security code, please select the following:

[Locate Card Security Code](#)

\$275_OH_EPA_PWS_LTO Payment Summary

Total

\$123.20

\$283_OH_EPA_SERV_FEE Payment Summary

Total

\$2.34

Payment Information

* Credit Card Number

* Credit Card Type

* Expiration Month

* Expiration Year

* Card Security Code

Billing Information

First Name

Middle Name

* Last/Business Name

* Phone

* Address Line 1

Address Line 2

* City

* State/Province/Region

* Zip/Postal Code

Country

Email

Email Receipt

[Cancel](#)

[Continue](#)

Technical Support

If you need technical support for this online payment processing application, please send an email to ebizhelpdesk@epa.ohio.gov.

9. Click on the Continue button at the bottom. The next screen will ask you to verify the information.
10. If everything is correct click the Confirm button. If you need to correct any information, click the Back button at the bottom of the screen.
11. After the payment is confirm, a receipt is displayed.

How to pay by ACH (electronic check)

There is no service fee for ACH payments. When you provide your bank account number and routing number, you authorize us to make a one-time electronic funds transfer from your bank account to pay the invoice. If there is a debit block on your bank account, ask your bank to allow transactions with Ohio EPA before paying with ACH. When you arrive at the payment screen verify the billing name and address match the information for your bank account and make corrections if necessary.

When paying by ACH you must have a PIN. If you don't have an eBusiness PIN, below is a link below for instructions on how to request and activate a PIN.

<https://epa.ohio.gov/static/Portals/0/general%20pdfs/pinfactsheet.pdf>

1. Click on the service labelled Pay Ohio EPA Fees Online

Protection Agency

eBusiness Home My Account ▼



Welcome to the Ohio EPA eBusiness Center

Available Services (What is this?)
Service
Air Services
Asbestos Services
Certified Operator Minimum Staffing Reporting
Conference and Events Registration
Division of Surface Water Credible Data
Division of Surface Water NPDES Permit Applications (STREAMS)
DMWM License and Registration Service
DMWM Solid Waste/C&DD Disposal Fees (Submit Report)
DSW 401 Certification and Isolated Wetlands Permit
e-Discharge Monitoring Reports (eDMR)
e-Drinking Water Reports
E2 Administration
Generic File Upload
Hazardous Waste Report (eDRUMS)
OEEF Grant Service (No PIN Required)
Pay Ohio EPA Fees Online
Water/Wastewater Exam Providers
Water/Wastewater Operators
Water/Wastewater Training Providers

2. Click on the Lookup Invoice to Pay Online button
3. Click on the circle next to Revenue ID/Receivable ID.
4. Enter the Revenue ID/Receivable ID in the 2 boxes provided and click continue. You should see the Revenue ID/Receivable ID on the invoice or letter you received.
5. On the next window you will click on the Pay button.
6. Click on the Pay with ACH. You will get a warning notice click continue.
7. On the next window you will be prompted to enter your PIN and answer one of your security questions. Then you will click the Submit button.

Pin Validation

To complete your submission please enter your PIN and answer the security question below:

By transmitting this information using this Personal Identification Number (PIN), I certify that: (1) I have been authorized by Ohio EPA to use this PIN; (2) I am aware of and understand the requirements of my PIN Subscriber Agreement and it is my belief that I have complied with the terms of that agreement in all respects and am using this PIN in accordance with that Agreement; (3) I reviewed, or had the opportunity to review, the electronic version of the information, and I am transmitting the information knowingly; (4) I am without any reason to believe that the confidentiality of my PIN or security questions has or may have been compromised now or at any time prior to this submission; and (5) I understand that I may be subject to civil and criminal liability for falsely certifying.

PIN:

Please answer this security question:

What color is red?

Submit

Cancel

8. The Central Payment Portal will open. There you will see the amount due listed.
9. You will need to fill in all the boxes that have an *. If you need a Receipt you will need to click the checkbox and provided your email address in the box across from it.

Ohio

Environmental Protection Agency

eBusiness Center

Central Payment Portal

Enter Payment Information

Please enter your electronic check payment and billing information below. All of the fields marked with an asterisk are required.

Your checking account number should not include the 4 digit check number that usually appears on your check either before or after the checking account number. For assistance locating the checking account information, please select the following:

Locate Checking Account Information

\$277_OH_EPA_FEE Payment Summary

Total

\$250.00

Payment Information

* Bank Routing Number

* Confirm Routing Number

* Bank Account Number

* Confirm Account Number

Billing Information

First Name

Middle Name

* Last/Business Name

* Phone

* Address Line 1

Address Line 2

* City

* State/Province/Region

* Zip/Postal Code

Country

United States

Email

Email Receipt

☐

Cancel

Continue

Technical Support

If you need technical support for this online payment processing application, please send an email to ebizhelpdesk@epa.ohio.gov.

© CBOSS, INC.

10. Click on the Continue button at the bottom. The next screen will ask you to verify the information.
11. If everything is correct click the Confirm button. If you need to correct any information, click the Back button at the bottom of the screen.
12. After the payment is confirm, a receipt is displayed.

CERTIFICATE OF FUNDS

In the Matter of: Ohio EPA Annual License BIWW

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 #612-5230-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO MAKE PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE RENEWAL OF THE LICENSE TO OPERATE A PUBLIC WATER SYSTEM FOR THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky as an operator of a public water system is required to pay a licensing fee on an annual basis to the Ohio Environmental Protection Agency pursuant to Ohio Revised Code §6109.21; and

WHEREAS, the total cost for the annual licensing fee for calendar year 2024 is \$12,180.00 and will be paid with Water Funds which have been appropriated in the Operation & Maintenance (O&M) budget for 2023; 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 expend the funds appropriated in the 2023 budget and to make payment for the annual licensing fee to operate a public water system prior to the due date of December 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. This City Commission hereby authorizes and directs the Finance Director to make payment to the Treasurer of the State of Ohio as required by the Ohio Environmental Protection Agency in an amount **not to exceed** Twelve Thousand One Hundred Eighty and 00/100 Dollars (\$12,180.00) for the renewal of the license to operate a public water system for the calendar year 2024.

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: December 11, 2023



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: John Orzech, City Manager

From: Aaron M. Klein, P.E.

Date: November 27, 2023

Subject: Commission Agenda Item – Ohio EPA Annual Discharge Fee for the WWTP CY2023

ITEM FOR CONSIDERATION: Legislation authorizing payment to the Treasurer of the State of Ohio, on behalf of the Ohio EPA, for the annual discharge fee for the year 2023, for National Pollutant Discharge Elimination System (NPDES) Permit Number 2PF00001 for the City's Wastewater Treatment Plant (WWTP).

BACKGROUND INFORMATION: The Ohio EPA, through the NPDES, requires a permit for all Wastewater Treatment facilities discharging pollutants to a body of water within the State of Ohio to pay an annual discharge fee. Fees are determined by an average daily discharge flow of the following year and set by a flow chart from the Ohio EPA.

For the Calendar Year 2023, the City of Sandusky is required to pay a discharge fee for the operation of the Wastewater Treatment Plant of \$15,550.00 by January 31, 2024. The cost is in accordance with fees paid annually for many years prior to 2020 and 2021 when they were increased to \$25,900.00 due to an increase of average daily flow processed through the WWTP, resulting from high bay levels flowing back into the system through the outfalls.

BUDGETARY INFORMATION: The total amount of \$15,550.00 shall be paid with Sewer funds and has been appropriated in the O & M Budget for 2023.

ACTION REQUESTED: It is recommended that proper legislation be prepared for payment of the discharge fee to the Ohio EPA at an amount not to exceed \$15,550.00 and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City so funds can be expended from the O & M Budget for 2023, upon receipt of invoice from the Ohio EPA.

I concur with this recommendation:

John Orzech
City Manager

cc: S. Hastings, Law Director; M. Reeder, Finance Director; C. Myers, Commission Clerk



**2023 ANNUAL DISCHARGE FEE
PERMIT
INVOICE ATTACHED**

November 20, 2023

SANDUSKY STP
222 MEIGS ST
SANDUSKY, OH 44870

The 2023 Annual Discharge Fee (ADF), authorized by Ohio Revised Code (ORC) 3745-11, is due on January 30, 2024.

An invoice for the above referenced fee is attached, and payments can be made at this time. The annual discharge fee is based on the average volume of wastewater discharged by your facility during the previous year (2022) between May 1 and October 31. The fee schedule and average daily flow of your facility are provided below.

Please review the information carefully before submitting payment. If any information is incorrect, contact us at adf@epa.ohio.gov. Inquiries regarding incorrect flows should include your permit number, a written explanation of the issue, and any relevant data from your electronic Discharge Monitoring Reports (eDMRs). Corrections to eDMRs must be done in the eDMR system with follow-up notification by email.

Facility Name: SANDUSKY STP
NPDES Permit No: 2PF00001
Average Daily Flow: 12.4312 MGD
(Design flow if new facility)

Base Fee: \$ 15,550.00
Major Surcharge:
TOTAL FEE DUE: \$ 15,550.00

INDUSTRIAL FACILITIES	
Flow (MGD)	Fee
>0.005 – 0.05	\$ 250
>0.05 – 0.25	\$ 1,200
>0.25 - 1	\$ 2,950
>1 - 5	\$ 5,850
>5 - 10	\$ 8,800
>10 - 20	\$ 11,700
>20 - 100	\$ 14,050
>100 - 250	\$ 16,400
>250	\$ 18,700
Major Surcharge	\$ 7,500

PUBLIC FACILITIES	
Flow (MGD)	Fee
>0.005 – 0.05	\$ 200
>0.05 – 0.1	\$ 500
>0.1 – 0.25	\$ 1,050
>0.25 - 1	\$ 2,600
>1 - 5	\$ 5,200
>5 - 10	\$ 10,350
>10 - 20	\$ 15,550
>20 - 50	\$ 25,900
>50 - 100	\$ 41,400
>100	\$ 62,100

GENERAL PERMIT HOLDERS	
OHS000004 OHV00003	Public Facilities Fee Schedule
OHN000005 OHB00002	Industrial Facilities Fee Schedule
OHW000004	Fixed Fee \$ 180.00



**National Pollutant Discharge Elimination System
2023 ANNUAL DISCHARGE FEE INVOICE**

Payment Due January 30, 2024

[For Wastewater, 2023; Pursuant to ORC 3745.11(L)]

November 20, 2023

SANDUSKY STP
222 MEIGS ST
SANDUSKY, OH 44870

Facility and Fee Basis

Facility Name: SANDUSKY STP

NPDES Permit No.: 2PF00001

Average Daily Flow: 12.4312 MGD

(Design flow if new facility)

Late charge of 10% assessed if not paid by January 30, 2024.

Revenue ID: 1610091

Base Fee: \$ 15,550.00

Major Surcharge:

TOTAL FEE DUE: \$ 15,550.00

Questions or change of address, please email adf@epa.ohio.gov BEFORE you make a payment.

Online Payment (Preferred)

For online credit card or ACH payment, go to
ebiz.epa.ohio.gov

Login or create an account to make payment.

For online payment guidance, go to
[https://epa.ohio.gov/static/Portals/35/edmr/doc/
eDMR_PayFees.pdf](https://epa.ohio.gov/static/Portals/35/edmr/doc/eDMR_PayFees.pdf)

Payment by Check

Write the RevenueID and Permit No. on the check.

Make check payable to:
"Treasurer, State of Ohio"

Mail check to:

**Ohio EPA
PO Box 77005
Cleveland, OH 44194-7005**

CUT OFF THIS STUB AND MAIL IT WITH YOUR CHECK. DO NOT MAIL TOP PORTION.

NPDES Annual Discharge Fee Office Use Only

Facility: SANDUSKY STP

NPDES Permit No.: 2PF00001

Pay to: Treasurer, State of Ohio.

Please write the RevenueID and Permit Number on your check.

Please send this stub with your check. DO NOT SEND LETTERS OR OTHER FORMS

Ohio EPA
PO Box 77005
Cleveland, OH 44194-7005

Due Date:	01/30/2024
Revenue ID:	1610091
Transaction ID:	000000000
Type Code:	AFNAP
TOTAL FEE DUE:	\$ 15,550.00

1610091 0001555000 AFNAP 000000000 9

CERTIFICATE OF FUNDS

In the Matter of: Ohio EPA Annual Discharge Fee

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 #613-5420-53000

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO MAKE PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE ANNUAL DISCHARGE FEE FOR NPDES PERMIT NUMBER 2PF00001 FOR THE WASTEWATER TREATMENT PLANT FOR THE CY 2023; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Revised Code Section 3745.11(L) requires that an NPDES permit holder that is a public discharger pay a fee as specified in the statute based upon an average daily discharge flow and the City's flow and the corresponding fee is delineated on the notification received from the Ohio Environmental Protection Agency; and

WHEREAS, the total cost for the annual discharge fee for calendar year 2023 is \$15,550.00 and will be paid with Sewer Funds which have been appropriated in the budget for 2023; 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 the Ohio Environmental Protection Agency for the annual discharge fee for the Wastewater Treatment Plant for the CY 2023 with funds budgeted for 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. This City Commission hereby authorizes and directs the Finance Director to make payment to the Treasurer of the State of Ohio as required by the Ohio Environmental Protection Agency in an amount **not to exceed** Fifteen Thousand Five Hundred Fifty and 00/100 Dollars (\$15,550.00) for the annual discharge fee for NPDES Permit Number 2PF00001 for the Wastewater Treatment Plant for the CY 2023.

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: December 11, 2023



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: John Orzech, City Manager

From: Aaron M. Klein, P.E.

Date: November 28, 2023

Subject: Commission Agenda Item – Ohio’s Urban Forestry Grant Program Application 2023

ITEM FOR CONSIDERATION: Requesting legislation authorizing the submission of a grant application to the Ohio Division of Forestry for financial assistance through the Ohio Department of Natural Resources (ODNR) funded by the USDA Forest Service and Inflation Reduction Act and approval to execute a grant agreement and accept funds if awarded for the proposed tree planting project.

BACKGROUND INFORMATION: Funds supplied by the USDA Forest Service are intended to substantially invest in the long-term growth and development of local urban and community forestry programs. This specific request for proposals is intended to benefit communities with designated disadvantaged populations with existing, well-established urban forestry programs.

City staff, working with Strand Associates, developed the preliminary scope and planting location for MacArthur Park improvements, meeting the eligibility requirements of the grant. The project proposes to plant approximately one hundred (100) trees at strategic locations throughout the South Side neighborhood. The locations this project would target would be properties that lack desirable and/or sufficient tree canopies as determined through the final design of the project.

The scope of the project will require the solicitation for competitive bids from qualified contractors to perform the purchasing and planting of trees at the specified locations, under the supervision of city staff. Staff would like permission to apply for grant monies in the amount of \$125,000 that would be incorporated into the MacArthur Park project. Projects funded through this opportunity will receive a full match waiver, with the requirement that 100% of the program benefits are delivered to disadvantaged communities.

BUDGETARY INFORMATION: No funds will be expended for submitting a grant application. The estimated cost of the project is \$125,000. Projects funded through this opportunity will receive a full match waiver, with the requirement that 100% of the program benefits are delivered to disadvantaged communities.

ACTION REQUESTED: It is requested that the proper legislation be prepared authorizing the submission of a grant application to the Ohio Division of Forestry for funding through the Ohio Department of Natural Resources (ODNR) funded by the USDA Forest Service and Inflation Reduction Act and approval to execute any grant agreements and accept funds if awarded for the proposed tree planting project. It

is further required that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to submit the grant application by the submission deadline of December 29, 2023.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF FORESTRY, FOR FINANCIAL ASSISTANCE THROUGH THE URBAN FORESTRY GRANT PROGRAM FOR A TREE PLANTING PROJECT AS PART OF THE MACARTHUR PARK ROADWAY AND UTILITY IMPROVEMENTS PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Department of Natural Resources is offering grant opportunities through the Division of Forestry with funds being supplied by the USDA Forest Service and are intended to substantially invest in the long-term growth and development of local urban and community forestry programs and specifically focuses on disadvantaged communities; and

WHEREAS, City Staff has been working with Strand Associates for the development of the preliminary scope and tree planting locations as part of the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project; and

WHEREAS, project proposes to plant approximately one hundred (100) trees at strategic locations throughout the South Side neighborhood and these locations would target properties that lack desirable and/or sufficient tree canopies as determined through the final design of the project; and

WHEREAS, projects funded through this grant opportunity will receive a full match waiver, with the requirement that 100% of the program benefits are delivered to disadvantaged communities; and

WHEREAS, the City will be applying for grant funds in the amount of \$125,000.00 and as a eligible project through this opportunity, will receive a full match waiver; 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 submit the grant application to the Ohio Department of Natural Resources, Division of Forestry, by the deadline of December 29, 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 **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 Ohio Department of Natural Resources, Division of Forestry, for financial assistance through the Urban Forestry Grant Program for a tree planting project as part of the MacArthur Park Roadway and Utility Improvements Project and authorizes and directs the City Manager to provide all information and documentation required to become eligible for possible funding assistance and to execute any grant agreements and lawfully expend funds consistent with the application and agreement should they 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: December 11, 2023



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: November 28, 2023

Subject: Commission Agenda Item – Amendment # 1 to Professional Design Services Agreement with Bramhall Engineering & Surveying Company East Perkins Avenue Waterline Replacement Project

ITEM FOR CONSIDERATION: Requesting legislation authorizing Amendment #1 to Professional Design Services Agreement with Bramhall Engineering & Surveying Company of Avon, Ohio (Bramhall) for the design services on the East Perkins Avenue Waterline Replacement Project in conjunction with the ERI-CR-005-02.85 E Perkins Avenue Resurfacing Project PID 113959

BACKGROUND INFORMATION: At the November 28, 2022, City Commission meeting legislation was approved for design services with Bramhall Engineering & Surveying Company of Avon, Ohio, via Ordinance No. 22-233 for the East Perkins Avenue Resurfacing Project. This project was for complete reconstruction of East Perkins Avenue just east of Milan Road to Remington Avenue. Included with this project was the replacement of the existing waterline between Milan Road and the Pipe Creek Bridge which had several breaks during the 2021-2022 winter season. The remainder of the waterline east of the bridge was not included. This project received federal funds through the Ohio Department of Transportation (ODOT) and approved by the Erie County Metropolitan Planning Organization (MPO), with the City's Water Fund compensating 100% of all water-related costs.

Then at the April 24, 2023, City Commission meeting, legislation was approved for a separate design services agreement with Bramhall via Ordinance No. 23-100 for replacement of the remaining section of waterline between Pipe Creek Bridge and Remington Avenue since it had several breaks during the 2022-2023 winter season. This project is intended for funding through the City's Water Fund.

There are many advantages to consolidating the water line design and construction **from** the roadway project **to** the standalone waterline project. If it remains as part of the roadway project, waterline plans would require approval from ODOT which can be time consuming and add costs to the waterline work. Additionally, the City would be paying overhead, mobilization, and other expenses during construction for two waterline contractors, including mark-ups on subcontractor expenses for the roadway project. Combining the waterline work into one project will also allow the City to construct the waterline throughout the 2024-2025 winter in preparation for the roadway project scheduled in 2025.

A letter dated October 26, 2023, titled Modification #1, shall be used as the Scope of Services (SOS) for Amendment #1.

Upon approval from the MPO, future legislation will be presented to adjust the other contract with Bramhall for the roadway resurfacing design contract that will reduce the waterline design fees by this same amount but will include costs for additional acquisition services for right of way needed for that project.

BUDGETARY INFORMATION: The not to exceed cost for professional design services is \$3,351.00 to be paid with City Water Funds increasing the total contract amount to \$22,251.00.

ACTION REQUESTED: It is recommended that proper legislation be prepared granting Amendment #1 to Design Services Agreement with Bramhall Engineering and Surveying Company of Avon, Ohio for the East Perkins Avenue Waterline Replacement Project in the amount of \$3,351.00 and that it be passed under suspension of the rules and in accordance with Section 14 of the City Charter so that there is not a delay in the design work and so construction can proceed prior to roadway work in 2025.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Bramhall-E. Perkins Ave

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 #612-5277-55990

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH BRAMHALL ENGINEERING & SURVEYING COMPANY OF AVON, OHIO, FOR THE EAST PERKINS AVENUE WATERLINE REPLACEMENT PROJECT IN CONJUNCTION WITH THE EAST PERKINS AVENUE RESURFACING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved an agreement for Professional Design Services with Bramhall Engineering & Surveying Company of Avon, Ohio, for the proposed East Perkins Avenue **Resurfacing** Project (ODOT PID #113959) by Ordinance No. 22-233, passed on November 28, 2022; and

WHEREAS, the East Perkins Avenue **Resurfacing** Project (ODOT PID #113959) involves complete reconstruction of East Perkins Avenue just east of Milan Road to Remington Avenue and included the replacement of the existing waterline between Milan Road and the Pipe Creek Bridge, which had several during the 2021-2022 winter season; and

WHEREAS, the City Commission approved an agreement for Professional Design Services with Bramhall Engineering & Surveying Company of Avon, Ohio, for the East Perkins Avenue **Waterline** Replacement in conjunction with the East Perkins Avenue Resurfacing Project (ODOT PID #113959) by Ordinance No. 23-100, passed on April 24, 2023; and

WHEREAS, the proposed East Perkins Avenue **Waterline** Replacement Project involves replacing the 8" aging waterline along Perkins Avenue from the Pipe Creek Bridge to Remington Avenue, within the city's corporation limits and will be completed prior to the East Perkins Avenue Resurfacing Project; and

WHEREAS, the waterline work proposed in the East Perkins Avenue **Resurfacing** Project (ODOT PID #113959) is being consolidated into the City's East Perkins Avenue **Waterline** Replacement Project, which will save the City costs during construction by paying overhead, mobilization, and other expenses for only one (1) waterline project; and

WHEREAS, Bramhall Engineering & Surveying Company will be providing additional professional design services for the East Perkins Avenue **Waterline** Replacement Project for the design of the full length of Perkins Avenue from Milan Road to Remington Avenue, 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 cost of the professional design services provided in the original agreement with Bramhall Engineering & Surveying Company is \$18,900.00 and with the additional cost of \$3,351.00 for additional services, the revised cost is \$22,251.00 and will be paid with Water Funds; and

WHEREAS, further legislation will be presented to adjust the contract with Bramhall Engineering & Surveying Company of Avon, Ohio, for the East Perkins **Resurfacing** Project (ODOT PID #113959), reducing the waterline design fees; 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 proceed with executing the Amendment so there is not a delay in the design work and construction can proceed prior to the roadway project in 2025; 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 Bramhall Engineering & Surveying Company of Avon, Ohio, for Professional Design Services for the East Perkins Avenue Waterline Replacement Project, in conjunction with the East Perkins Avenue Resurfacing Project (ODOT PID #113959), 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** Three Thousand Three Hundred Fifty-One and 00/100 Dollars (\$3,351.00).

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 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: December 11, 2023

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

This First Amendment to the Agreement for Professional Design/Engineering 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 Bramhall Engineering and Surveying Company (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:	East Perkins Avenue Waterline Replacement Project-Pipe Creek Bridge to Remington Avenue
City Engineer:	Aaron Klein, P.E.
Address:	Department of Public Works City of Sandusky 240 Columbus Ave Sandusky, Ohio 44870
Architect/Engineer:	Bramhall Engineering & Surveying Company
Contact:	Chris L. Howard, P.E. CPESC
Address:	801 Moore Road Avon, Ohio 44011

NOW, THEREFORE, in consideration of the mutual promises contained in the Professional Design/Engineering Services Agreement executed on May 19, 2023, the City and the Architect/Engineer agree as follows:

The Architect/Engineer shall perform additional tasks included in Attachment A as described therein, in accordance with the Professional Services Amendment executed on November 29, 2023, between the City and Bramhall Engineering and Surveying Company for a revised fee not to exceed \$22,251.00.

Signature Page to Follow

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

Bramhall Engineering and Surveying Company
("Architect/Engineer")

By: _____

CITY OF SANDUSKY

By: _____
John Orzech
City Manager

APPROVAL:

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

Stewart Hastings
Law Director

CERTIFICATE OF FUNDS

In the matter of: **East Perkins Avenue Waterline Replacement Project-Pipe Creek Bridge to Remington Avenue**

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

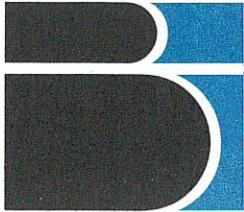
CITY OF SANDUSKY

By: _____

Michelle Reeder
Finance Director

Account Number

Amount



BRAMHALL
ENGINEERING &
SURVEYING COMPANY

October 26, 2023

Aaron Klein, P.E.
City Engineer
Department of Public Works
240 Columbus Avenue
Sandusky, Ohio 44870

Reference: East Perkins Avenue Waterline Replacement Improvement Plans
Pipe Creek Bridge to Remington Avenue
Modification #1
City of Sandusky, Ohio

Dear Mr. Klein:

As discussed, the waterline west of Pipe Creek will be removed from the construction of the ERI-Perkins Avenue PID 113959 project and installed with the City's stand-alone, locally funded waterline project from Pipe Creek to Remington Avenue. With this change, the design funds for this small section of waterline will be removed from the PID 113959 project and will instead need added to the City's local waterline project from Pipe Creek to Remington Avenue.

The Scope of work for the waterline design remains unchanged, with the only revision to the scope being the project limits now including the approximately 250' of new waterline west of Pipe Creek. The Waterline Replacement Plans, Bid Form with estimated quantities, and Engineer's Opinion of Probable Construction Cost will include the additional section of waterline west of the bridge.

Clarifications and Exceptions

- 1.) Geotechnical Services, including soil borings, are not included. Any geotechnical information needed will utilize the work completed under the PID No. 113959 project.
- 2.) The existing watermain locations and laterals will be based on reference drawings provided by the City.
- 3.) Fees for Local and State Governmental Agency reviews and permits are the responsibility of the City.

- 4.) All specifications will be by plan notes only making reference to the City of Sandusky and ODOT C&MS.
- 5.) Preparation of Bid Books, Bid Administration, Construction Staking, and Construction Inspection are not included.
- 6.) Topographic and Boundary Survey is not included with this proposal. The survey information from the ERI-CR 5-2.85 (East Perkins Avenue) PID No. 113959 project will be used for the design of this project.
- 7.) Preparation of As-Built Plans is not included.
- 8.) City will be responsible for locating and marking water lateral services in the field.
- 9.) Plans will be completed in Civil 3D 2023.dwg format.

Professional Services Fee

The waterline design costs contained in the PID 113959 project that will instead be covered by this Modification #1 are an Hourly, Not To Exceed Amount of:

Three Thousand Three Hundred Fifty-One Dollars..... \$3,351.00

The work will be billed monthly based upon the actual hours worked at the time of billing. If the invoice is not paid within thirty (30) days, a 2% interest charge will be applied per month the bill is outstanding. The above rates are valid for services provided through December 31, 2023. Charges for our services after this date are subject to escalation.

ACKNOWLEDGED & ACCEPTED

=====

**BRAMHALL ENGINEERING &
SURVEYING COMPANY**

By: 

Chris L. Howard, P.E.

Title: Vice President

Date: October 26, 2023

ACKNOWLEDGED & ACCEPTED

=====

CITY OF SANDUSKY

By: _____

Title: _____

Date: _____



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: November 27, 2023

Subject: **Commission Agenda Item – 2024 Chemical Contracts for Big Island Water Works and the Wastewater Treatment Plant**

ITEM FOR CONSIDERATION: Legislation for the purchase of chemicals for use at the Big Island Water Works and the Wastewater Treatment Plants for the calendar year 2024.

BACKGROUND INFORMATION:

Contract One – Liquid Sodium Permanganate (BIWW) 12,000 Gallons, more or less

Bonded Chemicals Inc.	Bid: \$116,160 (\$9.68 per gallon)
Columbus, OH	Surety: 100% Bid Bond
<i>Products are sourced and distributed domestically pursuant to bid specifications.</i>	

Shannon Chemical	Bid: \$137,640 (\$11.47 per gallon)
Exton, PA	Surety: 100% Bid Bond

Chemrite Inc.	Bid: \$111,000 (\$9.25 per gallon)
Buford, GA	Surety: 100% Bid Bond

Brenntag Mid-South Inc.	Bid: \$151,440 (\$12.62 per gallon)
Hebron, OH	Surety: 100% Bid Bond

Contract Two – Hydrofluosilicic Acid (BIWW) 17,000 Gallons, more or less

Bonded Chemicals, Inc.	Bid: \$49,810 (2.93 per gallon)
Columbus, OH	Surety: 100% Bid Bond

Univar USA Inc	Bid: \$51,850 (\$3.05 per gallon)
Cincinnati, OH	Surety: 100% Bid Bond

Alexander Chemical Corp.	Bid: \$56,933.00 (\$3.349 per gallon)
Peru, IL	Surety: 100% Bid Bond

Pencco, Inc.	Bid: \$52,870 (\$3.11 per gallon)
San Felipe, TX	Surety: 100% Bid Bond

Brenntag Mid-South Inc.
Hebron, OH

Bid: \$52,020 (\$3.06 per gallon)
Surety: 100% Bid Bond

Contract Three – Sodium Hydroxide Liquid (BIWW) 50,000 Gallons, more or less

Bonded Chemicals, Inc.
Columbus, OH

Bid: \$119,500 (\$2.39 per gallon)
Surety: 100% Bid Bond

JCI Jones Chemicals
Barberton, OH

Bid: \$125,365 (\$2.5073 per gallon)
Surety: 100% Bid Bond

**Univar USA Inc
Cincinnati, OH**

**Bid: \$114,515 (\$2.2903 per gallon)
Surety: 100% Bid Bond**

Brenntag Mid-South, Inc.
Hebron, OH

Bid: \$126,000 (\$2.52 per gallon)
Surety: 100% Bid Bond

Alexander Chemical Corp.
Peru, IL

Bid: \$189,450 (\$3.789 per gallon)
Surety: 100% Bid Bond

Contract Four – Sodium Hypochlorite (BIWW) 90,000 Gallons, more or less

**Bonded Chemicals, Inc.
Columbus, OH**

**Bid: \$193,500 (\$2.15 per gallon)
Surety: 100% Bid Bond**

Alexander Chemical Corp.
Detroit, MI

Bid: \$206,910 (\$2.29 per gallon)
Surety: 100% Bid Bond

Brenntag Mid-South, Inc.
Hebron, OH

Bid: \$228,600 (\$2.54 per gallon)
Surety: 100% Bid Bond

Contract Five – Aluminum Sulfate Polymer Blend (BIWW) 110,500 Per Gallons, more or less

**Applied Specialties, Inc.
Avon Lake, OH**

**Bid: \$389,490.40 (\$3.5248 per gallon)
Surety: 100% Bid Bond**

Chemtrade Chemicals
Parispany, NJ

Bid: \$450,000 (\$750 wet tons)
Surety: 100% Bid Bond

Contract Six – Powder Activated Carbon (BIWW) 155,000 Pounds, more or less

Bonded Chemicals, Inc.
Columbus, OH

Bid: \$207,700 (\$1.34 per pound)
Surety: 100% Bid Bond

**Chemrite Inc.
Buford, GA**

**Bid: \$199,950 (\$1.29 per pound)
Surety: 100% Bid Bond**

Products are sourced and distributed domestically pursuant to bid specifications.

Carbon Activated
Compton, CA

Bid: \$199,950 (\$1.29 per pound)
Surety: 100% Bid Bond

Contract Seven – Ferrous Chloride Solution (WWTP) 350,000 Pounds, more or less

Kemira Water Solutions Inc.
Lawrence, KS

Bid: \$426,650 (\$1.219 per pound)
Surety: 100% Bid Bond

Contract Eight – Polymer Liquid (WWTP) 88,000 Pounds, more or less

SNF Polydyne Inc.
Riceboro, GA

Bid: \$147,840 (\$1.68 per pound)
Surety: 100% Bid Bond

In addition to bidding for City chemicals, we routinely include Erie County's chemicals for their wastewater treatment plants in our annual chemical bids just as the City participates in Erie County's Road Salt Bid annually. The City of Huron also participates in the process with chemicals for their water and wastewater treatment plants. Each entity is responsible for entering into their own contracts with the chemical companies.

BUDGETARY INFORMATION: Funds for the purchase of these items are routinely included in the operating budgets of the Water and Sewer Plants.

ACTION REQUESTED: It is requested that the proper legislation be prepared to purchase chemicals for the calendar year 2024 for use at the Big Island Water Works and Wastewater Treatment Plant as follows:

	Description	Company	Quantity	Unit	Unit Price	Total
Contract #1	Liquid Sodium Permanganate	Bonded Chemicals Inc.	12,000	Gallon	\$9.68	\$116,160.00
Contract #2	Hydrofluosilicic Acid (H ₂ SiF ₆)	Bonded Chemicals Inc.	17,000	Gallon	\$2.93	\$49,810.00
Contract #3	Sodium Hydroxide Liquid	Univar USA Inc.	50,000	Gallon	\$2.2903	\$114,515.00
Contract #4	Sodium Hypochlorite	Bonded Chemicals Inc.	90,000	Gallon	\$2.15	\$193,500.00
Contract #5	Aluminum Sulfate Polymer Blend	Applied Specialties, Inc.	110,500	Gallon	\$3.5248	\$389,490.40
Contract #6	Powdered Activated Carbon	Chemrite Inc.	155,000	Pounds	\$1.29	\$199,950.00
Contract #7	Ferrous Chloride Solution	Kemira Water Solutions	350,000	Pounds	\$1.219	\$426,650.00
Contract #8	Polymer - Liquid	SNF Polydyne Inc.	88,000	Pounds	\$1.68	\$147,840.00

It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow for delivery of the product as needed by January 1, 2024.

I concur with this recommendation:

John Orzech
City Manager

cc: Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: BIWW & WWTP Chemicals

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 #612-5230-54000, 613-5420-54000

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 11/28/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 12,000 GALLONS, MORE OR LESS, OF LIQUID SODIUM PERMANGANATE FROM BONDED CHEMICALS INC. OF COLUMBUS, OHIO, FOR USE AT THE BIG ISLAND WATER WORKS PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of Twelve Thousand (12,000) gallons, more or less, of Liquid Sodium Permanganate for use at the Big island Water Works Plant, four (4) appropriate bids were received and the bid of Bonded Chemicals Inc. of Columbus, Ohio, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Big Island Water Works Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 be and hereby is authorized and directed to purchase Twelve Thousand (12,000) gallons, more or less, of Liquid Sodium Permanganate from Bonded Chemicals Inc. of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024 at \$9.68 per gallon at an amount **not to exceed** One Hundred Sixteen Thousand One Hundred Sixty and 00/100 Dollars (\$116,160.00). Said Liquid Sodium Permanganate shall be provided in accordance with the proposal of the said Bonded Chemicals Inc. of Columbus, Ohio, 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 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: December 11, 2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 17,000 GALLONS, MORE OR LESS, OF HYDROFLUOSILICIC ACID FROM BONDED CHEMICALS, INC. OF COLUMBUS, OHIO, FOR USE AT THE BIG ISLAND WATER WORKS PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of Seventeen Thousand (17,000) gallons, more or less, of Hydrofluosilicic Acid for use at the Big Island Water Works Plant, five (5) appropriate bids were received and the bid of Bonded Chemicals, Inc. of Columbus, Ohio, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Big Island Water Works Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 hereby authorized and directed to purchase Seventeen Thousand (17,000) gallons, more or less, of Hydrofluosilicic Acid from Bonded Chemicals, Inc. of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024 at \$2.93 per gallon at an amount **not to exceed** Forty-Nine Thousand Eight Hundred Ten and 00/100 Dollars (\$49,810.00). Said Hydrofluosilicic Acid shall be provided in accordance with the proposal of the said Bonded Chemicals, Inc. of Columbus, Ohio, 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 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: December 11, 2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 50,000 GALLONS, MORE OR LESS, OF SODIUM HYDROXIDE LIQUID FROM UNIVAR USA INC. OF CINCINNATI, OHIO, FOR USE AT THE BIG ISLAND WATER WORKS PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of Fifty Thousand (50,000) gallons, more or less, of Sodium Hydroxide Liquid, for use at the Big Island Water Works Plant, five (5) appropriate bids were received and the bid of Univar USA Inc. of Cincinnati, Ohio, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Big Island Water Works Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 hereby authorized and directed to purchase Fifty Thousand (50,000) gallons, more or less, of Sodium Hydroxide Liquid from Univar USA Inc. of Cincinnati, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024 at \$2.2903 per gallon at an amount **not to exceed** One Hundred Fourteen Thousand Five Hundred Fifteen and 00/100 Dollars (\$114,515.00). Said Sodium Hydroxide Liquid shall be provided in accordance with the proposal of the said Univar USA Inc. of Cincinnati, Ohio, 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 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: December 11, 2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 90,000 GALLONS, MORE OR LESS, OF SODIUM HYPOCHLORITE FROM BONDED CHEMICALS, INC. OF COLUMBUS, OHIO, FOR USE AT THE BIG ISLAND WATER WORKS PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of Ninety Thousand (90,000) gallons, more or less, of Sodium Hypochlorite for use at the Big Island Water Works Plant, three (3) appropriate bids were received and the bid of Bonded Chemicals, Inc. of Columbus, Ohio, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Big Island Water Works Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 hereby authorized and directed to purchase Ninety Thousand (90,000) gallons, more or less, of Sodium Hypochlorite from Bonded Chemicals, Inc. of Columbus, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024 at \$2.15 per gallon at an amount **not to exceed** One Hundred Ninety-Three Thousand Five Hundred and 00/100 Dollars (\$193,500.00). Said Sodium Hypochlorite shall be provided in accordance with the proposal of the said Bonded Chemicals, Inc. of Columbus, Ohio, 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 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: December 11, 2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 110,500 GALLONS, MORE OR LESS, OF ALUMINUM SULFATE POLYMER BLEND FROM APPLIED SPECIALTIES, INC., OF AVON LAKE, OHIO, FOR USE AT THE BIG ISLAND WATER WORKS PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of One Hundred Ten Thousand Five Hundred (110,500) gallons, more or less, of Aluminum Sulfate Polymer Blend for use at the Big Island Water Works Plant, two (2) appropriate bids were received and the bid of Applied Specialties, Inc., of Avon Lake, Ohio, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Big Island Water Works Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 hereby authorized and directed to purchase One Hundred Ten Thousand Five Hundred (110,500) gallons, more or less, of Aluminum Sulfate Polymer Blend from Applied Specialties, Inc., of Avon Lake, Ohio, for use at the Big Island Water Works Plant during the calendar year 2024 for \$3.5248 per gallon at an amount **not to exceed** Three Hundred Eighty-Nine Thousand Four Hundred Ninety and 40/100 Dollars (\$389,490.40). Said Aluminum Sulfate Polymer Blend shall be provided in accordance with the proposal of the said Applied Specialties, Inc., of Avon Lake, Ohio, 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 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: December 11, 2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 155,000 POUNDS, MORE OR LESS, OF POWDERED ACTIVATED CARBON FROM CHEMRITE INC. OF BUFORD, GEORGIA, FOR USE AT THE BIG ISLAND WATER WORKS PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of One Hundred Fifty-Five Thousand (155,000) pounds, more or less, of Powdered Activated Carbon for use at the Big Island Water Works Plant, three (3) appropriate bids were received and the bid of Chemrite Inc. of Buford, Georgia, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Big Island Water Works Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 hereby authorized and directed to purchase One Hundred Fifty-Five Thousand (155,000) pounds, more or less, of Powdered Activated Carbon from Chemrite Inc. of Buford, Georgia, for use at the Big Island Water Works Plant during calendar year 2024 at \$1.29 per pound at an amount **not to exceed** One Hundred Ninety-Nine Thousand Nine Hundred Fifty and 00/100 Dollars (\$199,950.00). Said Powdered Activated Carbon shall be provided in accordance with the proposal of the said Chemrite Inc. of Buford, Georgia, 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 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: December 11, 2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 350,000 POUNDS, MORE OR LESS, OF FERROUS CHLORIDE SOLUTION FROM KEMIRA WATER SOLUTIONS, INC., OF LAWRENCE, KANSAS, FOR USE AT THE WASTEWATER TREATMENT PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of Three Hundred Fifty Thousand (350,000) pounds, more or less, of Ferrous Chloride Solution for use at the Wastewater Treatment Plant, one (1) appropriate bid was received and the bid of Kemira Water Solutions, Inc., of Lawrence, Kansas, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Wastewater Treatment Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 hereby authorized and directed to purchase Three Hundred Fifty Thousand (350,000) pounds, more or less, of Ferrous Chloride Solution from Kemira Water Solutions, Inc., of Lawrence, Kansas, for use at the Wastewater Treatment Plant during calendar year 2024 at \$1.219 per pound at an amount **not to exceed** Four Hundred Twenty-Six Thousand Six Hundred Fifty and 00/100 Dollars (\$426,650.00). Said Ferrous Chloride Solution shall be provided in accordance with the proposal of the said Kemira Water Solutions, Inc., of Lawrence, Kansas, 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 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: December 11, 2023

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE 88,000 POUNDS, MORE OR LESS, OF POLYMER LIQUID FROM SNF POLYDYNE INC. OF RICEBORO, GEORGIA, FOR USE AT THE WASTEWATER TREATMENT PLANT DURING THE CALENDAR YEAR 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public competitive bidding as required by law for the purchase of Eighty-Eight Thousand (88,000) pounds, more or less, of Polymer Liquid for use at the Wastewater Treatment Plant, one (1) appropriate bid was received and the bid of SNF Polydyne, Inc. of Riceboro, Georgia, was determined to be the lowest and best bid; and

WHEREAS, funds for this purchase are routinely included in the Wastewater Treatment Plant's operating budget; 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 delivery of this product as needed by January 1, 2024; 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 hereby authorized and directed to purchase Eighty-Eight Thousand (88,000) pounds, more or less, of Polymer Liquid from SNF Polydyne Inc., of Riceboro, Georgia, for use at the Wastewater Treatment Plant during calendar year 2024 at \$1.68 per pound at an amount **not to exceed** One Hundred Forty-Seven Thousand Eight Hundred Forty and 00/100 Dollars (\$147,840.00). Said Polymer Liquid shall be provided in accordance with the proposal of the said SNF Polydyne Inc., of Riceboro, Georgia, 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 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: December 11, 2023



DEPARTMENT OF PUBLIC WORKS

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

To: John Orzech, City Manager

From: Joshua Synder, P.E., Public Works Engineer

Date: November 22, 2023

Subject: **Commission Agenda Item – Amending Ordinance No. 21-082 for Encroachment License Agreement for Property Located at 426 Warren Street**

ITEM FOR CONSIDERATION: Legislation amending Ordinance No. 21-082 and approving an Encroachment License Agreement for the current owners of property located at 426 Warren Street.

BACKGROUND INFORMATION: As part of the Warren Street Reconstruction project staff had identified eight (8) properties that had portions of structures encroaching into City right-of-way along the project limits. From there staff presented legislation to City Commission at the June 14, 2021, meeting requesting approval to sign into Encroachment License Agreements with identified properties.

The City fully executed and recorded all encroachment agreements except for one at 426 Warren Street. The current owner at the time was unresponsive to our requests to sign the agreement, which, had no negative effect or cost to the property owner. Since that time, the property was sold and is owned by Scott & Dawn Gallagher. We are requesting legislation amending Ordinance No. 21-082 to enter into a encroachment license agreement with the new owners.

426 Warren Street, 56-00864.000

Scott & Dawn Gallagher

Existing portion of a brick planter and the building encroaches onto City right-of-way 16 square feet.

BUDGETARY INFORMATION: The cost of the recording is estimated to be \$90.00 and will be paid for using Capital Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared to approving the amendment to the owner for an Encroachment License Agreement for property located at 426 Warren Street 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 the execution of the agreement and filing with the Erie County Recorder's office immediately, as the project is currently under construction.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director

cc: Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Encroachment 426 Warren Street

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 #430-7600-55990

By: _____



Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 21-082, PASSED ON JUNE 14, 2021; AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH SCOTT AND DAWN GALLAGHER, TO PROVIDE FOR THE USE OF A CERTAIN PORTION OF THE CITY'S RIGHT-OF-WAY, AS DESCRIBED IN THE GRANT OF A LICENSE FOR ENCROACHMENT, FOR PURPOSES OF RETAINING AN EXISTING BRICK PLANTER AND BUILDING; 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, during the design phase of the Warren Street Reconstruction Project, the consulting firm, LJB, Inc., discovered eight (8) properties along the project limits were encroaching onto City right-of-way without a License Agreement in place; and

WHEREAS, the City Commission approved License Agreements for all eight (8) properties by Ordinance Nos. 21-080 through 21-087, passed on June 14, 2021, and subsequently, all of the agreements were fully executed and recorded except for the license for the property located at 426 Warren Street; and

WHEREAS, since this time, the property at 426 Warren Street was sold and is currently owned by Scott & Dawn Gallagher who desire to enter into a License Agreement with the City for their property to retain and maintain an existing brick planter and building within the City's right-of-way located on the east side of Warren Street and south side of Adams Street; 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 allow the Grant of a License for Encroachment to be fully executed and recorded as the Warren Street Reconstruction Project is currently under construction; 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. This City Commission hereby amends Ordinance No. 21-082, passed on June 14, 2021.

Section 2. The City Manager is authorized and directed to enter into the Grant of a License for Encroachment Agreement with **Scott and Dawn Gallagher**, 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 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: December 11, 2023

**GRANT OF A LICENSE FOR ENCROACHMENT ON THE EAST SIDE OF WARREN
STREET, SOUTH SIDE OF ADAMS STREET
(426 Warren Street)**

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, Erie County, Ohio, 44870, and Scott Gallagher and Dawn Gallagher, ("Licensee") whose tax mailing address is 426 Warren Street, Sandusky, Ohio 44870, under the following conditions and circumstances:

Whereas, 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 Warren Street and is more fully described in Exhibit "A" which is attached to this License Agreement and is specifically incorporated as if fully rewritten herein.

Whereas, the Licensee is the owner in fee simple of the real estate adjoining the east side of the Warren Street right-of-way located at 426 Warren Street., Sandusky, OH 44870.

Whereas, the Licensee desires to retain and maintain the exterior brick planter and building (the "Encroachment"), within the City's rights-of-way, located at 426 Warren Street, Sandusky, Ohio, and as more fully described in Exhibits "A" and "B" which is attached to this License Agreement and is specifically incorporated as if fully rewritten herein.

Whereas, the City is willing to grant to Licensee a temporary license to maintain the Encroachment so long as the Encroachment is not substantially altered.

**NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, 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 the real property located at 426 Warren Street, Sandusky, OH 44870, provided that the Encroachment is not substantially altered, that the Licensee complies with all legal requirements, and Licensee acknowledges that this grant of a license is terminable at the will of the City;
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 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. This Agreement shall run with the land but is only a temporary license, terminable at the will of the City.

SIGNATURE PAGES TO FOLLOW

My Commission Expires: _____

SIGNED AND ACKNOWLEDGED CITY 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: _____

Instrument prepared by:

Sarah S. Chiappone #0101179
Assistant Law Director
City of Sandusky

**LEGAL DESCRIPTION
ENCROACHMENT LICENSE AGREEMENT (ELA)
FOR A PORTION OF A BRICK PLANTER AND BUILDING
426 WARREN STREET
16 SQ. FT.**

Situated in the City of Sandusky, County of Erie, State of Ohio and being part of parcel 56-00864.000 currently owned by Kevin Dickens by record number 201909321 of Erie County Records (ECR) and further described bounded as follows:

Commencing at the intersection of the centerlines of East Adams Street and Warren Street (66 feet wide); THENCE; S 23° 40'03" E, along said Warren Street centerline, a distance of 308.44 feet to a point on same; THENCE; N 66° 19'57" E, leaving said centerline, a distance of 33.00 feet to a point on the easterly right of way of Warren Street and being the principal place of beginning of the ELA herein described;

Thence S 23° 40'03" E, along said right of way, a distance of 27.94 feet to a point on the on same;

Thence S 64° 04'24" W, leaving said right of way, a distance of 1.24 feet to a point;

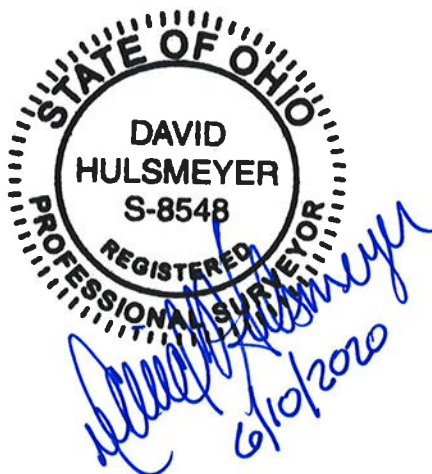
Thence N 23° 32'07" W, a distance of 11.77 feet to a point;

Thence N 68° 03'41" E, a distance of 1.04 feet to a point;

Thence N 23° 03'26" W, a distance of 16.24 feet to the principal place of beginning.

Containing 16 square feet, more or less, and being subject to all legal highways and easements of record.

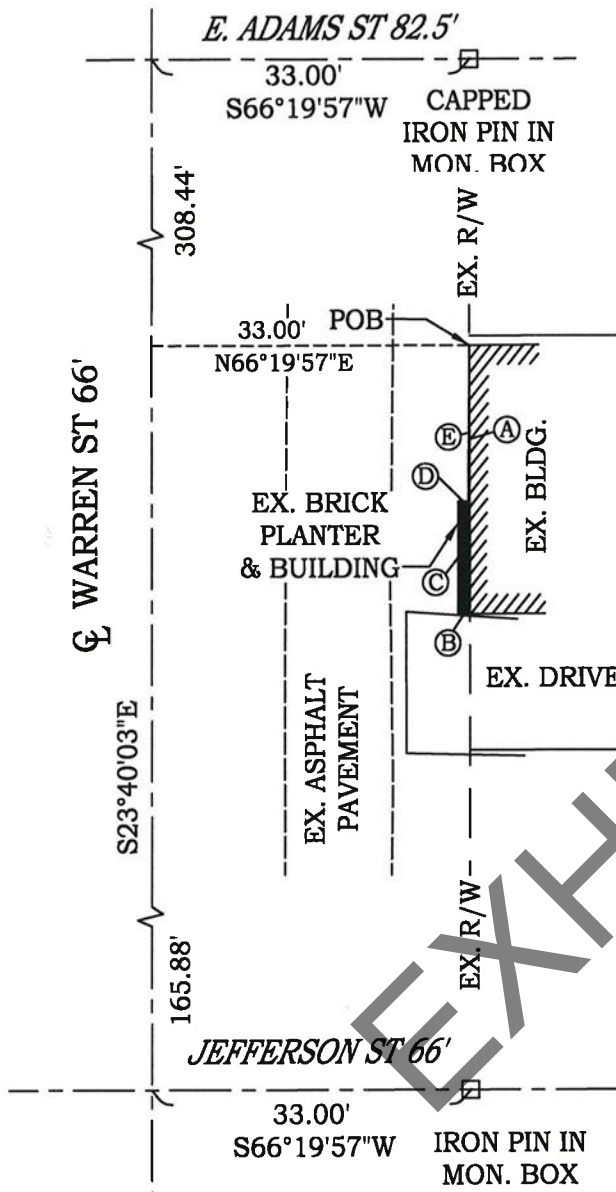
Bearings cited within the above description are to an assumed meridian and indicate angles only. The intent is to describe an encroachment license agreement area encompassing a portion of an existing brick planter and building. This description was prepared by David Hulsmeyer P.S. No. 8548 from a survey by LJB, Inc. conducted in April 2020.



ENCROACHMENT LICENSE AGREEMENT

426 WARREN STREET

EAST SIDE OF WARREN STREET, SOUTH SIDE OF ADAMS
STREET, CITY OF SANDUSKY, ERIE COUNTY, OHIO



GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

A	S23°40'03"E	27.94'
B	S64°04'24"W	1.24'
C	N23°32'07"W	11.77'
D	N68°03'41"E	1.04'
E	N23°03'26"W	16.24'

ENCROACHMENT

LICENSE AREA

16 SQ. FT.



CERTIFICATION

I HEREBY CERTIFY THAT THIS AGREEMENT IS BASED ON A SURVEY CONDUCTED BY LJB, INC. IN APRIL 2020. BEARINGS USED HEREIN ARE BASED ON AN ASSUMED MERIDIAN AND INDICATE ANGLES ONLY. DISTANCES ARE MEASURED IN FEET AND DECIMAL PARTS THEREOF.

David Hulsmeyer
DAVID HULSMEYER, P.S. DATE 6/10/2020
OHIO LICENSED PROFESSIONAL SURVEY NO. 8548



LJB Inc.
22710 Fairview Center Drive
Suite 200
Fairview Park, OH 44126
Tel: (440) 683-4504
LJBinc.com



DEPARTMENT OF PUBLIC WORKS

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

To: John Orzech, City Manager

From: Joshua Snyder, P.E., Public Works Engineer

Date: November 28, 2023

Subject: Commission Agenda Item – Systemic Safety Improvement Grant Applications

ITEM FOR CONSIDERATION: Legislation approving and ratifying the submission of a grant application to the Ohio Department of Transportation (ODOT) for multiple Pedestrian safety project grant applications, with construction design, then bidding to follow, if awarded.

BACKGROUND INFORMATION: ODOT has announced funding for Systemic Pedestrian and Roadway Departure Safety funds are available for qualified areas in need of said improvements.

If approved, said project(s) will be funded at 90/10, with ODOT being the 90% share. For this round of projects, we assume the normal course of 4-years applies, like most ODOT projects, considering the timing of design and planning, construction could take place in Calendar year 2027. Engineered construction estimates are not prepared at this time, due to the lack of design plan development. Solicitation was just made on November 6, 2023.

Three projects of interest at this point are the following, in order:

1. Washington Parks Pedestrian Improvements
 - a. 3 Mid-block Pedestrian Crossings (2 on Washington St., 1 on Columbus)– striping and Sign upgrades.
 - b. 3 sets of pedestrian activated crosswalk flashers.
2. East Cleveland Rd. (US Rte 6) Sidewalk, Curb & Drainage between Remington Ave. and East Shoreway Drive on the South side. This area does not have sidewalks currently.
 - a. 2 ADA sidewalk ramps at intersections
 - b. 1505' (7525sf) of sidewalk
 - c. 4500' of curbing
 - d. Limited driveway apron replacement
 - e. Pedestrian crossing markings and signs at E. Shoreway Dr.
 - f. 1 set of Pedestrian activated crosswalk flashers at E. Shoreway Drive
 - g. Concrete bus stop aprons
 - h. Limited storm sewer and drainage improvements
3. Cleveland Rd. Revetment
 - a. Restore and reinforce about 1200' of shoreline at the Heminger Ditch outlet. This Marsh area backwater has eroded and deteriorated, particularly with the high bay/lake levels of 2021. Restoring this material with large rock, as revetment would protect the roadway, bridge and prime this segment of Cleveland Rd. for the Sandusky Bay Pathway alignment to connect to the Eastern edge of the City.
 - b. Work may include guardrail, depending on the final designs dropoff and back-slope.

For item 1, design will be pretty straightforward and the specifications used at other mid-block crosswalks will be utilized to keep these mid-block crosswalks uniform throughout the City. This will upgrade the existing mid-block crosswalks used by locals and visitors whom traverse the 4 corners of the Washington Parks to see the Floral clock, Gazebo, Boy with the Boot fountain,

For item 2, design began last year. Commission approved Ordinance 23-061, passed on March 13, 2023.

For item 3, design will hinge on the soil type, and require a shoreline structure permit from ODNR. This will widen and fortify the effective pavement “shoulder”, which supports the Northern edge of Cleveland Road through this section.

BUDGETARY INFORMATION: There is no financial obligation to apply for said grant(s). Any further project development (planning, design, construction, etc.) requiring expenditures over \$10,000 will be forthcoming to the City Commission for approval.

ACTION REQUESTED: It is recommended that proper legislation be prepared allowing the city manager to submit grant applications to ODOT 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 submit application to ODOT District 3 Office by the deadline of December 22, 2023, as requested.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director of Public Works

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FINANCIAL ASSISTANCE THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) SYSTEMIC SAFETY IMPROVEMENT PROGRAM FOR THE WASHINGTON PARKS PEDESTRIAN IMPROVEMENTS PROJECT; 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) dedicates funds annually through the Highway Safety Improvement Program for the purpose to reduce traffic deaths and serious injuries on all public roads and in January 2022, launched a new systemic safety improvement program with a focus on preventing injuries related to pedestrian and roadway departure crashes; and

WHEREAS, the City desires to submit an application to the Ohio Department of Transportation for financial funding through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the Washington Parks Pedestrian Improvements Project; and

WHEREAS, the Washington Parks Pedestrian Improvements Project involves the installation of three (3) mid-block pedestrian crossings with striping and sign upgrades and three (3) sets of pedestrian activated crosswalk flashers; and

WHEREAS, if approved, ODOT will provide 90% of the costs and the City's share will be 10%; 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 application to the Ohio Department of Transportation District 3 Office by the deadline of December 22, 2023, as requested; 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 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 **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. The City Manager is hereby authorized to execute and file a grant application on behalf of the City with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the Washington Parks Pedestrian Improvements Project and to execute any contracts or agreements on behalf of the City and lawfully expend funds consistent with the application should they 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: December 11, 2023

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FINANCIAL ASSISTANCE THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) SYSTEMIC SAFETY IMPROVEMENT PROGRAM FOR THE EAST CLEVELAND ROAD (US RTE 6) SIDEWALK, CURB & DRAINAGE PROJECT; 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) dedicates funds annually through the Highway Safety Improvement Program for the purpose to reduce traffic deaths and serious injuries on all public roads and in January 2022, launched a new systemic safety improvement program with a focus on preventing injuries related to pedestrian and roadway departure crashes; and

WHEREAS, the City desires to submit an application to the Ohio Department of Transportation for financial funding through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the East Cleveland Road (US RTE 6) Sidewalk, Curb & Drainage Project; and

WHEREAS, this City Commission approved an agreement for professional design services with Chagrin Valley Engineering of Cleveland, Ohio, for the East Cleveland Road (US RTE 6) Sidewalk, Curb & Drainage Project by Ordinance No. 23-061, passed on March 23, 2023; and

WHEREAS, the East Cleveland Road (US RTE 6) Sidewalk, Curb & Drainage Project involves the area between Remington Avenue and E. Shoreway Drive on the south side and consists of the installation of two (2) ADA sidewalk ramps at intersections, 1,505 feet of sidewalk, 4,500 feet of curbing, limited driveway apron replacement, pedestrian crossing markings and signs along with a set of pedestrian activated crosswalk flashers at E. Shoreway Drive, concrete bus stop aprons and limited storm sewer and drainage improvements; and

WHEREAS, if approved, ODOT will provide 90% of the costs and the City's share will be 10%; 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 application to the Ohio Department of Transportation District 3 Office by the deadline of December 22, 2023, as requested; 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 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 **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. The City Manager is hereby authorized to execute and file an grant application on behalf of the City with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the East Cleveland Road (US RTE 6) Sidewalk, Curb & Drainage Project and to execute any contracts or agreements on behalf of the City and lawfully expend funds consistent with the application should they 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: December 11, 2023

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR FINANCIAL ASSISTANCE THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) SYSTEMIC SAFETY IMPROVEMENT PROGRAM FOR THE CLEVELAND ROAD REVETMENT PROJECT; 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) dedicates funds annually through the Highway Safety Improvement Program for the purpose to reduce traffic deaths and serious injuries on all public roads and in January 2022, launched a new systemic safety improvement program with a focus on preventing injuries related to pedestrian and roadway departure crashes; and

WHEREAS, the City desires to submit an application to the Ohio Department of Transportation for financial funding through the Highway Safety Improvement Program (HSIP) Systemic Safety Improvement Program for the Cleveland Road Revetment Project; and

WHEREAS, the Cleveland Road Revetment Project involves the restoring and reinforcement of approximately 1,200 feet of shoreline at the Heminger Ditch outlet which has eroded and deteriorated and includes restoring with large rock to protect the roadway, bridge and prime this segment of Cleveland Road for the Sandusky Bay Pathway alignment to connect to the eastern edge of the City; and

WHEREAS, if approved, ODOT will provide 90% of the costs and the City's share will be 10%; 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 application to the Ohio Department of Transportation District 3 Office by the deadline of December 22, 2023, as requested; 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 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 **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. The City Manager is hereby authorized to execute and file an grant application on behalf of the City with the Ohio Department of Transportation for financial assistance through the Highway Safety Improvement Program (HSIP) Systemic Safety Funding Program for the Cleveland Road Revetment Project and to execute any contracts or agreements on behalf of the City and lawfully expend funds consistent with the application should they 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: December 11, 2023



DEPARTMENT OF PUBLIC WORKS

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

To: John Orzech, City Manager

From: Josh Snyder, Public Works Engineer

Date: November 28, 2023

Subject: **Commission Agenda Item – Change Order 1 & Final deduct, East Monroe Street Resurfacing Project ERI-CR0504-00.49 (Monroe St) PID 110322**

ITEM FOR CONSIDERATION: Requesting legislation for approval of Change Order 1 and Final for East Monroe Street Resurfacing Project ERI-CR0504-00.49 (Monroe St) PID 110322.

BACKGROUND INFORMATION: Legislation was passed at the January 9, 2023, City Commission meeting awarding a construction contract of the East Monroe Street Resurfacing Project ERI-CR0504-00.49 (Monroe St) PID 110322 project to Erie Blacktop Inc., of Sandusky, Ohio, pursuant to Ordinance 23-004 in the amount of \$769,134.27. This project will provided for improvements to East Monroe Street from Decatur Street to Meigs Street and included milling of existing pavement, resurfacing with intermediate and surface courses of asphalt, full depth and partial depth base repairs, limited curb and gutter improvements, adjustments to manholes, monument boxes and water value boxes, ADA curb ramps and pavement markings.

The project has a decrease in price due to variation in quantities from the estimate to construction, see detailed change order attached.

BUDGETARY INFORMATION: The original contract with Erie Blacktop Inc. of Sandusky, Ohio was \$769,134.27, Change Order 1 is a decrease of \$13,472.18, making the final cost of the project \$755,662.09 of which \$589,064.35 will be paid with ODOT funds and \$166,597.74 paid for with Capital Projects funds (Issue 8).

ACTION REQUESTED: It is recommended that proper legislation be prepared for Change Order 1 & Final for the East Monroe Street Resurfacing Project ERI-CR0504-00.49 (Monroe St) PID 110322 decreasing the contract by \$13,472.18, with a final contract cost of \$755,662.09 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 final project closeout.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director

cc: Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CHANGE ORDER

PROJECT

ERI-CR504-0.49 E Monroe St
PID No. 110322
City of Sandusky

C.O. # 1 Final

DATE November 16, 2023

CONTRACTOR

Erie Blacktop, Inc.
4507 Tiffin Ave
Sandusky, OH 44870

OWNER

City of Sandusky
240 Columbus Ave
Sandusky, OH 44870

CHANGE ORDER DETAIL

Ref. #	Description	Part Code	Quantity	Unit	Unit Price	Amount
	See Detail Sheet for All Items					
					Total	\$ (13,472.18)

Funding \ Participation Codes: 01 100% Project Funds - (80% Federal - 20% Local)
02 100% Local Funds

EXPLANATION OF NECESSITY

The Contractor hereby agrees to the Contract changes set forth in this Change Order and releases the Owner from any further obligation for compensation of any known or suspected direct or indirect costs of the work included herein.



See Attached Sheet for Explanation by Reference Number

CHANGE TO CONTRACT PRICE

Original Contract Price	\$ 769,134.27
Current Contract Price - Adjusted by Previous Change Order(s)	\$ 769,134.27
Increase \ Decrease Due to this Change Order	\$ (13,472.18)
New Contract Price - Including This Change Order	\$ 755,662.09

CHANGE TO CONTRACT TIME

Original Contract Completion Date	October 31, 2023
Contract Time (Days) Due to this Change Order	0 Days
Current Contract Completion Date	October 31, 2023

Recommended \ Approved By:	Signature	Date
ENGINEER \ CONST. MGR. K.E. McCartney & Associates Ryan Simon, P.E., CPESC	Recommended By: 	11/27/2023
CONTRACTOR Erie Blacktop, Inc. Christopher A. Schaeffer, President	Approved By: 	Nov 27, 2023
OWNER City of Sandusky Joshua Snyder, P.E., CPSWQ	Approved By:	

CHANGE ORDER DETAIL

PROJECT

ERI-CR504-0.49 E Monroe St
PID No. 110322
City of Sandusky

C.O. # 1 Final

DATE November 16, 2023

CONTRACTOR

Erie Blacktop, Inc.
4507 Tiffin Ave
Sandusky, OH 44870

OWNER

City of Sandusky
240 Columbus Ave
Sandusky, OH 44870

Ref. #	Description	Part. Code	Quantity	Unit	Unit Price	Amount
1	Pavement Planing, 3"	01	(0.28)	SY	\$ 3.40	\$ (0.95)
2	Partial Depth Repair	01	695.40	SY	\$ 44.00	\$ 30,597.60
3	Pavement Repair	01	(539.70)	SY	\$ 106.00	\$ (57,208.20)
4	Non-Tracking Tack Coat for Intermediate Surface	01	(86.22)	GAL	\$ 2.65	\$ (228.48)
5	Non-Tracking Tack Coat for Milled/Base Surface	01	(520.95)	GAL	\$ 2.65	\$ (1,380.52)
6	Asphalt Concrete PG64-22 Intermediate Type 2 (448) 1-	01	(49.69)	CY	\$ 175.00	\$ (8,695.75)
7	Asphalt Concrete PG64-22 Surface Course Type 1 (448)	01	10.05	CY	\$ 210.00	\$ 2,110.50
8	Catch Basin Adjusted to Grade Includes New	01	(2.00)	EA	\$ 1,200.00	\$ (2,400.00)
9	Cach Basin, City Standard Type 1	01	1.00	EA	\$ 4,600.00	\$ 4,600.00
10	Casting Adjusted to Grade-Sewer MH-Includes New	01	(1.00)	EA	\$ 1,150.00	\$ (1,150.00)
13	Water Valve Adjusted to Grade-Includes New 3 Piece	01	(2.00)	EA	\$ 840.00	\$ (1,680.00)
17	4" Sidewalk Removal	01	(56.70)	SF	\$ 3.15	\$ (178.60)
18	Curb Removed	01	(1.40)	FT	\$ 19.95	\$ (27.93)
19	Curb Ramp Area	01	859.60	SF	\$ 9.60	\$ 8,252.16
20	Truncated Domes-Red	01	14.00	SF	\$ 32.50	\$ 455.00
21	4" Concrete Sidewalk	01	7.00	SF	\$ 9.60	\$ 67.20
22	Concrete Type 2 Curb and Gutter	01	12.00	FT	\$ 32.55	\$ 390.60
23	4" and 6" Sidewalk Removal	01	(1.50)	SF	\$ 3.15	\$ (4.73)
24	4" Concrete Sidewalk	01	(2.70)	SF	\$ 9.60	\$ (25.92)
25	6" Concrete Sidewalk and Drive Approaches	01	41.80	SF	\$ 10.25	\$ 428.45
26	8" Concrete Sidewalk and Drive Approaches	01	(0.80)	SF	\$ 11.00	\$ (8.80)
27	Misc. Concrete Type 2 Curb and Gutter Removal - As	01	(200.00)	FT	\$ 32.50	\$ (6,500.00)
28	Misc. 4" and 6" Sidewalk Removal	01	1,111.00	SF	\$ 3.15	\$ 3,499.65
29	Misc. 4" Concrete Sidewalk - As Directed	01	259.20	SF	\$ 9.60	\$ 2,488.32
30	Misc. 6" Concrete Sidewalk - As Directed	01	(400.00)	SF	\$ 10.25	\$ (4,100.00)
31	Misc. Concrete Type 2 Curb and Gutter - As Directed	01	(200.00)	FT	\$ 32.50	\$ (6,500.00)
35	Loop Detector Replacement	01	(5.00)	EA	\$ 2,100.00	\$ (10,500.00)
36	Crosswalk - 24" Width Per Plan	01	(2,820.00)	FT	\$ 2.65	\$ (7,473.00)
37	White Channel Line - 4" Wide	01	(300.00)	FT	\$ 1.05	\$ (315.00)
38	Double Yellow Centerline	01	(0.55)	MILE	\$ 4,200.00	\$ (2,310.00)
39	Stop Bar - 24" Width	01	(459.00)	FT	\$ 4.20	\$ (1,927.80)
40	Word	01	(2.00)	EA	\$ 315.00	\$ (630.00)
41	Arrows	01	(10.00)	EA	\$ 52.50	\$ (525.00)
42	Erosion Control	01	(6,000.00)	EA	\$ 1.00	\$ (6,000.00)

CHANGE ORDER DETAIL

PROJECT

ERI-CR504-0.49 E Monroe St
PID No. 110322
City of Sandusky

C.O. # 1 Final

DATE November 16, 2023

CONTRACTOR

Erie Blacktop, Inc.
4507 Tiffin Ave
Sandusky, OH 44870

OWNER

City of Sandusky
240 Columbus Ave
Sandusky, OH 44870

Ref. #	Description	Part. Code	Quantity	Unit	Unit Price	Amount
100	Crosswalk - 24" Width Per Plan	01 / 02	2,621.00	LF	\$ 7.35	\$ 19,264.35
101	White Channel Line - 4" Wide	01 / 02	285.00	LF	\$ 4.20	\$ 1,197.00
102	Double Yellow Centerline	01 / 02	0.71	MILE	\$ 8,400.00	\$ 5,964.00
103	Stop Bar - 24" Width	01 / 02	428.00	LF	\$ 7.35	\$ 3,145.80
104	Word	01 / 02	2.00	EA	\$ 945.00	\$ 1,890.00
105	Arrows	01 / 02	10.00	EA	\$ 105.00	\$ 1,050.00
106	F.A. Catch Basin Reconstructs	01	1.00	LS	\$ 3,522.56	\$ 3,522.56
107	104.02 Adjustments	01	1.00	LS	\$ 17,375.31	\$ 17,375.31
Totals						\$ (13,472.18)

Funding \ Participation Codes: 01 100% Project Funds - (80% Federal - 20% Local)
02 100% Local Funds

CHANGE ORDER DETAIL

PROJECT

ERI-CR504-0.49 E Monroe St
PID No. 110322
City of Sandusky

C.O. # 1 Final

DATE November 16, 2023

CONTRACTOR

Erie Blacktop, Inc.
4507 Tiffin Ave
Sandusky, OH 44870

OWNER

City of Sandusky
240 Columbus Ave
Sandusky, OH 44870

EXPLANATION OF NECESSITY

Ref. # 1-10, 13, 17-26, 28, 29, 35

The quantities for the above reference items have been determined from actual field measurements and/or calculations for the work completed and accepted on the project.

Ref. # 27, 30, 31, 42

The reference items listed above were not needed to complete the project and fulfill the intent of the plans per the engineer/owner.

Ref.# 36 - 41 Pavement Markings, 642 Paint

At the City's request and with ODOT's approval, these items will be non-performed and replaced with Pavement Markings, 644 Thermoplastic (Ref#s 100-105).

Ref. # 100 - 105 Pavement Markings, 644 Thermoplastic

At the City's request and with ODOT's approval, these items replace REF #s 36, 37, 38, 39, 40, & 41. The contractor submitted a new price adjusted for the requested material change. The price was reviewed for conformity with the specifications and the costs exceeds State Avg Pricing. Since the City's request is a preference, ODOT will participate up to the original contract unit pricing. Any costs above and beyond will be 100% Local responsibility. See included attachment for Part Code 1 vs Part Code 2 breakdown.

Ref. # 106 - FA Catch Basin Reconstructs

With the approval of ODOT and the City the contractor performed this work under force account. The force account was reviewed for conformance with the specifications and the costs associated with labor, equipment, and material were acceptable.

Ref. # 107 - 104.02 Adjustments

The references shown on the attached worksheet are eligible for the adjustment of the unit prices in accordance with Section 104.02 (Table 104.02-2) of the 2019 O.D.O.T. Construction and Materials Specifications. See the attached worksheet for determination and calculation of the amounts.

Contract Time Extension

This work did not delay the project completion.

By signing this FINAL change order, the contractor acknowledges that there will not be any future claims for additional compensation on this project.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY ERIE BLACKTOP, INC. OF SANDUSKY, OHIO, FOR THE EAST MONROE STREET RESURFACING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the East Monroe Street Resurfacing Project provided for improvements to East Monroe Street from Decatur Street to Meigs Street and includes the milling of existing pavement, resurfacing with intermediate and surface courses of asphalt, full depth and partial depth base repairs, limited curb and gutter improvements, adjustments to manholes, monument boxes, ADA curb ramps, and pavement markings; and

WHEREAS, the City Commission approved the submission of an application to the Erie Regional Planning Commission Metropolitan Planning Organization (MPO) for financial assistance for the East Monroe Street Resurfacing Project and, if awarded, approving an LPA Federal Local-Let Project Agreement with the Ohio Department of Transportation (ODOT) by Resolution No. 040-18R, passed on September 24, 2018; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed East Monroe Street Resurfacing Project by Resolution No. 059-22R, passed on October 24, 2022; and

WHEREAS, this First & Final Change Order reflects the actual work performed and the actual quantities used in the field by the contractor; and

WHEREAS, the original contract with Erie Blacktop, Inc. of Sandusky, Ohio, was \$769,134.27, and with the **deduction** of this First & Final Change Order in the amount of \$13,472.18, the final contract cost is \$755,662.09 of which \$589,064.35 (80% of eligible costs) will be paid with ODOT funds and the City's share of \$166,597.74 will be paid with Issue 8 Street Funds from the Capital Projects 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 close out the completed project; 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 hereby authorized and directed to approve this First & Final Change Order for work performed for the East Monroe Street Resurfacing Project (PID #110322), and to **deduct** from the contract amount the sum of Thirteen Thousand Four Hundred Seventy-Two and 18/100 Dollars (\$13,472.18) resulting in the final contract cost of Seven Hundred Fifty-Five Thousand Six Hundred Sixty-Two and 09/100 Dollars (\$755,662.09) with Erie Blacktop, Inc. of Sandusky, Ohio.

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: December 11, 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: November 27, 2023

Subject: **Commission Agenda Item – First and Final Change Order deduct, 2023 Sidewalk Repair & Replacement Project**

ITEM FOR CONSIDERATION: Requesting legislation for approval of Change Order 1 and Final for 2023 Sidewalk Repair & Replacement Project.

BACKGROUND INFORMATION: Legislation was passed at the May 22, 2023, City Commission meeting awarding a construction contract for the 2023 Sidewalk Repair & Replacement Project to JMJ Incorporated, LTD d.b.a Hula Construction of Castalia, Ohio, pursuant to Ordinance 23-117 in the amount of \$153,628.70. The project consisted of 7,532 square feet of sidewalk repairs and a portion of walk along North Depot Street receiving storm drainage tie-in, concrete work in the drive areas at Fire Station No. 7 and 3,828 square feet of sidewalk added at Shoreline Park.

The project has a decrease in price due to variation in quantities from the estimate to construction, as well as a reduction of most of the contingency item, spelled out in the change order document.

BUDGETARY INFORMATION: The original contract with JMJ Incorporated, LTD d.b.a Hula Construction of Castalia, Ohio, was \$153,628.70, Change Order 1 is a decrease of \$12,483.81, making the final cost of the project \$141,144.89 of which \$75,752.11 will be paid with Capital Projects Funds (Issue 8 Infrastructure), \$18,075.68 paid with American Rescue Act Funds and the remaining balance of \$47,317.10 paid with Capital Improvement Funds.

ACTION REQUESTED: It is recommended that proper legislation be prepared for Change Order 1 & Final for the 2023 Sidewalk Repair & Replacement Project, decreasing the contract by \$12,483.81, with a final contract cost of \$141,144.89 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 final project closeout.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

Project: 2023 Sidewalk Repair & Replacement Project
Construction Work Order No.: 1 & Final

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED BY JMJ INCORPORATED LTD, D.B.A. HULA CONSTRUCTION OF CASTALIA, OHIO, FOR THE 2023 SIDEWALK REPAIR & REPLACEMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the 2023 Sidewalk Repair & Replacement Project consisted of over 8,184 square feet of sidewalk repairs and a portion of walk along North Depot Street receiving storm drainage tie-in within the walkway as there was heavy ponding from the roadway; and

WHEREAS, this project also included concrete work necessary at Fire Station #7 and additional walkway within Shoreline Park; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed 2023 Sidewalk Repair & Replacement Project by Resolution No. 018-23R, passed on April 10, 2023; and

WHEREAS, the City Commission approved the awarding of the contract to JMJ Incorporated, LTD d.b.a. Hula Construction of Castalia, Ohio, for work to be performed for the 2023 Sidewalk Repair & Replacement Project by Ordinance No. 23-117, passed on May 22, 2023; and

WHEREAS, this First & Final Change Order reflects the actual work performed and the actual quantities used in the field by the contractor as well as a substantial reduction in the contingency amount; and

WHEREAS, the original contract with JMJ Incorporated, LTD d.b.a. Hula Construction of Castalia, Ohio, was \$153,628.70, and with the **deduction** of this First & Final Change Order in the amount of \$12,483.81, the final contract cost is \$141,144.89 of which \$75,752.11 will be paid with Capital Projects Funds (Issue 8 Infrastructure) \$18,075.68 will be paid with American Rescue Act Funds and the remaining balance of \$47,317.10 will be paid with Capital Improvement 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 close out the completed project; 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 hereby authorized and directed to approve this First & Final Change Order for work performed for the 2023 Sidewalk Repair & Replacement Project and to **deduct** from the contract amount the sum of Twelve Thousand Four Hundred Eighty-Three and 81/100 Dollars (\$12,483.81) resulting in the final contract cost of One Hundred Forty-One Thousand One Hundred Forty-Four and 89/100 Dollars (\$141,144.89) with JMJ Incorporated, LTD d.b.a. Hula Construction of Castalia, Ohio.

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: December 11, 2023



Building Division

240 Columbus Avenue

Sandusky, Ohio 44870

419.627.5940

www.CityofSandusky.com

To: John Orzech, City Manager

From: Scott Thom, Chief Building Official

Date: November 28, 2023

Subject: Commission Agenda Item - Consulting Contract for CY 2024 with George J. Poulos for Primary Master Plans Examiner and Back-up Building Official

Items for Consideration: A consulting contract with Mr. George J. Poulos to carry out the activities of Back-up Building Official and Primary Master Plans Examiner for the City of Sandusky. Mr. Poulos has performed these activities for the City for many years as the City's Chief Building Official and is currently certified to do so.

Background Information: This contract will continue to allow the City of Sandusky to meet the State of Ohio Board of Building Standards Certified Building Divisions/Departments requirements. Under state regulations, a certified building department may contract out the activities of Alternate Building Official and Alternate Master Plans Examiner to state certified professionals.

Budgetary Information: Mr. Poulos will be paid at the rate of \$2,500 per month for work performed for a total of \$30,000.00. The cost of this contract will be paid with the Building Division operating budget. The plan review expense will be paid by the collection of plan review fees by the Building Division. This contract can be terminated at any time, by either party, with thirty (30) day notice to the other party.

Action Requested: It is requested that the proper legislation be prepared to enter into a contract with Mr. Poulos and that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to have the agreement fully executed prior to the commencing date of January 1, 2024, and to meet the State of Ohio Board of Building Standards Certified Building Department requirements.

Scott Thom, Chief Building Official

I concur with this recommendation:

John Orzech, City Manager

cc: Cathy Myers, Clerk of the City Commission;
Stewart Hastings, Law Director;
Michelle Reeder, Finance Director

CERTIFICATE OF FUNDS

In the Matter of: Poulos Consulting Contract

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 #110-4090-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/1/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONSULTING CONTRACT WITH GEORGE J. POULOS FOR CY 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Building Division desires to use the services of George J. Poulos to carry out the activities of Back-up Building Official and Primary Alternate Master Plans Examiner for the City of Sandusky; and

WHEREAS, this contract allows the City of Sandusky to meet the State of Ohio Board of Building Standards Certified Building Department requirements; and

WHEREAS, under state regulations, a certified building department, such as the City's, may contract out the activities of Building Official and Master Plans Examiner to state certified professionals; and

WHEREAS, George J. Poulos has performed these activities for many years as the City's Chief Building Official and is currently certified to do so; and

WHEREAS, George J. Poulos will be paid \$2,500.00 per month for a total cost of \$30,000.00 and the funds to cover this contract are included in the Building Division's operating budget, with a portion of the cost for plan review to be paid by the collection of plan review fees by the Division of Building Inspection; 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 have the agreement fully executed prior to the commencing date on January 1, 2024; 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 Building Division, 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 hereby authorized and directed to enter into a Consulting Contract, a copy of which is attached to this Ordinance and marked Exhibit "A" and the original being on file with the Division of Building Inspection, with George J. Poulos for services as a Back-up Building Official and Primary

Alternate Master Plans Examiner for CY 2024. This Contract is necessary to meet the State of Ohio Board of Building Standards Certified Building Department requirements.

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: December 11, 2023

AGREEMENT FOR SERVICES OF CONSULTANT

This Agreement made on and entered into on this ____ day of _____, 2023, between the City of Sandusky, Ohio, a Municipal Corporation of the State of Ohio, located in the County of Erie, herein referred to as "City," and George J. Poulos herein referred to as "Consultant."

In consideration of the mutual promises herein set out, the parties agree as follows:

I. RECITALS

The City desires to contract with the Consultant to provide technical assistance and professional expertise as a Primary Master Plans Examiner (examining and judging building plans required to be submitted to the building department for approval), and a Back-up Building Official (performing the necessary inspections of new and existing buildings and structures for compliance with applicable legal requirements), in order to assist the City's Building Department and the City's Chief Building Official.

The Consultant acknowledges that he currently has the necessary education and experience to provide the services required by this agreement and will continue to maintain all certifications and professional licenses and attend required continuing education seminars, in order to provide the City with the consulting services required by this agreement.

II. SCOPE OF SERVICES / NON-ASSIGNMENT

The Consultant agrees to personally furnish professional and technical assistance at the request of the City's Chief Building Official or the Chief Development Officer, which includes but is not limited to the following:

- a. Primary Master Plans Examiner:

Consultant shall review and examine, with authority to approve, building plans submitted for approval in order to obtain appropriate building permits, thereby ensuring the continued certification of the City of Sandusky's Building Department;

b. Back-up Building Official:

Consultant shall inspect new and existing buildings and structures to ensure compliance with all applicable laws, regulations, and standards, which shall include the authority of condemnation of property and all appropriate nuisance abatement up to and including demolition of unsafe structures.

Consultant shall perform the duties under this agreement personally and shall not assign or delegate the performance of those duties to any other person.

III. INDEPENDENT CONTRACTOR

Consultant acknowledges that he is an independent contractor while performing the services required in this agreement. The City is contracting with Consultant for the services described within the body of this agreement and Consultant reserves the right to determine the method and manner by which the services will be performed subject to any timelines of certain services which is or may be required by the Governing Laws and Procedures. The City acknowledges that Consultant has other clients and offers services to the general public and that the order or sequence in which Consultant performs the services to the City is under the Consultant's control subject to the time devoted by Consultant necessary to comply with any applicable time requirements.

IV. INSURANCE

Consultant agrees to maintain a business liability insurance policy.

V. CONFIDENTIALITY

Consultant agrees that any information communicated in any manner to the Consultant during the performance of the services required by this agreement, which concerns confidential personal, financial or other affairs of the City or the public shall be treated by the Consultant as confidential and shall not be revealed or discussed unless specifically authorized in writing by the City to do so.

VI. COMPENSATION

Consultant shall be paid Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) per month for work performed in accordance with this agreement for a total of Thirty Thousand and 00/100 Dollars (\$30,000.00) per year.

VII. TERM AND TERMINATION

This agreement will begin January 1, 2024, and will terminate December 31, 2024. Either party may terminate this agreement by giving 30 days written notice to the other party by certified mail, return receipt requested, to Consultant at 3213 Country Club Lane, Huron, Ohio, 44839 and to the City at 240 Columbus Avenue, Sandusky, Ohio 44870, Attention: City Manager.

The notice of termination is deemed to be effective upon receipt by the other party. Upon termination of this agreement, Consultant shall have no further obligation to provide services to the City and the City shall have no further obligation to pay compensation beyond that for services rendered before the notice of termination is received or December 31, 2024, whichever occurs first.

VIII. PARTIES BOUND

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

IX. ENTIRE AGREEMENT

This Agreement sets forth the entire Agreement between the parties with regard to the subject matter of this Agreement. No other agreements, representations or warranties have been made by either party to the other with respect to the subject matter of this Agreement.

X. SEVERABILITY

If any of the provisions of this Agreement are found or deemed by a Court of competent jurisdiction to be invalid or unenforceable, they shall be considered severable from the remainder of this Agreement and shall not cause the remainder to be invalid or unenforceable.

XI. AMENDMENTS

This Agreement may be amended by the parties only by a written agreement signed by both parties.

SIGNATURE PAGE TO FOLLOW

WITNESSES:

CITY OF SANDUSKY:

John Orzech, City Manager

WITNESSES:

CONSULTANT:

George J. Poulos

Approved as to Form:

Sarah S. Chiappone (#0101179)
Assistant Law Director
City of Sandusky

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2024 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Date

Michelle Reeder
Director of Finance

Account Number



Building Division

240 Columbus Avenue

Sandusky, Ohio 44870

419.627.5940

www.CityofSandusky.com

To: John Orzech, City Manager

From: Scott Thom, Chief Building Official

Date: November 28, 2023

Subject: Commission Agenda Item - Consulting Contract for CY 2024 with Mr. Robert G. Stadler for Alternate Master Plans Examiner and Alternate Building Official.

Items for Consideration: A consulting contract with Mr. Robert G. Stadler to carry out the activities of Alternate Master Plans Examiner and Alternate Building Official for the City of Sandusky.

Background Information: This contract will continue to allow the City of Sandusky to meet the State of Ohio Board of Building Standards Certified Building Divisions/Departments requirements. Under state regulations, a certified building department may contract out the activities of Alternate Master Plans Examiner and Alternate Building Official to state certified professionals.

Budgetary Information: Mr. Stadler will be paid at the rate of \$55.00 per hour for work performed up to a maximum of \$7,500.00. The cost of this contract will be paid with the Building Division operating budget. The plan review expense will be paid by the collection of plan review fees by the Building Division. This contract can be terminated at any time, by either party, with thirty (30) day notice to the other party.

Action Requested: It is requested that the proper legislation be prepared to enter into contract with Mr. Stadler and that this legislation take effect in full accordance with Section 14 of the City Charter in order to have the agreement fully executed prior to the commencing date of January 1, 2024, and to meet the State of Ohio Board of Building Standards Certified Building Department requirements.

Scott Thom, Chief Building Official

I concur with this recommendation:

John Orzech, City Manager

cc: Cathy Myers, Clerk of the City Commission
Stewart Hastings, Law Director
Michelle Reeder, Finance Director

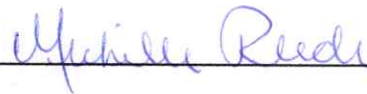
CERTIFICATE OF FUNDS

In the Matter of: Stadler Consulting Contract

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 #110-4090-53000

By: _____



Michelle Reeder

Finance Director

Dated: 12/1/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONSULTING CONTRACT WITH ROBERT G. STADLER FOR CY 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Building Division desires to use the services of Robert G. Stadler to carry out the activities of Alternate Building Official and Alternate Master Plans Examiner for the City of Sandusky; and

WHEREAS, this contract allows the City of Sandusky to meet the State of Ohio Board of Building Standards Certified Building Department requirements; and

WHEREAS, under state regulations, a certified building department, such as the City's, may contract out the activities of Building Official and Master Plans Examiner to state certified professionals; and

WHEREAS, Robert G. Stadler has performed these activities in the past and is currently certified to do so; and

WHEREAS, Robert G. Stadler will be paid at the rate of \$55.00 per hour up to a maximum of \$7,500.00 per year and the funds to cover this contract are included in the Building Division's operating budget, with a portion of the cost for plan review to be paid by the collection of plan review fees by the Division of Building Inspection; 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 have the agreement fully executed prior to the commencing date on January 1, 2024; 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 Building Division, 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 hereby authorized and directed to enter into a Consulting Contract, a copy of which is attached to this Ordinance and marked Exhibit "A" and the original being on file with the Division of Building Inspection, with Robert G. Stadler for services as an Alternate Building Official and Alternate

Master Plans Examiner for CY 2024. This Contract is necessary to meet the State of Ohio Board of Building Standards Certified Building Department requirements.

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: November 11, 2023

AGREEMENT FOR SERVICES OF CONSULTANT

This Agreement made on and entered into on this ____ day of _____, 2023, between the City of Sandusky, Ohio, a Municipal Corporation of the State of Ohio, located in the County of Erie, herein referred to as "City," and Robert G. Stadler herein referred to as "Consultant."

In consideration of the mutual promises herein set out, the parties agree as follows:

I. RECITALS

The City desires to contract with the Consultant to provide technical assistance and professional expertise as an Alternate Master Plans Examiner (examining and judging building plans required to be submitted to the building department for approval), and an Alternate Building Official (performing the necessary inspections of new and existing buildings and structures for compliance with applicable legal requirements), in order to assist the City's Building Department and the City's Chief Building Official.

The Consultant acknowledges that he currently has the necessary education and experience to provide the services required by this agreement and will continue to maintain all certifications and professional licenses and attend required continuing education seminars, in order to provide the City with the consulting services required by this agreement.

II. SCOPE OF SERVICES / NON-ASSIGNMENT

The Consultant agrees to personally furnish professional and technical assistance at the request of the City's Chief Building Official or the Chief Development Officer, which includes but is not limited to the following:

- a. Alternate Master Plans Examiner:

Consultant shall review and examine, with authority to approve, building plans submitted for approval in order to obtain appropriate building permits, thereby ensuring the continued certification of the City of Sandusky's Building Department;

b. Alternate Building Official:

Consultant shall inspect new and existing buildings and structures to ensure compliance with all applicable laws, regulations, and standards, which shall include the authority of condemnation of property and all appropriate nuisance abatement up to and including demolition of unsafe structures.

Consultant shall perform the duties under this agreement personally and shall not assign or delegate the performance of those duties to any other person.

III. INDEPENDENT CONTRACTOR

Consultant acknowledges that he is an independent contractor while performing the services required in this agreement. The City is contracting with Consultant for the services described within the body of this agreement and Consultant reserves the right to determine the method and manner by which the services will be performed subject to any timelines of certain services which is or may be required by the Governing Laws and Procedures. The City acknowledges that Consultant has other clients and offers services to the general public and that the order or sequence in which Consultant performs the services to the City is under the Consultant's control subject to the time devoted by Consultant necessary to comply with any applicable time requirements.

IV. INSURANCE

Consultant agrees to maintain a business liability insurance policy.

V. CONFIDENTIALITY

Consultant agrees that any information communicated in any manner to the Consultant during the performance of the services required by this agreement, which concerns confidential personal, financial or other affairs of the City or the public shall be treated by the Consultant as confidential and shall not be revealed or discussed unless specifically authorized in writing by the City to do so.

VI. COMPENSATION

Consultant shall be paid at the rate of Fifty-Five and 00/100 Dollars (\$55.00) per hour for work performed in accordance with this agreement up to a maximum of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00) per year.

Consultant agrees to timely submit monthly invoices to the Department of Community Development of the City representing services rendered for the previous 30 day period. The City agrees to make timely payment to Consultant within 30 days after receipt of the monthly invoice from Consultant.

VII. TERM AND TERMINATION

This agreement will begin January 1, 2024, and will terminate December 31, 2024. Either party may terminate this agreement by giving 30 days written notice to the other party by certified mail, return receipt requested, to Consultant at 1722 Shearwater Circle E, Huron, Ohio 44839, and to the City at 240 Columbus Avenue, Sandusky, Ohio 44870, Attention: City Manager.

The notice of termination is deemed to be effective upon receipt by the other party. Upon termination of this agreement, Consultant shall have no

further obligation to provide services to the City and the City shall have no further obligation to pay compensation beyond that for services rendered before the notice of termination is received or December 31, 2024, whichever occurs first.

VIII. PARTIES BOUND

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

IX. ENTIRE AGREEMENT

This Agreement sets forth the entire Agreement between the parties with regard to the subject matter of this Agreement. No other agreements, representations or warranties have been made by either party to the other with respect to the subject matter of this Agreement.

X. SEVERABILITY

If any of the provisions of this Agreement are found or deemed by a Court of competent jurisdiction to be invalid or unenforceable, they shall be considered severable from the remainder of this Agreement and shall not cause the remainder to be invalid or unenforceable.

XI. AMENDMENTS

This Agreement may be amended by the parties only by a written agreement signed by both parties.

SIGNATURE PAGE TO FOLLOW

WITNESSES:

CITY OF SANDUSKY:

John Orzech, City Manager

WITNESSES:

CONSULTANT:

Robert G. Stadler

Approved as to Form:

Sarah S. Chiappone (#0101179)
Assistant Law Director
City of Sandusky

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2024 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Date

Michelle Reeder
Director of Finance

Account Number



DEPARTMENT OF COMMUNITY DEVELOPMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5832
www.cityofsanduskv.com

To: John Orzech, City Manager
From: Colleen Gilson, Community Development Director
Date: November 27, 2023
Subject: Commission Agenda Item — Ohio Department of Natural Resources, Coastal Management Assistance Grants

ITEM FOR CONSIDERATION: Requesting legislation approving the submission of a grant application for the Ohio Department of Natural Resources Coastal Management Assistance Grants and authorizing the City Manager to sign any agreements as required.

BACKGROUND INFORMATION: Marous Development Group has requested the City to pursue a Coastal Management Assistance Grant to aid in the funding of subsurface geotechnical drilling and testing along the breakwaters and piers of Meigs Street and Battery Park Marina. Drilling will be conducted through the existing breakwaters and piers to determine existing core material and conditions. Drilling will also take place in the submerged lands from a barge platform to determine silt depth, new structure driving depths (bedrock).

A pre-application was submitted to determine if the request satisfies the requirements of the grant program and subsequently, the City was invited to submit a full application which is due December 17, 2023. The geotechnical report is the next necessary step to progress the breakwater and pier renovation design. The grant would allow the design teams to progress from the current 30% construction set.

BUDGETARY INFORMATION: There is no impact on the City of Sandusky budget. The estimated cost of the project is \$89,870.00 of which \$39,870.00 will initially be paid with City funds and then, if awarded, reimbursed through the program. The required match of \$50,000.00 (at least 50% match) will be paid with funds from the joint Structural Maintenance Fund in accordance with the terms of the Battery Park Lease Agreement.

ACTION REQUESTED: It is requested that legislation be prepared to allow for the approval and ratification of the submission of the grant application to the Ohio Department of Natural Resources Coastal Management Assistance Grants and if awarded, authorizing the City Manager to execute any grant agreements. It is further requested that this be passed in accordance with Section 14 of the City Charter in order to submit the application to ODNR with a Resolution, as required, by the submission deadline of December 17, 2023.

I concur with this recommendation:

John Orzech
City Manager

Colleen Gilson
Community Development Director

cc: Stewart Hastings, Law Director
 Michelle Reeder, Finance Director
 Cathy Myers, City Commission Clerk

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES, OFFICE OF COASTAL MANAGEMENT FOR FINANCIAL ASSISTANCE THROUGH THE FY 2024 COASTAL MANAGEMENT ASSISTANCE GRANT PROGRAM FOR FIELD EXPLORATION AND GEOTECHNICAL ASSISTANCE AT THE MEIGS STREET PIER AND BATTERY PARK MARINA; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the State of Ohio, through the Ohio Department of Natural Resources, Office of Coastal Management, administers financial assistance through the Ohio Coastal Management Program to eligible entities for water quality improvement, coastal planning, education programs, land acquisition, research, public access, habitat restoration, and other purposes; and

WHEREAS, the Meigs Street Pier and Battery Park Marina Field Exploration and Geotechnical Assistance Project consists of drilling and sampling of subsurface material (breakwaters and submerged lands) and the analysis and reporting needed to finalize design of the breakwater, piers and bulkheads; and

WHEREAS, a pre-application was submitted to the Ohio Department of Natural Resources to determine if the request satisfies the requirements of the grant program and subsequently the City was invited to submit a full application; and

WHEREAS, the estimated cost of the project is \$89,870.00 of which \$39,870.00 will initially be paid with City funds and then, if awarded, reimbursed through the program and the required match of \$50,000.00 (at least 50% match) will be paid with funds from the joint Structural Maintenance Fund in accordance with the terms of the Battery Park Lease Agreement; 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 submit the grant application to the Ohio Department of Natural Resources, Office of Coastal Management by the submission deadline of December 17, 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 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 **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

PAGE 2 - RESOLUTION NO. _____

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 Ohio Department of Natural Resources, Office of Coastal Management for financial assistance through the FY 2024 Coastal Management Assistance Grant Program for field exploration and geotechnical assistance at the Meigs Street Pier and Battery Park Marina and authorizes and directs the City Manager to provide all information and documentation required to become eligible for possible funding assistance and to execute any grant agreements and lawfully expend funds consistent with the application and agreement should they be awarded.

Section 2. The City of Sandusky agrees to obligate the funds required to satisfactorily complete the proposed Meigs Street Pier and Battery Park Marina Field Exploration and Geotechnical Assistance Project and become eligible for reimbursement under the terms and conditions of the Coastal Management Assistance Grants Program.

Section 3. 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 4. 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 5. 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: December 11, 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: November 29th, 2023

Subject: Commission Agenda Item –Contract for the preparation of the U.S. Department of Housing and Urban Development (HUD) 2024-2029 Consolidated Plan, 2024 One-Year Action Plan, and Upon Request the Analysis of Impediments to Fair Housing (AIFH)

Item for Consideration: Consideration is being requested to enter into a contract with Wade Trim Associates, Inc. of Detroit, Michigan, to act as the City's consultant for the coordination, administration, development, and implementation of the City's Community Development Block Grant (CDBG) 2024-2029 Consolidated Plan, 2024 One-Year Action Plan with an alternative to complete the AIFH if requested by the City by January 1, 2024..

In order to select a planning consultant, a request for proposals was issued on October 30, 2023 and advertised on the Ohio Conference of Community Development, the American Planning Association, and the City of Sandusky websites.

Wade Trim Associates, Inc. was one of five proposals submitted for the RFP process. The proposals were reviewed by city staff. Wade Trim Associates Inc. was selected as the most qualified firm based upon the firm's experience, qualifications, and past experiences with the City.

Wade Trim Associates, Inc. had previously completed the City of Sandusky's Consolidated Plan and One Year Action Plan in 2019. They also completed work in Florida and Michigan for planning and community development activities including the preparation and coordination of Five Year Consolidated and Annual Action Plans.

Budgetary Information: The cost for the professional services for the coordination, administration, development, and implementation of the City's CDBG 2024-2029 Consolidated Plan and 2024 One-Year Action Plan is \$27,000 and if requested, the cost of the AIFH study is \$11,900 for a total cost of \$38,900. There is no impact to the City's General Fund. All funds will be allocated out of the FY 2023 CDBG funds.

Action Requested: It is requested that the proper legislation be prepared authorizing the City Manager to enter into a contract with Wade Trim Associates, Inc. for professional services for the implementation of the City's CDBG 2024-2029 Consolidated Plan and 2024 One-Year Action Plan, including possibly the AIFH. In order to execute a contract and allow Wade Trim Associates, Inc. to complete and submit the plans to the United States Department of HUD by the deadline of May 16, 2024, it is further requested that this legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter.

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: Stew Hastings, Law Director
 Michelle Reeder, Finance Director
 Cathy Myers, Clerk of City Commission

CERTIFICATE OF FUNDS

In the Matter of: Wade Trim- Consolidated Action Plan

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

Michelle Reeder

Finance Director

Dated: 12/1/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WADE TRIM ASSOCIATES, INC., OF DETROIT, MICHIGAN, FOR PROFESSIONAL SERVICES FOR THE PREPARATION OF THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) 2024-2029 CONSOLIDATED PLAN, 2024 ONE-YEAR ACTION PLAN, AND UPDATE TO THE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Wade Trim Associates, Inc. will provide professional services for the preparation, coordination, administration, development and implementation of the City's Community Development Block Grant (CDBG) 2024-2029 Consolidated Plan, 2024 One-Year Action Plan, and possibly the Update to the Analysis of Impediments to Fair Housing under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant Program; and

WHEREAS, a Request for Proposals (RFP) was issued on October 30, 2023, for the preparation of the U.S. Department of Housing & Urban Development (HUD) 2024-2029 Consolidated Plan, 2024 One-Year Action Plan, and Update to the Analysis of Impediments to Fair Housing in which five (5) proposals were received, evaluated, and scored by a committee comprised of City Staff and based upon their qualifications, professional expertise and past experiences, Wade Trim Associates, Inc., of Detroit, Michigan was selected and the most qualified firm; and

WHEREAS, the cost for the professional services for the 2024-2029 Consolidate Plan and 2024 one-year Action Plan is \$27,000.00 and if requested, the cost of the Analysis of Impediments to Fair Housing is \$11,900.00 for a total cost of \$38,900.00 and these costs will be paid with Community Development Block Grant (CDBG) 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 execute a contract and allow Wade Trim Associates, Inc. to complete and submit the plans to the United States Department of Housing and Urban Development by the deadline of May 16, 2024; 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 an agreement with Wade Trim Associates, Inc., of Detroit, Michigan, for professional

services for the preparation of the U.S. Department of Housing & Urban Development (HUD) 2024-2029 Consolidated Plan, 2024 One-Year Action Plan, and Update to the Analysis of Impediments to Fair Housing, a copy of which is marked Exhibit "1" and 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 the objectives and requirements of this Ordinance and with carrying out the City's public purposes, in an amount **not to exceed** Thirty Eight Thousand Nine Hundred and 00/100 Dollars (\$38,900.00).

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 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: December 11, 2023



Wade Trim Associates, Inc.
500 Griswold Street, Suite 2500 • Detroit, MI 48226
313.961.3650 • www.wadetrim.com

November 15, 2023

City of Sandusky
Community Development Office
240 Columbus Avenue
Sandusky, OH 44870

Attention: Nicole Grohe
Community Development Program Administrator

Re: Request for Proposals and Cost for Consulting Services for Preparation of the HUD 2024-2029 Consolidated Plan, 2024 One Year Action Plan, and Update to the Analysis of Impediments to Fair Housing

Dear Nicole:

The City of Sandusky is requesting assistance with the development of a Five-Year Consolidated Plan, Annual Action Plan, and Update to the Analysis of Impediments to Fair Housing for their Community Development Block Grant (CDBG) Program. The City is an entitlement community and must prepare the Consolidated Plan to receive grant funds from the U.S. Department of Housing and Urban Development (HUD).

Wade Trim, a multidisciplinary planning and engineering firm, brings depth of experience with HUD related programs including Consolidated Plans, Annual Action Plans, Environmental Review Records, Analysis of Impediments to Fair Housing, Neighborhood Stabilization Programs, housing needs assessments, and other programs for communities and counties throughout the country. In 2014 and 2019, we completed the City of Sandusky's 2014-2018 and 2019-2023 Five-Year Consolidated Plan and look forward to updating the City's HUD documentation. Our planning staff bring expertise in the Consolidated Plan update process and comprehensive knowledge of issues and legal requirements related to the Fair Housing Act.

With Wade Trim, the City of Sandusky will get:

- A Project Manager who specializes in HUD-related programs and has successfully managed over two dozen Consolidated Plan projects for communities including the City of Sandusky.
- Seasoned team members proficient in the use of HUD's software and websites, including the HUD eCon Planning Suite and IDIS
- A comprehensive public participation and data compilation process
- Deliverables that will meet the City's needs and requirements for Plan submittal and adoption

We look forward to the opportunity to discuss our proposal with you. You may reach us at 313.961.3650 if you have any questions or need additional information.

Very truly yours,

Wade Trim Associates, Inc.

A handwritten signature in black ink, appearing to read 'Jason T. Smith', is written over the printed name.

Jason T. Smith, AICP
Vice President/ Planning Area Lead

JTS:lkf
AAA 8140-23
20231115_Grohe-Ltr.docx



PROJECT APPROACH

The Five-Year Consolidated Plan, Annual Action Plan, and Analysis of Impediments to Fair Housing are required by the U.S. Department of Housing and Urban Development (HUD) for local governments to receive continued entitlement funding. The Consolidated Plan brings together one consolidated submission of the planning and application requirements for federal CDBG, HOME Investment Partnerships (HOME), Emergency Shelter/Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) grant-funded programs. The City of Sandusky receives funding through the CDBG program.

The City of Sandusky is responsible for developing and submitting their Five-Year Consolidated Plan and Annual Action Plan and wishes to work with a professional consultant to ensure all necessary components of the process are completed in a timely manner and meet HUD standards and requirements. Wade Trim will be responsible for completing the 2024-2029 Consolidated Plan, 2024 Annual Action Plan and optional task to also update the Analysis of Impediments to Fair Housing and their numerous components.

2.1 SCOPE OF SERVICES

The City of Sandusky and Wade Trim will hold a project kick off meeting to begin the planning process so that the approved Five-Year Consolidated Plan and Annual Action Plan can be submitted to HUD by May 16, 2024.

The Project Team, working in concert with City of Sandusky staff, will provide the services described

herein to complete the Five-Year Consolidated Plan, Annual Action Plan, and optional task to include updating the Analysis of Impediments to Fair Housing Choice. This scope details the responsibilities of Wade Trim as well as those of the City, as noted in the Request For Proposals.

Public Participation Component

The Consolidated Plan process will follow the current adopted City of Sandusky Citizen Participation Plan. Wade Trim proposes to attend two public hearings/meetings. Wade Trim will also provide the following services:

- Coordinate with City staff to ensure compliance with publishing and advertising requirements to allow public input once drafts of the Consolidated Plan and Annual Action Plan are prepared.
- Conduct outreach to solicit comments from the public, including a link on the City's website and interactive on-line website/survey specific to this project.
- Prepare the necessary timelines and milestones for carrying out the public participation component.
- Attend and support the facilitation of up to two public hearings/meetings/focus groups pursuant to Federal requirements.

Consultation/Consultant Presentations

Wade Trim's process for meetings, presentations and related tasks is outlined below. Wade Trim will:

- Meet with City staff to discuss expectations, priorities, CDBG grant administration history, available resources, strategies and timetables.
- The City will identify the key stakeholders such as local governmental agencies, social service agencies, public housing authorities, non-profit organizations, community-based organizations and other groups for public participation and consultation. The City will provide a list of these stakeholders to Wade Trim for use during the process.
- Consult on necessary advertisements for public hearings and public comment. City staff will be responsible for preparing advertisements, in addition to placement and payment of advertisements.

- Obtain information from the City that is immediately available to catapult the process, such as the existing Citizen Participation Plan, Five-Year Consolidated Plan, Annual Action Plan, public input received to date, and any other relevant information that will assist in understanding the historical context and priorities of the City.
- Establish a schedule to use as a baseline to complete the Five-Year Consolidated Plan and Annual Action Plan. The schedule will include meetings, hearings, milestones, approval processes and other critical benchmarks, as appropriate.
- Meet by phone/MS Teams with City staff to discuss draft documents. Complete any changes requested by City staff to prepare final documents.
- Conduct regular progress meetings by phone with City staff. These progress meetings will provide an opportunity to discuss options with City staff as necessary and develop priorities for incorporation into the Plan.

Development of the Components of the Consolidated Plan and Annual Action Plan

The process for developing the Consolidated Plan components is outlined as follows. Wade Trim will:

- Develop a draft Consolidated Plan that includes five-year funding goals, priorities and strategies, along with proposed accomplishments and performance measurements. The plan will follow the HUD checklist, narrative requirements and HUD guidance, taking into consideration improved ways to present and display information using eCon Planning Suite, as well as addressing Federal requirements.
- Perform a Housing and Homeless Needs Assessment to address homeless populations, needs of elders, senior housing and special needs populations.
 - This includes responding to the HUD requirement that grantees address how it will end homelessness.
 - This will also include any public input received by the City.
- Facilitate a Market Analysis to determine housing supply and demand, availability of affordable and public housing units, necessity of affordable housing preservation, barriers to affordable housing, lead-based paint hazards and supply of housing for low- and moderate-income households.
- Develop a Strategic Plan to outline priorities, allocation methodology, target markets, beneficiaries, and challenges to creating affordable options and a plan to address special needs populations. This task will also address how the grantee plans to advance homeownership opportunities to minority groups as a part of revised regulations to bridge the gap and lessen existing disparities.
- Prepare an Annual Action Plan to outline resources that will be allotted to plan programs, identify projected outcomes and performance measures to be achieved over the 2024-2025 program year, define goals to be achieved through the CDBG Program, and map a process that develops the means to the end. A clear connection will be made between the Action Plan and Strategic Plan.
- Wade Trim will prepare information on the low- and moderate-income areas for consideration as program target areas.
- Consult on the process to select Action Plan projects through the public application process conducted by City staff.
- Assist City staff in preparing a Budget and Allocation Plan that will itemize anticipated funding over the next five years, uses of the funding and formula methodology to serve as the basis for developing an allocation plan for all activities.
- Provide Certifications to ensure compliance with all other cross-cutting Federal requirements.
- Consistent with existing City of Sandusky monitoring procedures, Wade Trim will document a Monitoring Plan that will outline the mechanisms the City will use to ensure compliance of its sub-recipients and beneficiaries of program funds. The monitoring plan will also outline frequency of monitoring and provide for grantee internal controls that measure performance, compliance and quality.
- For the duration of Wade Trim's contract, Wade Trim will coordinate with City staff to respond to all inquiries from HUD regarding the approved Consolidated Plan and Annual Action Plan.

Update the Analysis of Impediments to Fair Housing Choice - Optional

If the City would like to proceed with an optional add-on the Analysis of Impediments to Fair Housing Choice components is outlined as follows.

Wade Trim will:

- Update the Analysis of Impediments to Fair Housing Choice according to current HUD and other Federal regulations.
- Identify impediments and recommend remedies to overcome impediments to fair housing choices.
- Consult with private agencies, public agencies, and community groups as needed.

Preparation of Plan Materials and Deliverables

Following the public participation process and development of the Consolidated Plan and Annual Action Plan sections, Wade Trim will prepare Plan materials as follows:

- Provide a draft Consolidated Plan and draft Action Plan for City staff review and comment. Wade Trim will provide two bound copies, one unbound copy, and one electronic copy (Adobe .pdf) of the Draft Five-Year Consolidated Plan and Annual Action Plan no later than six days prior to distribution for public comment.
- Make plan changes or corrections requested by City staff in response to the draft documents.
- Make changes or corrections to the draft documents as necessitated by public hearings and public comment no later than 30 days prior to the City Commission public hearing to approve the Consolidated Plan.
- Once the draft is finalized, Wade Trim will provide four bound copies, one unbound copy and one electronic copy (Adobe .pdf) of the Final Five-Year Consolidated Plan and Annual Action Plan.
- Provide the Five-Year Consolidated Plan and Annual Action Plan to City staff for submission to HUD including any supporting maps, tables, charts or graphics, consistent with updated IDIS requirements.
- Wade Trim will ensure that all appropriate information is entered into IDIS online for viewing by the City. The City will be responsible to initiate the submission of the plans through IDIS online.

- Upon final payment, Wade Trim will provide all electronic files (Microsoft Word, Microsoft Excel or other formats) including complete Adobe .pdf files of the adopted Five-Year Consolidated Plan and Annual Action Plan.

2.2 ADDITIONAL SERVICES NOT INCLUDED IN SCOPE

Any additional services not included in this Scope will be provided at an additional fee.

SCHEDULE

The City has a set date with HUD for submission of their Final Five-Year Consolidated Plan and Annual Action Plan. Wade Trim will work with the City to ensure the May 16, 2024 date is met. Our proposed schedule is presented in Exhibit 1.

Exhibit 1 Proposed Project Schedule	
DATE	TASK
December 1, 2023	Project Award (estimated)
December 14, 2023	Kick-Off Meeting - Project Team meets with City staff to discuss expectations, priorities, history, available resources, strategies and timetables. Begin to develop Consolidated Plan/Action Plan components: research, compile and analyze data, and begin drafting assessment reports.
January 1, 2024	City Decides whether to update AI Report
January/February 2024	Public Outreach (Meetings and Survey)
March 14, 2024	Submit Final Draft Documents to City staff for review (CPD, AAP and AI)
March 22, 2024	30-day Public Comment Period begins
April 22, 2024	Final Public Hearing with City Commission. City Commission approves the 2019-2023 Consolidated Plan and 2019 Action Plan. 30-day Public Comment Period ends.
April 26, 2024	Wade Trim submits final 2019-2023 Consolidated Plan and 2019 Action Plan to City for signatures (SF424, Certifications, etc.)
May 16, 2024	Deadline for City to submit 2019-2023 Consolidated Plan and 2019 Action Plan to HUD for review
May 16, 2024	HUD 45-day Review Period begins
July 1, 2024	City of Sandusky CDBG Program Year begins

COST

Wade Trim will provide the services for development of a Five-Year Consolidated Plan, and Annual Action Plan as described in our November 17, 2023, proposal for the lump-sum fee of \$27,000.

The optional cost to add an Updated Analysis of Impediments would be an additional \$11,900.

The total lump-sum fee of \$38,900.

The proposed fees are inclusive of expenses and travel. A breakdown of fees by task is shown in Exhibit 2.

Exhibit 2 Proposed Project Cost	
TASK	FEE
In-Person Kick-Off Meeting	\$850
Consultation/Meetings	\$3,000
Five-Year Consolidated Plan	\$15,500
Annual Action Plan	\$5,150
Document Production/Submittal	\$2,500
Subtotal	\$27,000
Optional Item: AI Report Update	\$11,900
Grand Total	\$38,900



FINANCE DEPARTMENT

240 Columbus Avenue

Sandusky, Ohio 44870

419.627.5776

www.cityofsandusky.com

TO: John Orzech, City Manager
FROM: Michelle Reeder, Finance Director
DATE: November 27, 2023
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Requesting City Commission to approve legislation to authorize a wage increase of two percent (2%) to the City's non-probationary administrative employees. Police, Fire and AFSCME union employees are entitled to wage increases according to their respective collective bargaining contract. This legislation pertains to forty-three administrative employees. The Administrative Benefit Review Committee met on November 9, 2023 and Finance Committee met on December 8, 2023, both committees have recommended a two percent wage increase to Commission for approval.

BUDGETARY INFORMATION:

The amount needed for this salary increase in 2024 is \$64,868.23. This amount will be paid from the appropriate fund based on the employee's job duties.

ACTION REQUESTED:

It is requested that the City Commission approve the legislation in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action will allow for the employees to receive this pay increase on the first paycheck in January of 2024.

I concur with this recommendation:

John Orzech
City Manager

Michelle Reeder
Finance Director

CC: Stewart Hastings, Law Director


CERTIFICATE OF FUNDS

In the Matter of: 2024 Administrative Wages- 2% increase

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.

Funds #110, 216, 218, 239, 241, 431, 612, 613

By: _____



Michelle Reeder

Finance Director

Dated: 12/8/23

ORDINANCE NO. _____

AN ORDINANCE APPROVING A WAGE INCREASE FOR THE CITY'S NON-PROBATIONARY ADMINISTRATIVE EMPLOYEES; AUTHORIZING THE FINANCE DIRECTOR TO EXPEND THE NECESSARY FUNDS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in accordance with Chapter 145 (Employee provisions), Section 145.05 of the City's Codified Ordinance, it is requested to provide a wage increase of two percent (2%) to the City's non-probationary administrative employees for 2023; and

WHEREAS, the Administrative Benefit Review Committee met on November 9, 2023, and the Audit/Finance Committee met on December 8, 2023, with both committees recommending approval of a two percent (2%) wage increase; and

WHEREAS, the total cost of the wage increases for forty-three (43) administrative employees is \$64,868.23 and will be paid with the appropriate funds based on the employee's duties; 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 for increases to be paid on the first paycheck in January of 2024; 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 hereby approves a wage increase of two percent (2%) for the City's Non-Probationary Administrative Employees to be paid beginning on the first paycheck in January of 2024 and authorizes and directs the City Manager and/or Finance Director to make the adjustments to the City's Non-Probationary Administrative Employees for wage increases in an amount **not to exceed** Sixty-Four Thousand Eight Hundred Sixty-Eight and 23/100 Dollars (\$64,868.23) for 2024.

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.

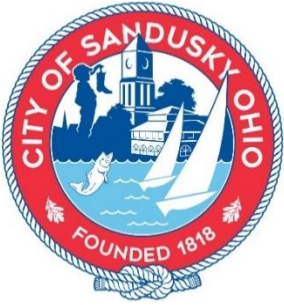
Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted 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: December 11, 2023



DEPARTMENT OF COMMUNITY DEVELOPMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5832
www.cityofsandusky.com

To: John Orzech, Interim City Manager

From: Colleen Gilson, Director of Community Development

Date: November 14, 2023

Subject: Commission Agenda Item – ED Fund Grant Agreement – WTF-R2 Investments LLC (dba What the Fried Rice)

ITEM FOR CONSIDERATION: Legislation approving a Grant Agreement with WTF-R2 Investments LLC for the purposes of furthering economic development and commercial revitalization efforts in the City.

BACKGROUND INFORMATION: WTF-R2 Investments LLC owner, Li Yu has been in the restaurant industry for over 35 years. He started as a dishwasher at age 13 and has worked in every aspect of the industry since – including 5 years for others, 20 years in family business, and as owner and manager of his restaurants for the last 10 years. Li has a degree from the University of Toledo with a double major in marketing and entrepreneurship and speaks fluent English, Korean, and Mandarin Chinese.

What the Fried Rice is a fast-casual Asian cuisine restaurant offering cook-to-order dishes made with fresh ingredients and include fried rice, noodles, ramen, stir fries, and a variety of appetizers. Every dish is unique and catered to personal tastes. Gluten-free, vegetarian, and vegan options are available as well. The company currently operates in Northwood, Ohio and it is delighted to have its second location in Sandusky.

WTF-R2 Investments LLC has successfully negotiated a lease for the space located at 186 E Market Street – a 3,214 square foot space - at the corners of East Market and Wayne Streets. The lease offers WTF-R2 the option to renew for 2 additional five-year periods.

WTF-R2 Investments LLC estimates annual sales revenue of \$550,000 in year one followed by \$605,000 and \$700,000 in the second and third year, respectively. Annual payroll in year one is \$125,000 with ten thousand dollar increases each year for the following two years. FTEs are estimated at 8, 10 and 12 in year's one, two and three with average pay at \$24,000, \$26,00 and \$28,000 in each year.

Project cost for the build out of the restaurant space and necessary equipment is \$141,441. Owners plan to borrow funds and utilize tenant improvement allowance from building owner for the project.

A grant in the amount of \$15,000 was recommended for approval by the Economic Development Incentive Committee at its meeting on November 14, 2023.

BUDGETARY INFORMATION: The City will be responsible for providing a \$15,000 in grant proceeds from the Economic Development Capital Projects Fund on a reimbursement basis.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into a Grant Agreement with WTF-R2 Investments LLC. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter to ensure timely completion of the project.

I concur with this recommendation:

John Orzech
City Manager

Colleen Gilson
Director of Community Development

cc: Stewart Hastings, Law Director
 Michelle Reeder, Finance Director
 Cathy Myers, City Commission Clerk

NOVEMBER 13, 2023

ECONOMIC DEVELOPMENT INCENTIVE COMMITTEE SUMMARY

WTF-R Investments LLC

APPLICANT(S): WTF-R Investments LLC (dba What the Fried Rice)

PRINCIPAL OWNERS: Li Yu – 100%

RECOMMENDATION: \$15,000 Economic Development Fund grant to be approved by the Economic Development Incentive Committee on the condition that the applicant obtain all relevant permits and display a sign evidencing City of Sandusky support for one year after project completion. The project improvements shall be completed by May 1, 2024

BACKGROUND AND PROJECT DESCRIPTION

WTF-R Investments LLC owner, Li Yu has been in the restaurant industry for over 35 years. He started as a dishwasher at age 13 and has worked in every aspect of the industry since – including 5 years for others, 20 years in family business, and as owner and manager my his restaurants for the last 10 years. Li has a degree from the University of Toledo with a double major in marketing and entrepreneurship and speaks fluent English, Korean, and Mandarin Chinese

WTF-R Investments LLC (dba What the Fried Rice) has successfully negotiated a lease for the space located at 186 E Market Street – a 3,214 square foot space - at the corners of East Market and Wayne Streets. The lease offers WTF-R the option to renew for 2 additional five-year periods.

What the Fried Rice is a fast-casual Asian cuisine restaurant offering cook-to-order dishes made with fresh ingredients and include fried rice, noodles, ramen, stir frys, and a variety of appetizers. Every dish is unique and catered to personal tastes. Gluten-free, vegetarian, and vegan options are available as well. The company currently operates in Northwood, Ohio and it is delighted to have its second location in Sandusky.

WTF-R Investments LLC estimates annual sales revenue of \$550,000 in year one followed by \$605,000 and \$700,000 in the second and third year, respectively. Annual payroll in year one is \$125,000 with ten thousand dollar increases each year for the following two years. FTEs are estimated at 8, 10 and 12 in year's one, two and three with average pay at \$24,000, \$26,00 and \$28,000 in each year.

PROJECT FINANCING

The project cost for the above-mentioned work \$141,441. The applicant is requesting assistance of \$15,000. Owners plan to borrow funds and utilize tenant improvement allowance from building owner for the project.

FINANCIAL SUMMARY

The project is a new business therefore does not have existing financials for review. As it is a second location, Mr. Yu did share financials for his existing location for the period 2022. The business did incur a slight loss in 2022. It was explained that losses were due in part to inflation resulting in higher cost of goods as well as labor shortage which caused the store to be operating at a reduced schedule therefore decreasing sales. Mr. Yu also noted that impacts of COVID have still been felt in his operations. He is confident, however, that 2023 will see better returns.

RECOMMENDATION

I recommend a grant of \$15,000 to assist with the completion of this project. This project will reactivate a prominent corner storefront in downtown Sandusky. It will assist in job creation.

Project Uses

Construction Cost/Renovation

Architectural	\$2,800
Permits	\$1,500
Carpentry	\$23,000
Painting	\$2,800
Ceiling fans	\$600
Electrical	\$16,000
HVAC	\$4,000
Archway reconstruction b/w units	\$5,500
Plumbing	\$14,000
General contractor fee	\$5,000
Indoor signage & marketing	\$2,650
Mural (back wall only)	\$4,650
Outdoor signage	\$1,400

Equipment

Kitchenall	\$7,495
Wolverine Sushi Bar	\$30,200
Specialty Store Services	\$12,202
<u>Key Bank/point of sale system</u>	<u>\$8,294</u>

Total Project Costs	\$142,091
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Project Sources

Allowance – Tenant Improvement Funds	\$30,540
Private Lending	\$80,000
Owner Investment	\$16,551
<u>City of Sandusky Economic Development Fund</u>	<u>\$15,000</u>

Total Project Sources	\$142,091
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ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING A GRANT IN THE AMOUNT OF \$15,000.00 THROUGH THE ECONOMIC DEVELOPMENT FUND PROGRAM TO WTF-R2 INVESTMENTS LLC (D.B.A. WHAT THE FRIED RICE) IN RELATION TO THE PROPERTY LOCATED AT 186 EAST MARKET STREET; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Li Yu is the owner of WTF-R2 Investments LLC (d.b.a. What the Fried Rice) and has negotiated a lease for the space located at 186 E. Market Street, on the corner of East Market Street and Wayne Street, to operate a fast-casual Asian cuisine restaurant; and

WHEREAS, Li Yu has been in the restaurant industry for over thirty-five (35) years, including twenty (20) years in family business and the last ten (10) years managing his restaurants; and

WHEREAS, What the Fried Rice will offer cook-to-order dishes made with fresh ingredients and includes fried rice, noodles, ramen, stir-fries, and a variety of appetizers; and

WHEREAS, the City has determined that this project pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City and for the health and safety and welfare of its residents, and are necessary to improve the economic and general welfare of people of the City; and

WHEREAS, the Economic Development Incentive Committee met on November 14, 2023, and is recommending to approve a grant to WTF-R2 Investments LLC (d.b.a. What the Fried Rice) in the amount of \$15,000.00 to assist with project costs for the purposes of furthering economic development and revitalization efforts in 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 in order to immediately approve the Grant Agreement to ensure the timely completion of the project; 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. This City Commission authorizes and directs the City Manager to enter into a Grant Agreement with WTF-R2 Investments LLC (d.b.a. What the Fried Rice) for financial assistance through the Economic Development Fund Program for the purpose of furthering economic development, substantially in the same form as Exhibit "1", a copy of 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 terms of this Ordinance.

Section 2. This City Commission authorizes and approves the grant funding to WTF-R2 Investments LLC (d.b.a. What the Fried Rice) in an amount **not to exceed** Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Economic Development Capital Projects Funds of the City of Sandusky pursuant to and in accordance with the terms of the Grant Agreement.

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's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

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: December 11, 2023

GRANT AGREEMENT

THIS GRANT AGREEMENT (the "**Agreement**") is made and entered into this ____ day of _____, 2023 (the "**Effective Date**"), by and between the CITY OF SANDUSKY, OHIO, an Ohio municipal corporation, and WTF-R2 Investments LLC, an Ohio limited liability company (the "**Company**"). The City and the Company are collectively referred to herein as the "**Parties**".

WITNESSETH:

WHEREAS, pursuant to Ordinance No. [] passed by the City Commission of the City of Sandusky, Ohio (the "**City Commission**") on_____, 2023 (the "**Approval**"), the City determined that it is in the best interest of the citizens of the City, in order to encourage economic development and employment within the City, to grant funds to financially support the project at 182 East Market Street, Sandusky, Ohio 44870 (the "**Property**"); and,

WHEREAS, the Company currently operates "What the Fried Rice" in Northwood, OH and is choosing to open its second location in Sandusky, Ohio;

WHEREAS, the Project will consist of renovating the space and purchasing equipment, specifically a Wok system, which is the primary cooking system, to the kitchen space ; and,

WHEREAS, the Project will result in an estimated annual sales revenue of \$550, 000, in the first year and anticipates hiring 8 employees, which will be new employees, with an estimated annual payroll of \$125,000 in the City of Sandusky; and,

WHEREAS, to induce the Project, the City has agreed to provide an economic incentive grant to the Company to assist in the payment of a portion of the costs of the Project as further described in Section 1 hereof; and,

WHEREAS, as authorized in Article VIII, Section 13 of the Ohio Constitution and in accordance with the guidelines established by the City, the City has offered to provide the Company a grant to encourage economic development and employment within the City; and,

WHEREAS, the Company acknowledges the City's commitment to provide financial assistance through this grant and has agreed to enter into this Agreement, which sets forth the Company's obligations concerning the use of the grant proceeds; and,

WHEREAS, the City has determined that this Project pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City and for the health and safety and welfare of its residents, and are necessary to improve the economic and general welfare of people of the City.

NOW THEREFORE, the Parties covenant, agree and obligate themselves as follows:

Section 1. Terms of the Grant. The City shall grant to the Company funds in the amount of Fifteen Thousand Dollars (\$15,000) (the “**Grant**”) for use by the Company exclusively for the Project. The grant shall be disbursed in one lump sum upon the completion of the Project. This City Grant shall be disbursed from 2023 economic development incentive funding source. This City Grant will not increase if the applicant chooses to make additional improvements not contemplated in the grant application. The City reserves the right to adjust the awarded grant amount, if recommended by the Economic Development Incentive Committee, for substantive changes to the project scope only. Construction must be done in accordance with and to the reasonable satisfaction of the City, which includes, but is not limited to, compliance with all Planning, Zoning and Building code regulations, and other applicable codes and regulations of the City, including obtaining permits. Furthermore, the Company agrees to display a sign during construction and for at least one (1) year upon completion of the Project noting the City’s support.

The Company shall notify the City promptly following the completion of the Project consistent with this Section and provide the City with any documents it reasonably requests related to Project costs and construction. The City shall then promptly review those documents and inspect the site and let the Company know if it has satisfied the conditions set forth in this Section and, if not, describe what is found to be deficient. In order to receive the City Grant, the Project will need to be completed by May 1, 2024. This date may be extended at the discretion of the City Manager.

The City shall pay the Grant by check placed in the U.S. regular mail within fourteen (14) days following confirmation of the satisfactory completion of construction to the notice address provided in Section 6 below.

Section 2. Use of Funds. The Company will use the Grant to complete the Project. The Company shall use the Grant solely in connection with eligible expenses incurred under the Project. By accepting the Grant herein provided, the Company agrees to meet the terms of this Grant Agreement. All improvements to the Premises must be made in accordance with any approvals for the Project and permits and inspections as may be required by the City.

Section 3. City's Obligation to Make Payments Not Debt. Notwithstanding anything to the contrary herein, the obligations of the City pursuant to this Agreement are not a general obligation debt or bonded indebtedness, or a pledge of the general credit or taxes levied by the City, and the Company has no right to have excises or taxes levied by the City, the State or any other political subdivision of the State for the performance of any obligations of the City herein. Consistent with Section 13 of Article VIII, Ohio Constitution, any payments required to be made by the City pursuant to this Agreement are to be payable solely from the City's non-tax revenues. Further, the obligation of the City to make the payments pursuant to this Agreement are in accordance with the City Council’s Approval and subject to certification by the Director of Finance of the City as to the availability of such non-tax revenues.

Section 4. Events of Default. At any time during the Term of this Agreement, and solely at the discretion of the City, should the City determine the Company is not in compliance with the terms of the Grant set forth herein, then the City shall provide Notice of Default to the Company pursuant to Section 5 demanding strict compliance therewith. If the Company fails to take necessary action during the notice period herein to remain in compliance, then the City shall immediately seek any legal or equitable remedy to which it is entitled including the repayment of any Grant amount.

Section 5. Notice of Default. Pursuant to Section 4, should the City determine that the Company is not in compliance with the terms of the Grant, then the City shall provide written notice to the Company, addressed to and sent via the notice provisions of Section 7 below (the “**Notice of Default**”). The Notice of Default shall state clearly the reason(s) for which the City determines the Company to be out of compliance. The Company shall have ten (10) days from the date it received the Notice of Default to cure or otherwise take the necessary corrective action to remain in compliance with the terms of the Grant under this Agreement.

Section 6. Indemnification of the City. The Company shall indemnify, defend, and hold harmless the City from and against all claims, losses, liabilities, damages, costs, and expenses, including reasonable attorneys’ fees, costs and expenses, arising from the City’s remittance of funds under the Grant.

Section 7. Miscellaneous.

(a) Notices. Except as otherwise specifically set forth in this Agreement, all notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by a recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or any addendum to this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this agreement, Notices shall be addressed to:

(i) If to the City:

City Manager
Attn: Director of Community Development
City of Sandusky, Ohio
240 Columbus Avenue
Sandusky, OH 44870

(ii) If to the Company:

Attention: _____

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

(b) Extent of Provisions: Personal Liability. All rights, remedies, representations, warranties, covenants, agreements and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. No representation, warranty, covenant, agreement, obligation, or stipulation contained in this Agreement shall be deemed to constitute a representation, warranty, covenant, agreement, obligation or stipulation of any present or future director, member, officer, agent or employee of the City. No official executing or approving the City's participation in this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the issuance thereof.

(c) Successors. This Agreement shall be neither binding upon nor inure to the benefit of the Company's successors and assigns unless with the prior written consent of the City.

(d) Assignment or Transfer. This Agreement shall not be assigned or transferred without the express written consent of the City.

(e) Amendments. This Agreement may only be amended by a written instrument executed by both Parties.

(f) Authority to Sign. The Company and City both represent that this Agreement has been approved by formal action of the duly authorized representatives of both Parties.

(g) Executed Counterparts. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

(h) Severability. In case any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason:

(i) that illegality or invalidity shall not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into, or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein;

(ii) the illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof; and

(iii) each section, provision, covenant, agreement, obligation or action, or part thereof shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the fullest extent permitted by law.

(i) Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of the Agreement.

(j) Governing Law and Choice of Forum. This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio or applicable federal law. All claims, counterclaims, disputes and other matters in question between the City, its agents and employees, and the Company, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Erie County, Ohio.

(k) Further Assurances. The Company shall, upon request of the City, duly execute and deliver to the City such further instruments, and do and cause to be done such further acts, as may be necessary or proper in the opinion of the City to carry out the provisions and purposes of this Agreement.

[Signature Page Follows.]

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the Effective Date.

WTF-R2 Investments, LLC

By _____
Li Yu, Owner

CITY OF SANDUSKY, OHIO

By: _____
John Orzech, City Manager

The legal form of the within instrument
Is hereby approved.

Stewart Hastings, Law Director
City of Sandusky

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, Ohio, hereby certifies that the money required to meet the obligations of the City under the foregoing Agreement has been lawfully appropriated by the City Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Michelle Reeder, Finance Director

EXHIBIT "A"



DEPARTMENT OF COMMUNITY DEVELOPMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5832
www.cityofsandusky.com

To: John Orzech, Manager

From: Colleen Gilson, Director of Community Development

Date: November 27, 2023

Subject: Commission Agenda Item – General and Capital Fund Grant – Greater Sandusky Partnership

ITEM FOR CONSIDERATION: Legislation approving a Grant Agreement with the Greater Sandusky Partnership for the purposes of furthering community and economic development activity in the City of Sandusky.

BACKGROUND INFORMATION: The Greater Sandusky Partnership (GSP) is a regional economic development organization created from the consolidation of existing local organizations including the Erie County Economic Development Corporation (ECEDC), the Erie County Chamber of Commerce (ECCOC) and Destination Sandusky.

The mission of the Greater Sandusky Partnership is to enhance the quality of life and economic vibrancy of the Sandusky region, while positioning the region as the greatest destination on the Great Lakes for residents, employees, and visitors. The City of Sandusky is already a significant partner to the Greater Sandusky Partnership, as evidenced by its 2022 commitments to ECEDC and GSP totaling \$150,000. Further, the City has been a long-time partner and funder of ECEDC.

GSP's work will promote the city of Sandusky specifically through its Destination Sandusky affiliate, with priorities including direct special event programming, comprehensive city branding and marketing, merchant coordination and placemaking. Further, GSP will partner with the city in order to build a pipeline of housing, drive regional economic development, and advocate and plan to position Sandusky and the surrounding region for increased local, state and federal investment in key areas including infrastructure, transportation, planning, and development.

BUDGETARY INFORMATION: The City will be responsible for providing \$300,000 per year in grant proceeds for a period of three years from sources as follows:

- \$150k from Capital [Projects](#) Funds (Programming Funds)
- \$30k from General Fund (Community Development, old ECEDC funding)
- \$50k From General Fund (Marketing fund)
- \$70k from Capital [Projects](#) Funds (Issue 8 ED Grants)

The grant will be subject to annual renewal based on performance and deliverables met.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into a Grant Agreement with the Greater Sandusky Partnership. It is further requests that this legislation be passed in accordance with Section 13 of the City Charter to approve the agreement and continue the cooperation and services between the City and GSP.

I concur with this recommendation:

John Orzech
City Manager

Colleen Gilson
Director of Community Development

cc: Stewart Hastings, Law Director
 Michelle Reeder, Finance Director
 Cathy Myers, City Commission Clerk

CERTIFICATE OF FUNDS

In the Matter of: Greater Sandusky Partnership Agreement

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 #431-7021-53000, 110-4070-53000, 110-7020-53001, 431-4070-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 11/17/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING A GRANT IN THE AMOUNT OF \$900,000.00 TO THE GREATER SANDUSKY PARTNERSHIP FOR THE PURPOSE OF FURTHERING COMMUNITY AND ECONOMIC DEVELOPMENT AND PROVIDING SERVICES TO THE CITY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, the Greater Sandusky Partnership (“GSP”), is a regional economic development organization created from the consolidation of existing local organizations including the Erie County Economic Development Corporation (ECEDC), the Erie County Chamber of Commerce (ECCOC) and Destination Sandusky; and

WHEREAS, the mission of the Greater Sandusky Partnership is to enhance the quality of life and economic vibrancy of the Sandusky region, while positioning the region as the greatest destination on the Great Lakes for residents, employees, and visitors; and

WHEREAS, GSP’s work will promote the City specifically through its Destination Sandusky affiliate, with priorities including direct special event programming, comprehensive City branding and marketing, merchant coordination and placemaking, and GSP will partner with the City in order to build a pipeline of housing, drive regional economic development, and advocate and plan to position Sandusky and the surrounding region for increased local, state and federal investment in key areas including infrastructure, transportation, planning, and development, all in accordance with the Proposal and Agreement; and

WHEREAS, to support GSP’s efforts and the Agreement, the City desires to expend \$300,000.00 for three (3) years, for a total amount of \$900,000.00 to GSP and will be paid with Capital Projects (Programming & Issue 8 E.D.) Funds and General (Community Development & Marketing) Funds; and

WHEREAS, the City has determined that this project and the fulfillment generally of this Grant Agreement are in the vital and best interests of the City and for the health and safety and welfare of its residents, and are necessary to improve the economic and general welfare of people of the City; and

WHEREAS, this Ordinance should be passed in accordance with Section 13 of the City Charter in order to approve the Grant Agreement and continue the cooperation and services between the City and GSP; 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 Department of Community Development, 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. This City Commission authorizes and directs the City Manager to enter into a Grant Agreement with the Greater Sandusky Partnership for financial

assistance for the purpose of furthering economic development and providing services to the City, substantially in the same form as Exhibit "1", a copy of 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 terms of this Ordinance.

Section 2. This City Commission authorizes and approves the grant funding to the Greater Sandusky Partnership in an amount **not to exceed** Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) from the City’s Capital Projects Fund and General Funds of the City of Sandusky pursuant to and in accordance with the terms of the Grant Agreement and Proposal.

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's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter after its adoption and due authentication by the President and the Clerk of The City Commission

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: December 11, 2023 (effective after 30 days)

GRANT AGREEMENT

THIS GRANT AGREEMENT (the "**Agreement**") is made and entered into this ____ day of _____, 2023 (the "**Effective Date**"), by and between the CITY OF SANDUSKY, OHIO, an Ohio municipal corporation, and the Greater Sandusky Partnership, an Ohio not-for-profit corporation (the "**Corporation**"). The City and the Corporation are collectively referred to herein as the "**Parties**".

WITNESSETH:

WHEREAS, in accordance with Section 13 of Article VIII of the Ohio Constitution and pursuant to Ordinance No. [____], passed by the City Commission of the City of Sandusky, Ohio (the "**City Commission**") on December 11, 2023, a copy of which is attached hereto as **Exhibit A** and incorporated herein by reference (the "**Approval**"), the City determined that it is in the best interest of the citizens of the City to grant funds to financially support the Corporation's implementation of Destination Sandusky, Housing Production, Sandusky Advocacy, and Regional Development with ECEDC (the "**Project**") as described more specifically in the Project Proposal attached hereto as Exhibit B and is incorporated as if fully rewritten herein; and,

WHEREAS, said Approval was rendered in order to encourage economic development and employment within the City; and,

WHEREAS, the Corporation is a community-based, non-profit 501(c)(3) corporation that supports the economic development of the City of Sandusky and Erie County; and,

WHEREAS, in accordance with Section 13 of Article VIII of the Ohio Constitution, it is a public interest and a proper public purpose for the City, in order to create jobs, employment opportunities, and to improve the economic welfare of the people of the state of Ohio, to make or guarantee loans or provide moneys for the acquisition, construction, enlargement, improvement, or equipment of property, structures, equipment, and facilities within the State of Ohio that are used for industry and commerce; and,

WHEREAS, the City desires to assist the Project and encourage economic development and employment, and therefore has agreed to provide, in the manner further described in Section 1 hereof, an economic incentive grant to the Corporation for offsetting a portion of the costs of the Project; and,

WHEREAS, the prohibition of the City's loaning of credit under Section 6 of Article VIII of the Ohio Constitution does not extend to non-profit corporations that fulfill public functions; to wit: Greater Sandusky Partnership is a duly registered non-profit corporation doing business in Ohio, and the City deems the implementation of Destination Sandusky, Housing Production, Sandusky Advocacy, and Regional Development with ECEDC to be a public function, all in accordance with *State ex rel. Pugh v. Sayre*, 90 Ohio St. 215, 107 N.E. 512 (1914) (Article VIII, Section 6 does not prohibit donation of non-tax moneys to nonprofit corporations that fulfilled public functions) and *Leaverton v. Kerns*, 104 Ohio St. 550, 136 N.E. 217 (1922) (public funds may be given to a private, non-profit organization serving public purposes); and,

WHEREAS, the Corporation acknowledges the City's commitment to provide financial assistance through this Grant and has agreed to enter into this Agreement, which sets forth the Corporation's obligations concerning the use of the Grant's proceeds; and,

WHEREAS, the City has determined this Project and the fulfillment generally of this Agreement are in the vital and best interests of the City and the health, safety, and welfare of its residents, and are necessary to improve the economic and general welfare of people of the City.

NOW THEREFORE, the Parties covenant, agree and obligate themselves as follows:

Section 1. Terms of the Grant. The City shall grant to the Corporation funds in the amount of Nine Hundred Thousand Dollars (\$900,000.00) (the "**Grant**") for use by the Corporation exclusively to pay for the Project and in accordance with the disbursement schedule in Section 1, below. This Grant will not increase if the Corporation chooses to make additional improvements not contemplated in the Project Proposal, attached hereto as Exhibit B and is incorporated as if fully rewritten herein. . The disbursement schedule shall be as follows:

- (1) \$300,000 due to the Corporation by December 31, 2024
- (2) \$300,000 due to the Corporation by December 31, 2025
- (3) \$300,000 due to the Corporation by December 31, 2026.

Section 2. Use of Funds. The Corporation will use the Grant to pay for the Project, as further described in Exhibit B. The Corporation shall use the Grant solely in connection with eligible expenses incurred under the Project. By accepting the Grant herein provided, the Corporation agrees to meet the terms of this Agreement.

Section 3. City's Obligation to Make Payments Not Debt. Notwithstanding anything to the contrary herein, the obligations of the City pursuant to this Agreement are not a general obligation debt or bonded indebtedness, or a pledge of the general credit or taxes levied by the City, and the Corporation has no right to have excises or taxes levied by the City, the State or any other political subdivision of the State for the performance of any obligations of the City herein. Consistent with Section 13 of Article VIII of the Ohio Constitution, any payments required to be made by the City pursuant to this Agreement are to be payable solely from the City's non-tax revenues. Furthermore, the obligation of the City to make the payments pursuant to this Agreement are in accordance with the City Commission's approval and subject to certification by the Director of Finance of the City as to the availability of such non-tax revenues.

Section 4. Events of Default. At any time during the Term of this Agreement, and solely at the discretion of the City, should the City determine the Corporation is not in compliance with the terms of the Grant set forth herein, then the City shall provide Notice of Default to the Corporation pursuant to Section 5 demanding strict compliance therewith. If the Corporation fails to take necessary action during the notice period herein to regain and remain in strict compliance, then the City can immediately seek any legal or equitable remedy to which it is entitled including the repayment of any Grant amount or cancellation of this Agreement.

Section 5. Notice of Default. Pursuant to Section 4, should the City determine that the

Corporation is not in strict compliance with the terms of the Grant, then the City shall provide written notice to the Corporation, addressed to and sent via the notice provisions of Section 7(a) below (the “**Notice of Default**”). The Notice of Default shall state clearly the reason(s) for which the City determines the Corporation to be out of compliance. The Corporation shall have ten (10) days from the date it received the Notice of Default to cure or otherwise take the necessary corrective action to regain, and remain in, strict compliance with the terms of the Grant under this Agreement.

Section 6. Indemnification of the City. The Corporation shall indemnify, defend, and hold harmless the City from and against all claims, losses, liabilities, damages, costs, and expenses, including reasonable attorneys’ fees, costs and expenses, arising from the City’s remittance of funds under the Grant.

Section 7. Miscellaneous.

(a) Notices. Except as otherwise specifically set forth in this Agreement, all notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by a recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or any addendum to this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice is deemed to have been received when the return receipt is signed or refused. For purposes of this agreement, Notices shall be addressed to:

(i) If to the City:

City of Sandusky, Ohio
240 Columbus Avenue
Sandusky, Ohio 44870
Attention: Director of Community Development

City of Sandusky, Ohio
240 Columbus Avenue
Sandusky, Ohio 44870
Attention: City Manager

(ii) If to the Corporation:

Greater Sandusky Partnership

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, requests or other communications are to be

sent.

(b) Extent of Provisions: Personal Liability. All rights, remedies, representations, warranties, covenants, agreements and obligations of the City under this Agreement are effective to the extent authorized and permitted by applicable law. No representation, warranty, covenant, agreement, obligation, or stipulation contained in this Agreement is to be deemed to constitute a representation, warranty, covenant, agreement, obligation or stipulation of any present or future director, member, officer, agent or employee of the City. No official executing or approving the City's participation in this Agreement is liable personally under this Agreement or subject to any personal liability or accountability by reason of the issuance thereof.

(c) Successors. This Agreement is neither binding upon nor inures to the benefit of the Corporation's successors and assigns unless with the prior written consent of the City.

(d) Assignment or Transfer. This Agreement is not to be assigned or transferred without the express written consent of the City.

(e) Amendments. This Agreement may only be amended by a written instrument executed by both Parties.

(f) Authority to Sign. The Corporation and City both represent that this Agreement has been approved by formal action of the duly authorized representatives of both Parties.

(g) Executed Counterparts. This Agreement may be executed in several counterparts, each of which is to be regarded as an original and all of which constitutes but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

(h) Severability. In case any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason:

(i) that illegality or invalidity does not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into, or taken, all of which are to be construed and enforced as if the illegal or invalid portion were not contained herein or therein;

(ii) the illegality or invalidity of any application hereof or thereof does not affect any legal and valid application hereof or thereof; and

(iii) each section, provision, covenant, agreement, obligation or action, or part thereof is deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the fullest extent permitted by law.

(i) Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of the

Agreement.

(j) Governing Law and Choice of Forum. This Agreement is to be governed by and constructed in accordance with the laws of the State of Ohio or applicable federal law. All claims, counterclaims, disputes, and other matters in question between the City, its agents and employees, and the Corporation, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Erie County, Ohio.

(k) Further Assurances. The Corporation shall, upon request of the City, duly execute and deliver to the City such further instruments, and do and cause to be done such further acts, as may be necessary or proper in the opinion of the City to carry out the provisions and purposes of this Agreement.

EXHIBIT "1"

[Signature Page to Follow]

IN WITNESS WHEREOF, the City and the Corporation have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the Effective Date.

Greater Sandusky Partnership

By: _____
[_____, _____]

CITY OF SANDUSKY, OHIO

By: _____
John Orzech, City Manager

Approved as to Form:

By: _____
Stewart Hastings, Law Director

FISCAL OFFICER'S CERTIFICATE

The undersigned, Finance Director of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2023 under the foregoing Grant have been lawfully appropriated by the City Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Michelle Reeder, Finance Director

Dated: [____], 2023

EXHIBIT "1"

EXHIBIT A

Ordinance Approving Economic Development Grant Agreement

[See Attached.]

EXHIBIT "1"

EXHIBIT B

Greater Sandusky Partnership Proposal

[See Attached].

EXHIBIT "1"



Greater Sandusky Partnership Proposal to City of Sandusky

The Greater Sandusky Partnership

The Greater Sandusky Partnership (GSP) is a regional economic development organization created from the consolidation of existing local organizations including the Erie County Economic Development Corporation (ECEDC), the Erie County Chamber of Commerce (ECCOC) and Destination Sandusky.

The mission of the Greater Sandusky Partnership is to enhance the quality of life and economic vibrancy of the Sandusky region, while positioning the region as the greatest destination on the Great Lakes for residents, employees, and visitors.

The City of Sandusky is already a significant partner to the Greater Sandusky Partnership, as evidenced by its 2022 commitments to ECEDC and GSP totaling \$150,000.

GSP is proposing a three-year contract for services with the City of Sandusky from 2024-2026. This partnership would build on existing City of Sandusky investments in GSP by ensuring that the core city within the region is well-represented in the creation and implementation of a vision for improving the economy and quality of life in the Sandusky region.

GSP's work will promote the city of Sandusky specifically through its Destination Sandusky affiliate, with priorities including direct special event programming, comprehensive city branding and marketing, merchant coordination and placemaking.

In addition to Destination Sandusky, GSP will partner with the city in order to build a pipeline of housing, drive regional economic development, and advocate and plan to position Sandusky and the surrounding region for increased local, state and federal investment in key areas including infrastructure, transportation, planning, and development. In order to measure the impact of its work, GSP will work with the city and other partners to set a baseline for performance metrics in 2024 that can be measured against moving forward. This baseline will create an understanding of where the community is so it can get to where it needs to be.

Individually these programs all make a strong impact. Collectively, they will transform our region as part of a comprehensive vision for improving quality of life and enhancing economic vibrancy that is implemented and resourced in an aligned and sustainable way.

Proposed Areas of Focus:

I. Destination Sandusky

While much of GSP's work will be regional in nature, Destination Sandusky is designed to be a Sandusky-specific program that partners with the city on special event management, marketing, placemaking and merchant service management. This is important, as there has been no nonprofit partner dedicated to

programming, marketing and placemaking in Sandusky since the recent shutdown of Sandusky Mainstreet and the earlier decision of the Sandusky Chamber of Commerce to become the Erie County Chamber of Commerce. Destination Sandusky will be that partner, allowing the city to continue its focus on providing important city services and community development, while partnering with Destination Sandusky to promote and program in a manner that will leverage city investment with additional private investment.

- o **Special Event and Programming Management:** The City of Sandusky has made critical investments in creating vibrant public places since the passage of Issue 8, most notably at the Jackson Street Pier. The city also created a programming fund to bring that space to life via free to the public special events that build community, support existing small businesses, and attract major private investment. Partnering with Destination Sandusky to enhance programming will:
 - Continue the momentum created by the Party at the Pier series and provide additional free community programming.
 - Create additional resources for events and placemaking with a goal of ramping up hundreds of events annually, an identified best practice in creating an active and vibrant community. Programming enriches the community culturally, increases visitorship, supports local businesses, and attracts increased investment. Destination Sandusky will achieve this ambitious goal by producing programming in addition to promoting and partnering on events produced by others. Of the financial commitment requested by GSP, at least 1/3 will go directly into providing programming with the goal of leveraging the city's commitment to attract additional private funding for programming that will increase the overall amount of programming in the community.
 - Partner with the city to promote and leverage special events and opportunities. Sandusky has strategically taken advantage of opportunities including but not limited to its own 2018 bicentennial and hosting the governor's state of the state address in 2017. Destination Sandusky will be a strong partner to the city on similar upcoming events such as the 2024 solar eclipse and the 30th anniversary of Tommy Boy in 2025.
 - Develop new programming and promotion specifically designed to make Sandusky a year-round destination for residents, visitors and employers and specifically increase sales for existing businesses while providing the traffic necessary for new businesses to open successfully in Sandusky.

Special Event Metrics for Success:

1. By year 3 of agreement, leverage the city's investment in programming by attracting an equal amount of private investment in programming on an annual basis.
2. Track number of special events, with a goal of achieving over 100 active programming events each year (either directly produced or supported by Destination Sandusky).
3. Survey local businesses with a goal of demonstrating impact of event programming by setting a baseline in 2024 with a goal of increasing impact by 20 percent in 2025 and 2026.

- **Brand and Marketing:** Over the last several months, DS developed a brand encompassing the unique assets and authenticity of Sandusky, with City staff contributing throughout the process. Together, we hope to align around a community brand that accurately reflects Sandusky's current strengths as well as its future potential. Destination Sandusky will help tell Sandusky's authentic story, communicate its unique assets, and showcase its diverse and vibrant community in a way that builds community amongst existing residents and attracts new residents, visitors, and investment. Over the next year, we will work in coordination with City staff to bring this brand to life. DS, in collaboration with the City of Sandusky, will:
 - Create content including social media, merchandise, photography, videos, and publications that showcase local champions, build Sandusky pride, and attract investment.
 - Focus on growing Sandusky's market share of the over 11 million regional visitors to Shores & Islands Ohio. One specific opportunity includes leveraging the city's marketing partnership with Cedar Point & Cedar Point Center to educate their customers on all Sandusky offers.
 - Market Sandusky as a year-round destination for culture, entertainment, and recreation to over 250,000 regional residents.
 - Grow and nurture media relationships to increase positive media exposure for Sandusky.
 - Support local business by updating downtown maps, creating retail guides, rack cards, and visitor information material.
 - Invigorate the public realm with banners and other placemaking activities designed to create a sense of "place" in Sandusky that enriches the lives of locals while attracting an increased number of visitors.

Branding and Marketing Metrics for Success:

1. Survey businesses and stakeholders annually, setting a baseline in 2024 with a goal of increasing foot traffic downtown by at least 10 percent annually in 2025 and 2026.
2. Develop and track sales of "Sandusky" merchandise as a tool for building community and marketing Sandusky.
3. Track positive media stories on Sandusky, setting a baseline in 2024 and increasing positive stories in local and regional media by 10 percent annually.
4. Grow Social Media Engagement and Followers by 10 percent annually.
5. Develop a system for measuring the positive impact on perceptions of Sandusky as a place to live, work, and visit.

- **Merchant Services and Retail:** Downtown Sandusky will reach a new level when its businesses and stakeholders are rowing in the same direction. Through regular communication and coordinated efforts, we will inform the business community, rally around important development opportunities, and attract new merchants and office tenants to Sandusky. Destination Sandusky will:
 - Host monthly merchant meetings and monthly merchant communications that build a bridge and grow deeper roots to our small business community. Meetings and communications will share updates, promote upcoming events, address challenges, and identify new projects and ideas. These efforts will inform our entrepreneurs and build community while creating a more coordinated approach to hours of operation, marketing, programming and beautification. One

example could involve merchants planning to be open before and after shows at the revitalized Sandusky State Theatre.

- Partner with Greater Sandusky Partnership's business development and entrepreneurial services staff to develop an inventory of available office and retail space while also building a pipeline of potential office and first floor tenants to drive additional economic activity in Sandusky.
- Showcase Sandusky's entrepreneurs and community with social media, public relations and other content designed to increase engagement and activity in the city.

Merchant Services and Retail Metrics for Success:

1. Monitor Inventory of vacant retail spaces in Downtown Sandusky, setting a baseline of vacant inventory and occupancy rates in 2024, create a new retail initiative in partnership with the city to support existing and new retail and raising occupancy rates by at least 10 percent each year.
2. Create inventory of vacant or under-utilized buildings in Downtown Sandusky with a goal of driving the revitalization of at least 3 buildings over the 3-year contract.
3. Survey existing businesses and support an improved sales environment of existing businesses or the expansion of existing businesses with a goal of at least five business expansions over the life of the contract.

- **Placemaking:** Placemaking is a multifaceted approach to urban planning, design, and development that focuses on creating and enhancing public spaces to improve the overall quality of life in a community. It involves transforming ordinary spaces into vibrant, inviting, and people-centric places that foster social interaction, community engagement, and a sense of identity. In 2017, Sandusky created a public art program that led to increased public art and also created a stronger culture of public art and placemaking in Sandusky. Partners like the Lange Trust and Shores & Islands Ohio have made additional investments in public art and placemaking that are making Sandusky a better place for locals while attracting visitors and investment. As placemaking becomes a more important part of the downtown experience, exposing people to fun and whimsical experiences in the public realm creates a stronger sense of identity, safety, and vibrancy. Destination Sandusky will work in coordination and collaboration with the City to take placemaking efforts to the next level with goals including:
 - Creating placemaking opportunities that elevate Sandusky's brand and mission of being a family friendly, inclusive, year-round attraction. Potential placemaking options include outdoor games, functional and decorative seating (i.e. Adirondack chairs and bistro tables), pop up public art, lighting installations, small-scale programming, photo opportunities, seasonal décor, and more.
 - Work with City staff to identify beautification opportunities and appropriate funding models to keep the city attractive and well-maintained year-round.
 - Leverage existing resources and attract new resources into a coordinated plan for placemaking, public art and programming that takes existing activities to scale. Start with partners such as Shores & Islands Ohio, the Lange Trust and the city's Public Art & Cultural Commission to identify whether joint funding of planned priorities can take existing efforts to scale while continuing to fund and support organic projects implemented by local artists and stakeholders.

Placemaking Metrics for Success:

1. Create at least three placemaking or public art projects in Sandusky.
2. Survey stakeholders to create a baseline in 2024 and set goal of tracking impact on foot traffic, and social media engagement made possible by enhanced placemaking in Sandusky.

II. Housing Production

The Firelands Forward (now a program of GSP) Regional Housing Study identified a severe shortage of housing in Sandusky and the surrounding three-county region. Over 2,000 units of housing are needed immediately, with current housing occupancy levels dangerously close to one hundred percent. While the housing shortage is a national challenge, local solutions will be required that involve the identification of appropriate sites, creating housing-friendly local zoning, developing appropriate local tax and gap financing incentives, attracting civic and philanthropic investment, and building a pipeline of housing developers and builders to meet local demand.

Developing solutions to the Sandusky region's housing needs will require collaboration between the public, private, and civic sectors. Partnering to address the housing challenge will be one of the most important initiatives of the GSP, with a focus on developing a diversified pipeline of affordable and market rate housing solutions including rehabilitation, adaptive reuse, single family, new neighborhoods/subdivisions, and multi-family projects. Any solution must develop a diverse portfolio of unit types designed for single occupants, families, and seniors of all income levels.

GSP will convene stakeholders in late 2023 and early 2024 to develop an implementation blueprint for the Regional Housing Study. This will include identifying local, state and federal resources for all housing types as well as learning from best practices being established in real time by other local communities.

- Identifying sites, buildings and lots within Sandusky that are currently suitable for housing, and identifying sites that could become available for housing with infrastructure investment or a change in ownership. Once identified, work with site owners and developers to bring lots to market quickly and efficiently.
- Developing a housing infill program designed specifically to bring new units to market in Sandusky and similarly situated communities in partnership with the city and County Land Bank and utilizing potential state incentives and developing appropriate local incentives to overcome financial obstacles to housing production.
- Working closely with the city and other partners to identify best practices and educate the community on local policy and zoning solutions that can help eliminate barriers to housing production while also maintaining neighborhood character. Existing examples include zoning for accessory dwelling units and identifying corridors and other sites that are appropriate for the construction of multi-family housing.
- Building a pipeline of development partners and builders with an emphasis on identifying partners with a specific niche and expertise in the development of affordable housing, modular housing, infill housing, mixed use development and other project types designed specifically to meet the needs of Sandusky and the surrounding region.

- Identify, advocate for and raise resources specifically designed to close financing gaps that are currently preventing housing production of both affordable and market rate housing in the city.
- Define metrics and goals for housing production of all types and track the implementation of the Regional Housing Plan providing the data necessary to determine if current local action is sufficient or if more or different tactics are necessary to meet the needs of the community.

Housing Metrics for Success:

1. Develop Inventory of Sites (publicly and privately owned) within Sandusky that are candidates for new construction infill housing.
2. Create baseline of existing housing activity in 2024 and monitor new housing starts and rehabilitations with a goal of increasing unit production and rehabilitation by 10% each year.
3. Build a pipeline of housing development partners to develop new market rate, affordable, multi-family and single-family housing in Sandusky with a goal of supporting the construction with a goal of bringing at least five new housing developers into the market.
4. Identify new resources to support housing development (public and private), and advocate for maintaining existing resources and creating new resources for housing at the local, state, and federal level.

III. Advocacy & Planning

Advocacy will be an important component of GSP's work. GSP will partner with the City of Sandusky in advancing an agenda locally as well as at the state and federal level that further strengthens our position as the greatest destination on the Great Lakes. Our voice will be stronger by working together to support a shared vision that includes protecting Lake Erie, creating a stronger connection to Columbus, attracting increased capital investment in necessary infrastructure, and ensuring that Sandusky and GSP's shared priorities are also the priorities of local, state and federal partners.

An example of a potential priority for local advocacy would be galvanizing support for public transportation, a critical resource for the region that is operated by the City of Sandusky. GSP will work directly with the city to educate the public and key stakeholders on the importance of transit to workforce development with a goal of identifying new resources that will help make the service more sustainable and comprehensive. GSP will prioritize working with the business community, the city, and other critical stakeholders to develop a more equitable funding system for public transportation in the region that meets the region's needs for this critical service.

State and federal examples of advocacy would involve conducting a process to identify local priorities and matching those priorities with potential state and federal funding opportunities. GSP will work closely with the city to identify and secure funding for shared priorities.

GSP will also play a role in conceptual planning for critical regional development and infrastructure priorities. GSP will raise resources and conduct conceptual planning for key priorities including but not limited to leveraging the impending Route 6 project, the redevelopment of the Boeckling Ferry Terminal in Downtown Sandusky, the expansion of the Sandusky Bay Pathway, and creating a more seamless connection from Columbus to Sandusky. GSP will provide planning, advocacy, and resource development

services specifically for these and other priorities identified in partnership with the City of Sandusky, with a goal of identifying opportunities and needs via coordinated planning efforts and then developing and attracting the resources necessary to implement those priorities.

Advocacy & Planning Metrics:

1. Develop goals for public and private investment in priority projects, setting a baseline based on past success in securing resources and look to increase resources by 20 percent.
2. Identify shared policy goals at local, state, and federal level and track success of achieving those goals over life of contract.
3. Specifically prioritize advocating for an improved regional partnership for public transportation that better distributes the costs of managing a strong regional public transportation system and continues to provide this critical service.
4. Create a conceptual plan for the redevelopment of Route 6 and the expansion of the Sandusky Bay Pathway and begin working toward implementation.

IV. Regional Economic Development

Erie County Economic Development Corporation (ECEDC) is now an affiliate program of the Greater Sandusky Partnership. The City of Sandusky has long supported and partnered with ECEDC to provide economic development services. ECEDC's new affiliation with GSP provides an opportunity to continue and expand current services in a way that is more aligned with GSP's additional work in place-based development and district management, housing, planning and advocacy, and more. Existing programs that will be continued and expanded under the terms of GSP's partnership with the city include:

- Business Retention, Expansion, and Attraction (BREA): GSP will continue to provide business retention and expansion services that make regular contact with existing Sandusky employers and connect those employers to available resources for expansion via Team NEO and JobsOhio. In addition, GSP will identify key sites and market those sites for major attraction projects while continuing coordination with available Team NEO and JobsOhio resources. This work will benefit Sandusky as GSP coordinates specifically with Sandusky businesses and markets Sandusky sites but also as larger sites within the region are brought to market with major investments that will grow the regional economy and employ Sandusky residents. Examples of key regional sites include the opportunity to bring excess land at NASA Armstrong to market for economic development, as well as continuing to work on the redevelopment of KBI that will attract significant investment and job creation to the region.
- RISE/Entrepreneurship/Retail and Office: GSP seeks to continue the work of RISE (Regional Incubator for Sustainability & Entrepreneurship) in supporting and building a pipeline of entrepreneurs in our region. Additionally, GSP seeks to expand this work by building out an initiative specifically focused on connecting these and other entrepreneurs directly to a well-maintained inventory of available office and retail space in Sandusky. GSP seeks to partner with the city and other stakeholders to develop an initiative specifically around creating a stronger retail and office market and will accomplish this through activities of RISE, BREA, Destination

Sandusky, and other programs that when aligned will connect business owners directly to opportunities to find success in a vibrant place.

- Minority Business Empowerment Team (MBET): GSP seeks not only to connect entrepreneurs to economic opportunity, but also to ensure that the pipeline of entrepreneurs is representative of Sandusky. MBET is a program that seeks to build a network and offer supportive services to minority business enterprises that breaks down barriers and opportunities that have prevented them from fairly competing in the past. GSP will continue to support the MBET collaboration and identify resources to scale this work and opportunities for minority businesses to thrive in Sandusky.

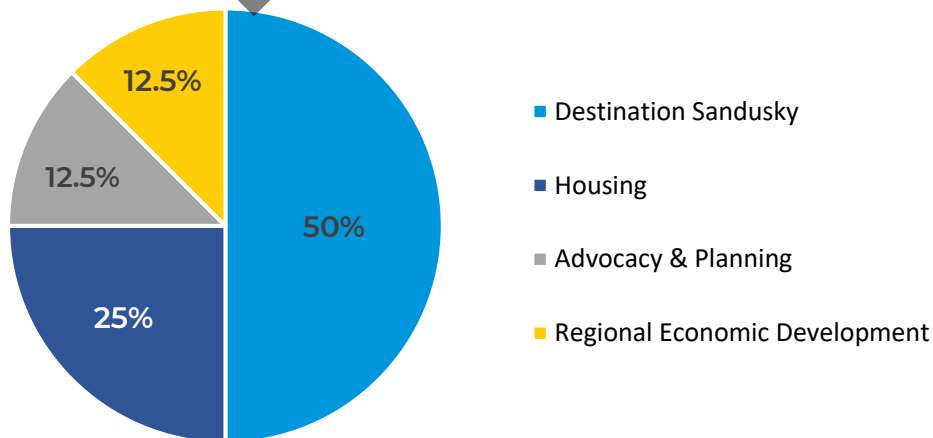
Regional Economic Development Metrics:

1. Capital Investment: support capital investment projects by private businesses generating an average of at least \$10 million annually in investment in Sandusky.
2. Job Creation: Support creation of an average of at least 30 jobs annually within Sandusky.
3. Entrepreneurial and Minority Business Support: directly support via technical assistance and connection to resources over 150 small businesses, entrepreneurs and/or minority businesses either located in Sandusky or owned by Sandusky-based entrepreneurs.

Summary and Next Steps

In Summary, the Greater Sandusky Partnership formally requests a 3-year contract for services from the City of Sandusky starting in January of 2024 at \$300,000 annually. This request would be all inclusive and GSP would not seek additional city resources for itself or any of its affiliate programs during this period. Furthermore, the Greater Sandusky Partnership pledges that at least 50% of the total contract will go into direct programming including special events, project and program implementation, and planning & advocacy efforts.

GSP is proposing that service priorities are defined based on the below estimates:



50% - Destination Sandusky:

Special Event Production & Management, Sandusky Branding & Marketing, Placemaking Project Management, Merchant Attraction & Coordination

25% - Housing:

Build Pipeline of Sites, Development Partners, and Resources in order to increase number of units of affordable & market rate housing, including rehabilitation, adaptive reuse, & new construction.

12.5% - Advocacy & Planning:

Advocate for increased local, state and federal resources for shared city and GSP priorities. Plan, raise resources and advocate for high impact, regionally significant projects.

12.5% - Regional Economic Development:

Continue and expand programs for business attraction, retention, and expansion. Create a strong network of entrepreneurs and build a pipeline of potential retail and office tenants for Sandusky. Expand the work of the Minority Business Empowerment Team.

The Greater Sandusky Partnership is grateful for the City of Sandusky's consideration of this proposal and looks forward to working with staff and presenting to Sandusky City Commissioners in order to answer any questions. We look forward to building out and implementing a shared vision for Sandusky and the surrounding region that further positions our community as America's Best Coastal Small Town and the Greatest Destination on the Great Lakes.



DEPARTMENT OF COMMUNITY DEVELOPMENT

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5832
www.cityofsanduskv.com

To: John Orzech, City Manager

From: Colleen M. Gilson, Community Development Director

Date: November 27, 2023

Subject: Commission Agenda Item – Feick Building EZ Agreement 2nd Amendment

Items for Consideration: Legislation approving the 2nd amendment to the Enterprise Zone Agreement between the City of Sandusky and Feick Building, LLC for the purposes of furthering economic development efforts in the City.

Background Information: The City of Sandusky and Feick Building LLC entered into an Enterprise Zone Agreement dated April 22, 2020 whereby the City granted 75% tax abatement for a period of ten years for the planned improvements to the historic, eight-story Feick Building located at 158 E. Market Street.

In January of 2022 an amendment to the Enterprise Zone Agreement was approved by the City Commission which detailed changes to the project scope. Due to the COVID pandemic and changes to local market conditions, the company modified its initial renovation plans for the upper seven floors from the development of office space to 42 market-rate apartments and first floor retail.

The project was completed in the Fall of 2023 and rental of the units is underway. On October 19, 2023 the city was notified by Chief Deputy Auditor - Erie County that the commercial appraiser will not post any value for the new improvements at the Feick Building until tax year 2024 for the 2025 collection year.

An Enterprise Zone Agreement 2nd Amendment is needed to reflect that no exemption under the Enterprise Zone Agreement shall commence after 2024 nor extend beyond 2033.

Budgetary Information: The percentage and number of years of real property tax abatement provided to the project will remain the same. The project will have an ongoing positive impact on the general fund due to increased income and property taxes.

Action Requested: It is requested that the proper legislation be prepared to allow the City to enter into an Enterprise Zone Agreement 2nd Amendment with the company. It is further requested

that this legislation be passed in accordance with Section 14 of the City Charter in order to immediately execute the amendment to reflect the updated exemption years at the earliest opportunity.

John Orzech
City Manager

Colleen Gilson
Community Development Director

cc: Stewart Hastings, Law Director
 Michelle Reeder, Finance Director
 Cathy Myers, City Commission Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SECOND AMENDMENT TO THE ENTERPRISE ZONE AGREEMENT WITH FEICK BUILDING LLC, RELATING TO PROPERTY LOCATED AT 158-160 EAST MARKET STREET; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Feick Building LLC, in conjunction with its affiliated development company, Marous Development Group, LLC, is redeveloping the century-old 8 story steel, approximately 60,000 square foot building located at 158-160 E. Market Street and commonly known as the Feick Building, for office and commercial use and tenancy, and the project included the parking lot on E. Market Street and the parking lot on Wayne Street; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into an Enterprise Zone Agreement with Feick Building, LLC, for a 10-year, 75% tax abatement on the planned improvements to the historic building by Ordinance No. 20-066, passed on April 13, 2020; and

WHEREAS, this City Commission authorized and directed the City Manager to enter into an First Amendment to the Enterprise Zone Agreement with Feick Building, LLC, approving the revised project plans and estimated project timeline, cost, and employment/payroll figures due to the COVID pandemic and changes to local market conditions, by Ordinance No. 22-010, passed on January 24, 2022; and

WHEREAS, the project was completed in the fall of 2023 and on October 19, 2023, the City was notified by the Erie County Auditor's Office that commercial appraiser will not post any value for the new improvements at the Feick Building until tax year 2024 for the 2025 collection year; and

WHEREAS, it is necessary to amend the agreement to clarify this condition and make sure the amendment states "no exemption under this agreement shall commence after 2024 nor extend beyond 2033"; 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 amendment to reflect the updated exemption years at the earliest opportunity; 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. This Commission hereby approves the Second Amendment to the Enterprise Zone Agreement with Feick Building LLC, pursuant to the terms and conditions contained therein, a copy of which is marked Exhibit "1" attached to this Ordinance and is specifically incorporated as if fully rewritten herein.

Section 2. The City Manager is hereby authorized and directed to execute the Amendment to the Enterprise Zone Agreement with Feick Building LLC, on behalf of the City in accordance with the terms and conditions as contained in the form of the agreement marked Exhibit "1" attached to this Ordinance 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.

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: December 11, 2023

SECOND AMENDMENT TO
ENTERPRISE ZONE AGREEMENT

THIS SECOND AMENDMENT TO ENTERPRISE ZONE AGREEMENT (“Amendment”) is made and entered into as of this _____ day of _____, 2023 (“Effective Date”), by and between the **CITY OF SANDUSKY, OHIO** (the “City”), a municipal corporation and political subdivision duly organized and validly existing under the Constitution, its Charter, and the laws of the State of Ohio, and **FEICK BUILDING LLC** (the “Company”), an Ohio limited liability company (each a “Party” and collectively the “Parties”).

WHEREAS, on April 22, 2020, the City and the Company entered into certain legislation, Ordinance No. 20-066 and pursuant to an executed Enterprise Zone Agreement (the “Agreement”) whereby the City granted to the Company a ten (10) year, seventy-five percent (75%) tax exemption for the real property improvements made to the Project (as defined in the Agreement) site; and

WHEREAS, due to the COVID pandemic, market and economic changes, and in the best interests of the City, the Company modified the initial renovation plans, so the Project will consist of forty-two (42) market rate apartments on the upper seven (7) floors and restaurant, retail and/or office use on the first floor, along with a first-floor lobby and amenities for the apartment residents (the “Revised Project”); and

WHEREAS, in connection with the Revised Project plans, the initial estimated economic impacts of the Project have changed resulting in approximately 60-65 new residents that will reside at the Revised Project, producing an estimated \$4 million of annual resident income, and revised new temporary construction jobs and permanent full-time equivalent employee jobs; and

WHEREAS, in order for the Company to complete the Revised Project, the Company has entered into certain agreements with CFBank, National Association, (the “Bank”) for financing the amount of Five Million Three Hundred Twenty-Eight Thousand and 00/100 Dollars (\$5,328,000.00) of the Revised Project (the “Loan”); and

WHEREAS, on January 22, 2022, pursuant to Ordinance 22-010, the City and the Company entered into the First Amendment to the Enterprise Zone Agreement; and

WHEREAS, The Erie County Auditor’s Office has instructed the Company and the City to change the agreement to state “no exemption under this agreement shall commence after 2024 nor extend beyond 2033.”

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Section 5 last sentence of paragraph 1 of the Agreement shall be modified to state: “No exemption under this agreement shall commence after 2024 nor extend beyond 2033.”

Except as expressly modified hereby by the First Amendment, and this Second Amendment the existing terms and conditions of aforesaid Agreement are hereby confirmed and ratified and made a part of the First Amendment, this Second Amendment, and the Agreement shall remain in full force and effect.

FEICK BUILDING LLC,
An Ohio limited liability
company

By: _____

Name: Adelbert P. Marous, Jr.

Its: Manager

CITY OF SANDUSKY, OHIO

By: _____

Name: John Orzech

Its: City Manager

The legal form of the within instrument is hereby approved.

Director of Law
City of Sandusky



DEPARTMENT of COMMUNITY DEVELOPMENT

Division of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5973
www.cityofsandusky.com

To: John Orzech, City Manager
From: Arin Blair, Chief Planner
Date: November 28, 2023
Subject: Commission Agenda Item – Landmark Commission Appeal

Item for Consideration: Appeal of the November 15, 2023 Sandusky Landmark Commission's decision to deny a Certificate of Appropriateness for exterior paint color alterations at 160 Wayne St.

Background Information: An application for a Certificate of Appropriateness was submitted by Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, to the Landmark Commission for exterior paint color alterations. The Landmark Commission heard the application on November 15, 2023. The Landmark Commission denied the paint color *Benjamin Moore #2033-10 Yellow Green*. The motion to deny the paint color *Benjamin Moore #2033-10 Yellow Green* was passed unanimously with a 4-0 vote. Unfortunately, the applicant was not given the proper notice of their placement on the Landmark Commission agenda for that date and time, and was not in attendance to present their case at the meeting.

Photo of the subject paint colors. The painting was done without Landmarks Commission review and a notice of violation was sent on October 13, 2023.



Staff's recommendation to deny, and the subsequent Landmarks Commission vote to deny the *Yellow Green* paint color is based on direction from the Sandusky Preservation Design Guidelines, which states the following on Paint & Color Selection (p. 23):

Many of the major paint manufacturers have developed "historic" paint color charts which can be consulted when a color program is being selected for a building. Many colors that may be appropriate are available on charts labeled "heritage colors."

(continued)

A building's color selection should be based primarily on the following [applicable] points:

- The color(s) of the building's unpainted natural materials (e.g. brick, copper, stone).
- The color of the surrounding buildings should be considered so that harmonious streetscape is created.
- Harsh or bold colors which may detract from or overpower the entire façade should not be used.

According to Section 1161.10 of the Sandusky Codified Ordinance, decisions by the Landmark Commission may be appealed in writing to the City Commission within ten days of the Landmark Commission hearing. The applicants submitted an appeal to the City Commission on November 22, 2023.

The City Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the Landmark Commission in rendering their decision. A simple majority vote of the City Commission membership shall be required to overturn or modify a decision of the Landmark Commission.

Budgetary Impact: There are no costs associated with this legislation.

Action Requested: It is requested that the City Commission approve legislation to remand this matter back to the Landmarks Commission so that a *De Novo* hearing can be held after proper notice. It is further requested that this legislation be passed as an emergency measure in accordance with Section 14 of the City Charter in order to comply with time requirements of Section 1161.10 and to promptly act on this Appeal.

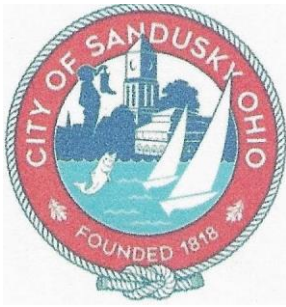
Arin Blair
Chief Planner

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
Stewart Hastings, Law Director



Department of Community Development

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

October 13, 2023

Re: Zoning Violation Letter-160 Wayne St

To Whom It May Concern,

The above referenced address is in violation of Chapter 1161 Landmark Preservation of the Sandusky Planning and Zoning code. The property is within the Downtown Historic District. External changes to the property must receive a Certificate of Appropriateness from the Landmarks Commission.

The Sandusky Preservation Design Guidelines outline appropriate changes to the exterior of structures in historic districts. These can be found at www.cityofsandusky.com/historic. On Page 23, Paint & Color Selection, the following guidelines apply:

Many of the major paint manufacturers have developed "historic" paint color charts which can be consulted when a color program is being selected for a building. Many colors that may be appropriate are available on charts labeled "heritage colors."

A building's color selection should be based primarily on the following points:

- The color of the surrounding buildings should be considered so that a harmonious streetscape is created.
- Harsh or bold colors which may detract from or overpower the entire facade should not be used.

Staff investigation has found the exterior paint color has been updated to a color not appropriate according to the guidelines and no application for approval of exterior paint color was received for review by the Landmarks Commission.

Section 1161.09 Enforcement & Penalties requires compliance with seventy-two hours of receipt of this notice.

Please contact me at the Community Development Department at 419-627-5873 or email ablair@cityofsandusky.com to discuss the process for bringing the property into compliance.

Sincerely,

Arin Blair, AICP
Chief Planner

Robert Resley
533 Cleveland Rd. W.
Huron, Ohio 44839
419-433-8058
huronmarket@aol.com

10-30-23

City of Sandusky
Division of Planning

In response to your letter dated 10-13-23 for the zoning violation for 160 Wayne St.:

From the day I purchased the closed down building on Wayne St. and E. Market St., which was dilapidated and an eyesore to the city, I began putting money into it to bring it back. I found two good long term tenants. Subway in 2013 and Amarone in 2014. Both of these businesses have been marginal, but continue on through years of hard work. I continue to reinvest in the business up to the current day. It is in the best interest for the current tenant to continue with the updated, current paint vs. the dark, drab paint colors suggested. The current paint brightens up the corner which is positive for both tenants vs. the negative affect it would have on both businesses to dim the color. There are currently multiple buildings downtown with bright colorful murals. I have owned businesses in Sandusky back to 1984 (Convenient Food Mart), always pay my taxes, employed hundreds of hard working employees, and never asked for any help. I am now after 25 plus years, asking to be allowed to keep the building at E. Market and Wayne St., the new fresh Subway color, which is helpful to the success of the current tenants, Amarone and Subway. Our application is attached.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Robert Resley", with a stylized flourish at the end.

Robert Resley

RE: Zoning Violation Letter- 160 Wayne St

From: Arin Blair (ablair@cityofsandusky.com)
To: huronmarket@aol.com
Cc: aochs@cityofsandusky.com; qrambo@cityofsandusky.com
Date: Tuesday, October 31, 2023 at 03:40 PM EDT

Good afternoon,

We have received your application and will follow up to let you know if any additional information is needed. The application submitted is an old form, but we'll see if we can transfer it over to the new form or if we need you to resubmit.

Alec Ochs (cc'd) will follow up to confirm which Landmarks Commission agenda you are on and instructions for attending the meeting. We always recommend that the property owner or representative attend the meeting to speak about the case and answer questions.

I anticipate the commission will ask what Subway's policy is for dealing with local regulations that require an exception to their brand requirements and what colors they have in their palette (or have applied in other cities) that are appropriate for historic districts. It would be helpful to prepare a comment on that.

If they do not approve the request to keep the current color (which will be staff's recommendation), they will ask the applicant to choose an alternate color for staff and/or commission review. If you have a backup color in hand at the meeting, that could expedite approval of an alternative color, if its shown the alternate color has been selected from a historic color palette. If not, then you have time to choose another color and come back for a second round of review or pursue an appeals process.

Mr. Resley mentions murals in his letter. If he would like to pursue getting mural art approved to replace the existing green, that approvals process would be slightly different I am happy to discuss that process with him. It would require a variance from the Board of Zoning Appeals as well as permission from Landmarks Commission.

Let us know if you have further questions. Thank you,

Arin Blair, AICP | Chief Planner
COMMUNITY DEVELOPMENT DEPARTMENT
240 Columbus Ave | Sandusky, OH 44870
T: 419.627.5873 | F: 419.627.5825
www.cityofsandusky.com



City of Sandusky/Downtown Design Review District
Application for Certificate of Appropriateness



Address of Property: 160 Wayne St.

Property Owner Name: Robert Resley

Property Owner Address: 533 Cleveland Rd. W., Huron, Ohio 44839 (office)

Property Owner Phone Number: (Phone): 419-433-8058 (FAX): 419-433-8186

Have you reviewed the Downtown Sandusky Design Review Guidelines?

☒

Yes

☐

No

Is the building on the National Register of Historic Places?

☐

Yes

☒

No

Scope of project to include: (Please check appropriate items.)

☐ Awnings/Shutters

☐ Energy Conservation

☐ Fences

☐ Signage

☐ Doors, Windows, Entrances

☐ Siding

☐ Roofing

☐ Complete Façade Restoration

☐ Landscaping

☐ Partial Façade Restoration

☐ Rear Access

☒ Exterior Painting (Commercial)

☐ Parking Lot Layout

☐ Other: _____

Briefly explain the proposed work: (Attach extra sheets if necessary.)

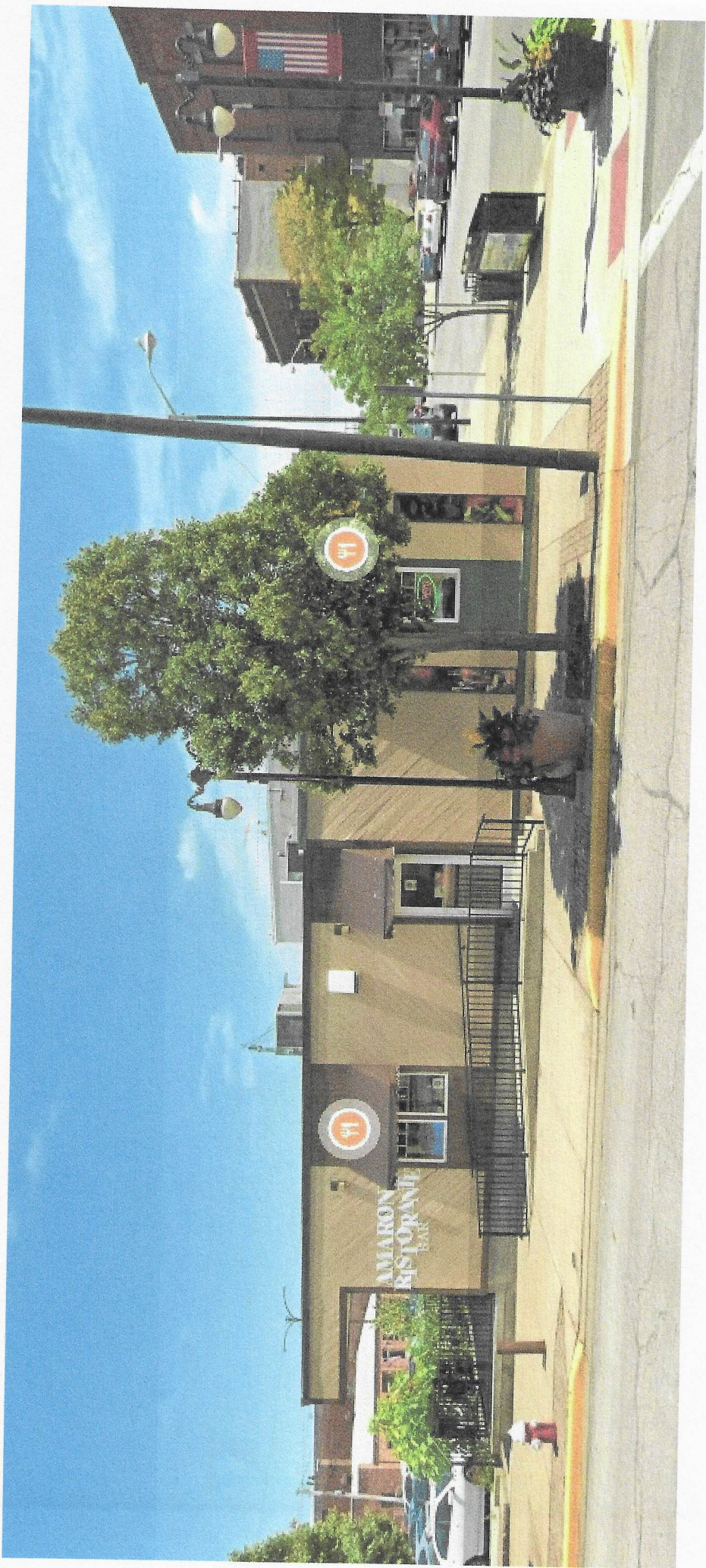
Repaint building exterior.

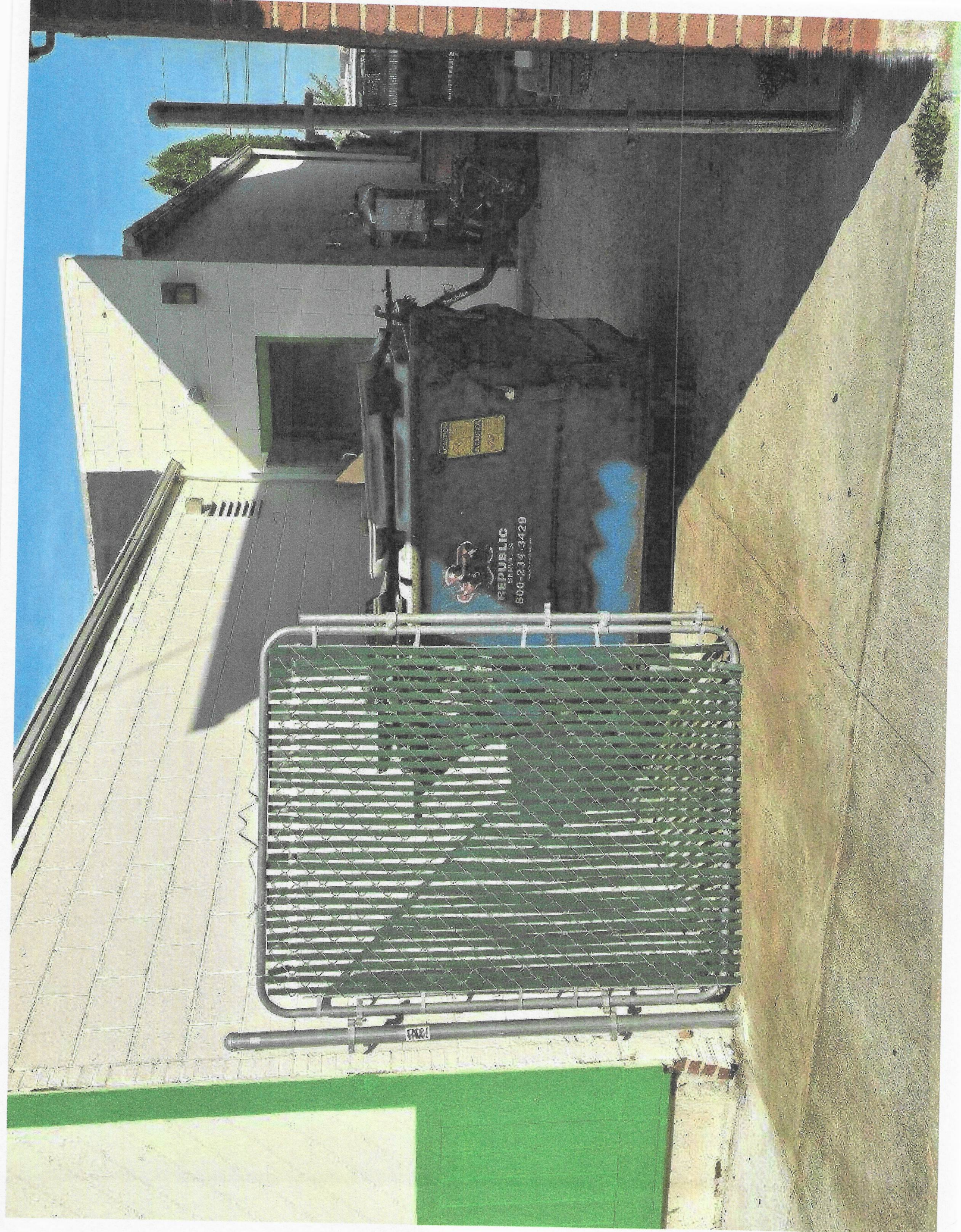
Colors SW #9165 gossamer veil

Benjamin Moore #2033-10 Yellow green











Robert Resley
533 Cleveland Rd. W.
Huron, Ohio 44839
419-433-8058
huronmarket@aol.com

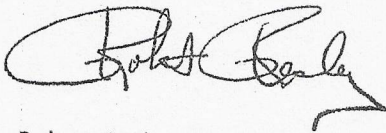
10-30-23

City of Sandusky
Division of Planning

In response to your letter dated 10-13-23 for the zoning violation for 160 Wayne St.:

From the day I purchased the closed down building on Wayne St. and E. Market St., which was dilapidated and an eyesore to the city, I began putting money into it to bring it back. I found two good long term tenants. Subway in 2013 and Amarone in 2014. Both of these businesses have been marginal, but continue on through years of hard work. I continue to reinvest in the business up to the current day. It is in the best interest for the current tenant to continue with the updated, current paint vs. the dark, drab paint colors suggested. The current paint brightens up the corner which is positive for both tenants vs. the negative affect it would have on both businesses to dim the color. There are currently multiple buildings downtown with bright colorful murals. I have owned businesses in Sandusky back to 1984 (Convenient Food Mart), always pay my taxes, employed hundreds of hard working employees, and never asked for any help. I am now after 25 plus years, asking to be allowed to keep the building at E. Market and Wayne St., the new fresh Subway color, which is helpful to the success of the current tenants, Amarone and Subway. Our application is attached.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Robert Resley", with a stylized flourish at the end.

Robert Resley

LANDMARK COMMISSION REPORT

APPLICATION FOR EXTERIOR ALTERATIONS TO
160 WAYNE STREET

EXTERIOR PAINT COLOR

Reference Number: PCL23-0026

Date of Report: November 2, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Landmark Commission Report

BACKGROUND INFORMATION

Applicant:	Robert Resley 533 Cleveland Rd. W. Huron, OH 44839
Owner:	Same as Above
Site Location:	160 Wayne St. Sandusky, Ohio 44870
Zoning:	DBD – Downtown Business
Historic Status:	Non-contributing building in the Downtown Sandusky Commercial Historic District
Existing Uses:	Restaurant
Proposed Uses:	Restaurant
Project:	
1.	Exterior Paint Color

SITE DESCRIPTION



Colors sought for approval (already painted)



Colors previously painted



PROPERTY DESCRIPTION

The site of 160 Wayne St. is currently the location of Subway. There is little documented history on this structure.

PROJECT SCOPE

1. Exterior Alterations: Paint Color

The applicant has requested a Certificate of appropriateness for exterior color changes made to 160 Wayne Street in September-October 2023. The submitted materials state the colors are SW #9165 gossamer veil and Benjamin Moore #2033-10 yellow green.

RELEVANT GUIDELINES

Sandusky Preservation Design Guidelines

[A Certificate of Appropriateness] “is necessary when a change is being made to the exterior of a property... which involves any of the following actions: 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.

Sandusky Preservation Design Guidelines

- **Paint & Color Selection – page 23**
(Summarized)
 - a) Consider earth tone colors
 - b) Architectural features were painted to contrast wall color
 - c) Consider “heritage colors”
 - d) Consider surrounding building colors
 - e) Consider style and historic period of the building
 - f) **Harsh or bold colors should not be used**

SUPPLEMENTAL NOTES / DIVISION OF PLANNING COMMENTS

The applicant was not aware of the requirement for approval from the Landmarks Commission before changing the exterior colors of the building. In a letter later submitted, Mr. Resley stated the desire to “brighten up the corner” to increase visibility of the building and the tenant businesses within it. Staff received multiple complaints about the bright green paint color applied, with observations questioning whether it fit within the guidelines for the historic district and whether they went through the proper approvals process prior to completing the project.

Apon receiving these complaints, the Planning Division issued a zoning violation notice to the property owner. Email correspondence from a representative of Subway was received on October 18, 2023. They indicated the color selection was dictated by Subway’s corporate brand guidelines. Staff outlined the required Landmarks Commission process for approval and encouraged the selection of an alternate appropriate color, hoping for a solution that would be documented within Subway’s brand guidelines and appropriate within Sandusky’s guidelines. Staff’s assumption is Subway is located within other historic districts nationwide, and has either documented appropriate historic colors to use within their brand guidelines or a process for making an exception. Also, staff sent several example colors and links in the email for examples of colors appropriate within the historic district.

On October 31, 2023 staff received the application for approval of the existing color along with photos and the referenced letter from Mr. Resley.

While the existing bright green color is not appropriate according to the Sandusky Preservation Design Guidelines (“harsh or bold colors should not be used”), staff is confident an alternate green color could be selected which would fit within the guidelines and accomplish the owner’s goal to brighten up the corner. It is staff’s recommendation that the Landmarks Commission deny the request to keep the existing green color (Benjamin Moore #2033-10 yellow green) and direct the applicant to select other color options to be reviewed either by staff for approval or to bring forward to the Landmarks Commission for approval.

The “Sherwin Williams #9165 gossamer veil” gray neutral secondary color is appropriate and can be included in a future Certificate of Appropriateness assuming a resolution is reached with the green.

Finally, in the letter Mr. Resley mentions nearby murals in the historic district. If the applicant wishes to pursue a mural on the building, staff welcomes the conversation to discuss the approvals process for such a project.

CONCLUSION/RECOMMENDATION

The Planning Division recommends the Landmarks Commission deny of the request for a Certificate of Appropriateness for the exterior color change to “Benjamin Moore #2033-10 yellow green” at 160 Wayne Street.

**Landmark Commission
November 15, 2023
Meeting Minutes**

Meeting called to order:

Chair Griffiths called the meeting to order. The following members were present: Eliot Dyer, Alan Griffiths, Louis Schultz, and Kima Yandell. Also, present were Arin Blair and Alec Ochs, who represented the Community Development Department, Stewart Hastings and Sarah Chiappone of the Law Department, and clerk, Quinn Rambo. Mr. Whaley informed Staff in advance that he was unable to attend the meeting.

Review of minutes from October 10, 2023

Chair Griffiths asked for a motion on the minutes. Commissioner Schultz made a motion to approve the minutes as presented and Commissioner Dyer seconded the motion. A vote was called, and the minutes were approved unanimously, as presented.

Applications:

160 Wayne Street

Chair Griffiths introduced the application for 160 Wayne Street and asked for the Staff Report. Mr. Ochs explained the applicant requested a Certificate of appropriateness for exterior color changes made to 160 Wayne Street in September-October 2023. The submitted materials state the colors were SW #9165 gossamer veil and Benjamin Moore #2033-10 yellow green. The applicant stated he was not aware of the requirement for approval from the Landmarks Commission before changing the exterior colors of the building. In a letter later submitted, Mr. Resley stated the desire to “brighten up the corner” to increase visibility of the building and the tenant businesses within it. Staff received multiple complaints about the bright green paint color applied, with observations questioning whether it fit within the guidelines for the historic district and whether they went through the proper approvals process prior to completing the project. After receiving these complaints, the Planning Division issued a zoning violation notice to the property owner. Email correspondence from a representative of Subway was received on October 18, 2023. They indicated the color selection was dictated by Subway’s corporate brand guidelines. Staff outlined the required Landmarks Commission process for approval and encouraged the selection of an alternate appropriate color, aiming for a solution that would be aligned with Subway’s brand guidelines and appropriate within Sandusky’s guidelines. Staff’s assumption was that there were other Subways located within other historic districts nationwide and had either documented appropriate historic colors to use within their brand guidelines or a process for making an exception. Staff sent several example colors and links in the email for examples of colors appropriate within the historic district. On October 31, 2023, Staff received the application for approval of the existing color along with photos and the referenced letter from Mr. Resley. The existing bright green color was not appropriate according to the Sandusky Preservation Design Guidelines (“harsh or bold colors should not be used”), Staff stated an alternate green color could be selected which would fit within the guidelines and accomplish the owner’s goal to brighten up the corner. Staff recommended the Landmarks Commission deny the request to keep the existing green color (Benjamin Moore #2033-10 yellow green) and to direct the applicant to

select other color options to be reviewed either by Staff for approval or brought to the Landmarks Commission for approval. The “Sherwin Williams #9165 gossamer veil” gray neutral secondary color would be appropriate and could be included in a future Certificate of Appropriateness assuming a resolution is reached with the green. In the letter, Mr. Resley mentioned nearby murals in the historic district. Staff welcomed the applicant to discuss the approval process for a mural project. Staff recommended the Landmarks Commission deny the request for a Certificate of Appropriateness for the exterior color change to “Benjamin Moore #2033-10 yellow green” at 160 Wayne Street. Ms. Blair stated that SW #7567 Natural Tan color was a correction to the report that listed SW# Gossamer Veil, was not the correct color mentioned on the updated application. Ms. Blair continued SW# 7567 Natural Tan was the correct color, would be appropriate, and could be approved by the Commission if the green color was decided upon. Chair Griffiths asked how long the current property owner had owned the building. Mr. Ochs did not know but guessed it was close to a decade.

Chair Griffiths called for a motion on the application. Commissioner Dyer made a motion to deny the certificate of appropriateness. The motion was seconded by Vice Chair Yandell. A vote was called, and the application was denied, unanimously.

Administrative Approvals:

202 Columbus Avenue

Chair Griffiths asked Staff to present the administrative approvals. Mr. Ochs stated the site of 202 Columbus Avenue was currently the location of Small City Tap house. The structure was originally built in 1882-1883 and built in the High Victorian style. The applicant requested a Certificate of Appropriateness to update the exterior paint colors approved at the March 17, 2021 at the Landmark Commission meeting. The new application submitted stated the updated colors would be SW #7591 red barn and SW #2822 downing sand. Staff determined the paint design, and color were appropriate and met the guidelines. The paint color palette and design were very close to what Staff believed was original to this building. Staff granted administrative approval for the exterior paint color being updated on October 26th, 2023, with the following conditions that all applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency prior to construction. Chair Griffiths asked if there were any questions or comments about the approval. Ms. Blair stated that she spoke to the project team and there were more details of tuck pointing and brick work needed to be done than originally thought. She let them know that the new color scheme would be celebrated because it reflected the original look and character of the building.

Other Business:

Mr. Schultz stated that he was unable to hear Mr. Ochs and Mrs. Rambo and asked for them to speak directly into the microphones. Mr. Ochs did a test and Mr. Schultz stated that he was able to hear him much better.

Meeting adjourned:

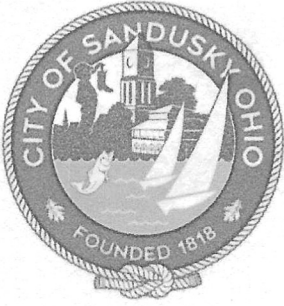
Chair Griffiths called for a motion to adjourn the meeting. Commissioner Schultz made a motion to adjourn, and the motion was seconded by Commissioner Dyer. The meeting was adjourned at 5:10 pm.

Approved by:

Clerk

Chair/ Vice Chair

DRAFT



DEPARTMENT of COMMUNITY DEVELOPMENT

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

November 17, 2023

Robert Resley
533 Cleveland Rd. W.
Huron, OH 44839

RE: Landmark Commission – 160 Wayne St.

This will confirm that the above application was considered by the Sandusky Landmark Commission at its meeting on November 15, 2023. After reviewing the application, the Landmark Commission has resolved to deny the request for a Certificate of Appropriateness for exterior paint color Benjamin Moore #2033-10 Yellow Green alterations at 160 Wayne St and approve paint color SW #7567 Natural Tan alterations.

You are invited to submit a proposal for an alternate color for review to resolve the issue.

As stated in Section 1161.10 of the Sandusky Code of Ordinances, decisions of the Landmark Commission may be appealed in writing to the City Commission within ten days of the Landmark Commission hearing. An appeal must be submitted by 6:00pm on November 25th to be considered. Appeals must be submitted in writing to the Planning Division or electronically to aochs@cityofsandusky.com.

Should you require any further information on this file, please contact the Division of Planning at (419) 627-5973.

Sincerely,

Arin Blair
Chief Planner

RETURN AFTER FIVE DAYS TO
240 COLUMBUS AVENUE
SANDUSKY, OHIO 44870



CLEVELAND OH 440
20 NOV 2023PM 8 L

US POSTAGE
ZIP 44870 \$ 000.63⁰
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Robert Resley
533 Cleveland Rd. W.
Huron, OH 44839

44839-350233



ROBERT T. RESLEY
533 CLEVELAND ROAD
HURON, OHIO 44839

November 22, 2023

Sandusky City Commission
240 Columbus Avenue
Sandusky, Ohio 44870

re: Landmark Commission – 160 Wayne Street

To City Commissioners: Richard Brady, Dennis Murray Jr., Stephen Poggiali, Blake Anthony Harris, Michael Meinzer, Charles Poole, and David Waddington:

It is requested that this letter be treated as my written appeal from the decision of the Landmark Commission dated November 12, 2023. Pursuant to section 1161.10 of the codified ordinances of the City of Sandusky, the undersigned respectfully asks the City Commission to set aside the Landmark Commission's said decision on the following grounds:

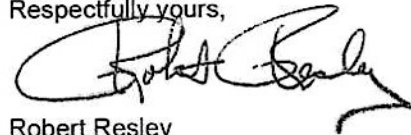
1. In an email I received from Arin Blair dated October 31st the following was stated:

"Alec Ochs (cc'd) will follow up to confirm which Landmarks Commission agenda you are on and instructions for attending the meeting. We always recommend that the property owner or representative attend the meeting to speak about the case and answer questions."

However, I never received an email or any communication from Alec Ochs about the meeting on November 15th, therefore I did not have the opportunity to attend the meeting and state my case which I was looking forward to.

2. The current Subway color has had a positive impact for both struggling businesses located in the building. We have received a lot of compliments on the updated look and an increase in sales. To go back to muted, dull colors would only take us backwards.
3. I have spent thousands of dollars to improve and update the look of the building, which was already financially difficult with two marginal businesses. To spend thousands more to change the color again would cause more financial hardship and hurt both Subway and Amarone restaurants.
4. There are variances for the murals downtown and we ask for a variance for our Subway color scheme.
5. We updated the exterior of the building to the new Subway colors to match the new Subway interior décor we are implementing. The Subway color should be grandfathered in.
6. It is the landlord's job to do what is best for the tenants.
7. As a business owner in Sandusky since 1984, I have never asked the city for help, but now I ask and would appreciate your consideration with my request to keep the current color as is.
8. I received the determination letter regarding our application November 22nd, the day before Thanksgiving, only giving us two days to appeal the decision, which is not an adequate amount of time.

Respectfully yours,



Robert Resley

RESOLUTION NO. _____

A RESOLUTION REMANDING MRE DEVELOPMENT CO. LLC'S, D.B.A. SUBWAY®, APPEAL OF THE SANDUSKY LANDMARK COMMISSION DECISION TO DENY THE CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR PAINT COLOR ALTERNATIONS OF THE BUILDING LOCATED AT 160 WAYNE STREET TO THE LANDMARK COMMISSION IN ORDER TO HOLD A *DE NOVO* HEARING; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, applied for a Certificate of Appropriateness for exterior paint color alterations at 160 Wayne Street, Sandusky, Ohio; and

WHEREAS, on November 15, 2023, the Sandusky Landmark Commission heard testimony and reviewed materials that were presented and denied the application for the Certificate of Appropriateness for the paint color alterations of the building; and

WHEREAS, on November 22, 2023, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, appealed the decision of the Sandusky Landmark Commission; and

WHEREAS, pursuant to Section 1161.10 of the Codified Ordinances of the City of Sandusky, the Landmark Commission has presented the City Commission with its written findings and the City Commission shall consider these findings and testimony presented during the appeal and either Grant, Deny, or Remand MRE Development Co. LLC's, d.b.a. Subway®, Appeal; 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 comply with time requirements of Section 1161.10 and to promptly act on this appeal; 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 Planning, 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 has received the written findings from the Sandusky Landmark Commission and considered testimony presented during the appeal from the Landmark Commission's decision and does hereby REMAND the

appeal of MRE Development Co. LLC regarding the City of Sandusky's Landmark Commission's decision to deny the Certificate of Appropriateness for the exterior paint color alternations of the building located at 160 Wayne Street, Sandusky, Ohio, back to the Landmark Commission for a *de novo* hearing to re-consider the application because the Applicant did not receive proper notice of the Landmark Commission's November 15, 2023 hearing.

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: December 11, 2023

RESOLUTION NO. _____

A RESOLUTION DENYING MRE DEVELOPMENT CO. LLC’S, D.B.A. SUBWAY®, APPEAL OF THE SANDUSKY LANDMARK COMMISSION DECISION TO DENY THE CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR PAINT COLOR ALTERNATIONS OF THE BUILDING LOCATED AT 160 WAYNE STREET; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, applied for a Certificate of Appropriateness for exterior paint color alterations at 160 Wayne Street, Sandusky, Ohio; and

WHEREAS, on November 15, 2023, the Sandusky Landmark Commission heard testimony and reviewed materials that were presented and denied the application for the Certificate of Appropriateness for the paint color alterations of the building; and

WHEREAS, on November 22, 2023, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, appealed the decision of the Sandusky Landmark Commission; and

WHEREAS, pursuant to Section 1161.10 of the Codified Ordinances of the City of Sandusky, the Landmark Commission has presented the City Commission with its written findings and the City Commission shall consider these findings and testimony presented during the appeal either Grant, Deny, or Remand MRE Development Co. LLC’s, d.b.a. Subway®, Appeal; 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 comply with time requirements of Section 1161.10 and to promptly act on this Appeal; 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 Planning, 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 has received the written findings from the Sandusky Landmark Commission and considered testimony presented during the appeal from the Landmark Commission’s decision and does hereby DENY the appeal of MRE Development Co. LLC regarding the City of Sandusky’s Landmark

Commission's decision to deny the Certificate of Appropriateness for the exterior paint color alternations of the building located at 160 Wayne Street, Sandusky, Ohio.

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: December 11, 2023

RESOLUTION NO. _____

A RESOLUTION GRANTING MRE DEVELOPMENT CO. LLC’S, D.B.A. SUBWAY®, APPEAL OF THE SANDUSKY LANDMARK COMMISSION DECISION TO DENY THE CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR PAINT COLOR ALTERNATIONS OF THE BUILDING LOCATED AT 160 WAYNE STREET; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, applied for a Certificate of Appropriateness for exterior paint color alterations at 160 Wayne Street, Sandusky, Ohio; and

WHEREAS, on November 15, 2023, the Sandusky Landmark Commission heard testimony and reviewed materials that were presented and denied the application for the Certificate of Appropriateness for the paint color alterations of the building; and

WHEREAS, on November 22, 2023, Robert Resley, on behalf of MRE Development Co. LLC, d.b.a. Subway®, appealed the decision of the Sandusky Landmark Commission; and

WHEREAS, pursuant to Section 1161.10 of the Codified Ordinances of the City of Sandusky, the Landmark Commission has presented the City Commission with its written findings and the City Commission shall consider these findings and testimony presented during the appeal either Grant, Deny, or Remand MRE Development Co. LLC’s, d.b.a. Subway®, Appeal; 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 comply with time requirements of Section 1161.10 and to promptly act on this Appeal; 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 Planning, 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 has received the written findings from the Sandusky Landmark Commission and considered testimony presented during the appeal from the Landmark Commission’s decision and does hereby GRANT the appeal of MRE Development Co. LLC regarding the City of Sandusky’s Landmark

Commission's decision to deny the Certificate of Appropriateness for the exterior paint color alternations of the building located at 160 Wayne Street, Sandusky, Ohio.

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: December 11, 2023



PARKS & RECREATION

1918 Mills Street
Sandusky, Ohio 44870
419.627.5886
www.ci.sandusky.oh.us

TO: John Orzech, City Manager
FROM: Jason Werling, Recreation Superintendent
DATE: November 29, 2023
RE: Commission Agenda Item:
Paper District Marina Facility Agreement 2024

ITEMS FOR CONSIDERATION:

Legislation to enter into an Agreement with Towboat Marine LLC d.b.a. Lake Erie Towing, of Sandusky, Ohio, for the operation of the Paper District Marina for a three (3) year term from 2024 through 2026 with an option to extend.

BACKGROUND INFORMATION:

The City of Sandusky issued a Request for Proposals (RFP) for the Operation of the Paper District Marina Facility in November of 2023. Lake Erie Towing's proposal was the only proposal received by the City of Sandusky and was evaluated by a selection committee and based upon experience, availability, and the ability to keep the facility operating and staffed, was determined to be the best proposal. Lake Erie Towing has extensive knowledge and background with the Sandusky Waterfront and Community, as they have operated the Marina facility since the 2016 season. The strong and successful partnership the City has had with LET over the past 8 years has proved to be a positive move for the operation and management of the Paper District Marina Facility.

BUDGET IMPACT:

The agreement will not result in any additional budgetary expenses. The City will benefit from Lake Erie Towing management and operation of the Marina, as well as the agreed upon first \$10,000.00 revenue each year going to the City of Sandusky, with an additional 50% split after revenues received meets \$45,000.00 for the season.

ACTION REQUESTED: It is requested that legislation be approved authorizing the City Manager to enter into an Agreement with Towboat Marine LLC, d.b.a. Lake Erie Towing for the operation of the Paper District Marina Facility. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to execute the agreement before the commencing date of January 1, 2024.

Approved:

I concur with this recommendation:

Jason Werling, Recreation Superintendent

John Orzech, City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH TOWBOAT MARINE, LLC (D.B.A. LAKE ERIE TOWING) OF SANDUSKY, OHIO, FOR THE OPERATION & MANAGEMENT OF THE PAPER DISTRICT MARINA; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Paper District Marina Facility located at 611 W. Shoreline Drive consists of a transient marina, office, restrooms, and grounds and the City has contracted with Towboat Marina, LLC d.b.a. Lake Erie Towing of Sandusky, Ohio for the operation and management of the Paper District Marina since the 2016 season; and

WHEREAS, the City Commission approved an agreement with Towboat Marine, LLC (d.b.a. Lake Erie Towing) of Sandusky, Ohio, for the operation & Management of the Paper District Marina, as well as approved a new fee schedule for the Paper District Marina, by Ordinance No. 21-196, passed on December 13, 2021; and

WHEREAS, the agreement with Towboat Marine, LLC (d.b.a. Lake Erie Towing) was for the calendar year 2022, with an option for calendar year 2023, and this agreement expires December 31, 2023; and

WHEREAS, the City issued a Request for Proposals (RFP) on October 10, 2023, for the operation of the Paper District Marina for a period of three (3) years in which Towboat Marine, LLC of Sandusky, Ohio, was the only proposer to submit a proposal which was evaluated by a selection committee and based upon the company's experience, availability, and ability to keep the facility operating and staffed, along with the strong and successful partnership the proposer has had with the City over the past eight (8) years, was determined to be the lowest and best proposer; and

WHEREAS, the term of the new agreement is for a three (3) year period with an option to extend for up to three (3) additional one (1) year terms; 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 execute the agreement before the commencing date of January 1, 2024; 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 Department of Recreation, 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 agreement with Towboat Marine, LLC (d.b.a. Lake Erie Towing) of Sandusky, Ohio, for the operation and management of the Paper District Marina beginning January 1, 2024 through December 31, 2026, with an option to extend for up to three (3) additional one (1) year terms, consistent with the Request for Proposals and the proposal submitted by Towboat Marine, LLC (d.b.a. Lake Erie Towing) of Sandusky, Ohio, a copy of which is marked Exhibit "A" and attached to this Ordinance and specifically incorporated as if fully rewritten herein.

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.

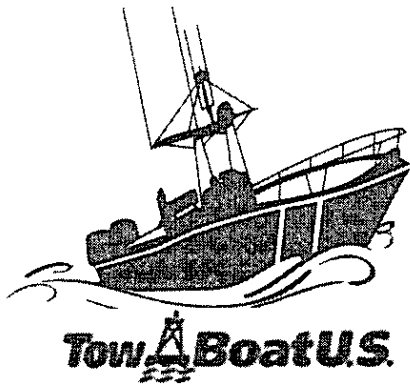
Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: December 11, 2023



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

10/24/23

City of Sandusky

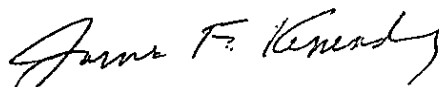
240 Columbus Ave

Sandusky, Ohio 44870

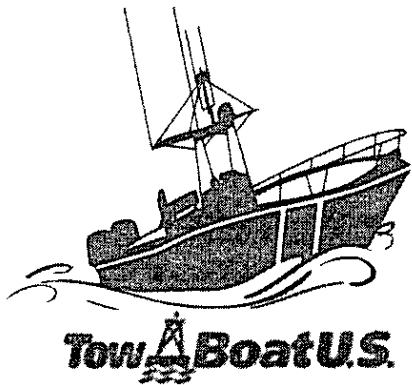
RE: RFP for Paper District Marina 2023

The following attached documents are the RFP for the Operation of the Paper District Marina. Our company "Towboat Marine" has been operating the marina for the City since April of 2016. The marinas revenues have grown since our first year and have been consistent with the number of docks. Our company & employees are well trained in the maritime industry and deal with various situations at the marina. The marina is a great fit for both of us and we look forward to continuing working for the City of Sandusky. Our Primary Residence is across the street from the Paper District Marina on Water Street and our Towboat US Operations Facility is located 3 blocks from marina also on Water Street, with access to all of our equipment to operate marina efficiently. We have taken the past 8 years to fine tune the operation and utilized everything we have to offer to benefit the City and to continue to welcome boaters into downtown Sandusky.

Please consider our proposal so we can continue this great relationship.


James F Kennedy

Towboat Marine / TOWBOAT US Sandusky



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Contact Information

Re: Names/ Place of Resident Info. / Business Location Info.

Company / Corporation

Towboat Marine LLC / TOWBOAT US Sandusky (DBA previous Lake Erie Towing)

1020 W. Water Street

Sandusky, Ohio 44870

Phone: 419-627-8634

Owner / Operations Manager/ Captain

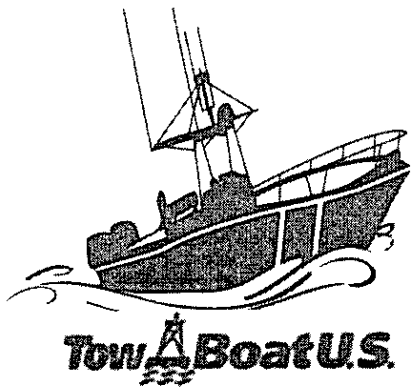
James F. Kennedy

415 W. Water Street

Sandusky, Ohio 44870

Phone: 419-366-1655

Marina Email: paperdistrictmarina@gmail.com



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Marketing Strategy

TBM will continue to network with boaters by welcoming them into downtown to enjoy everything the amenities the city has to offer. TBM will continue to work / help with the Rec. Dept on events at the PDM & downtown.

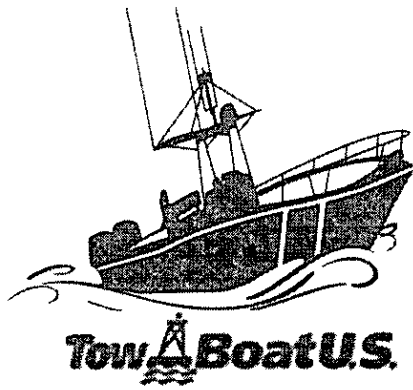
TBM will continue to utilize the Social Media platform which is already in place through Facebook.

TBM will continue to network with local marinas and make decisions which best fits the growth of downtown by continuing to promote the Sandusky Waterfront

TBM will continue to utilize our connection through TOWBOAT US such as the "Life Jacket Loaner Program" to keep the Paper District Marina on the Map with our a well know national organization.

TBM will continue to stay in touch with Federal, State & Local Agencies to work with them on Safe Boating and to continue the PDM as a safe destination.

TBM will continue to focus on the "Overnighter Market" by spreading the word to come stay the evening at the marina and enjoy everything Sandusky has to offer. TBM has formed a great relationship with quite a few groups / boating clubs from other areas of Lake Erie. Overnighters come in for weekend visits and by continuing this connection with overnighters is a great benefit for revenue.



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Past Revenue 2023, 2022, 2021

Here is the 2023 info

Paper District Marina Receipts: \$ 154568.55

Paper District Marina - 4 Hours Transient : 3037 Boats

Paper District Marina - Overnight Transient : 540 Boats

Paper District Marina - Seasonal Docks: 24 Boats

Paper District Marina - Seasonal Jet ski : 6 Boats

Here is the 2022 info

Paper District Marina Receipts: \$ 145805.80

Paper District Marina - 4 Hours Transient : 3076 Boats

Paper District Marina - Overnight Transient : 442 Boats

Paper District Marina - Seasonal Docks: 27 Boats

Paper District Marina - Seasonal Jet ski : 10 Boats

Here is the 2021 info

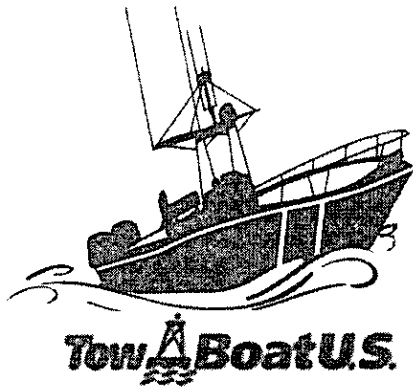
Paper District Marina Receipts: \$ 121,000.00

Paper District Marina - 4 Hours Transient : 3491 Boats

Paper District Marina - Overnight Transient : 431 Boats

Paper District Marina - Seasonal Docks: 27 Boats

Paper District Marina - Seasonal Jet ski : 8 Boats



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

References for PDM

1. Judge - Tygh Tone - Erie County Judge

419-239-8542

2. Michael Young - Cedar Point Marina, Assistant Manager

419-370-9005

3. Jake Dunfee - Owner, Shrock's Marina / Rescue Marine

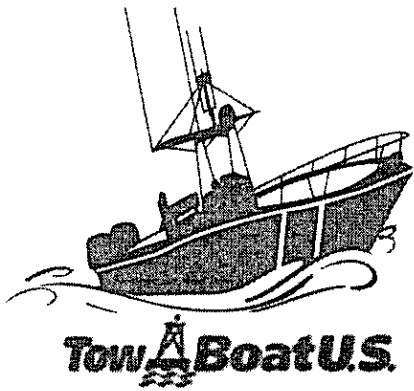
419-341-0048

4. Supervisor Brett Trump - ODNR Watercraft Sandusky

567-356-0009

5. CO Colt Fairchild - US Coast Guard Marblehead

563-663-4422



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Rates for 2024 - 2026

4 Hour - Transient Dock Rates

4 Hour Transient - No Power & Water Cash - \$ 15 .00 Credit Card - \$ 18.00

4 Hour Transient - 41' & Above Cash - \$ 20.00 Credit Card - \$ 25.00

4 Hour Transient - Power & Water Cash - \$ 20.00 Credit Card - \$ 25.00

4 Hour Transient Jet ski Cash - \$ 5.00 Credit Card - \$ 8.00

Overnight Rates (Check-out Noon) Length Overall (LOA)

Overnight Cash - \$ 2.00 per foot / per night

Credit Card - \$ 2.10 per foot / per night

Overnight Jet Ski less than 12' Cash - \$ 15.00 per night

Credit Card - \$ 18.00 per night

Weekly Rate - 24' and less (LOA) \$ 225.00

Weekly Rate - 25' - 31' (LOA) \$ 275.00

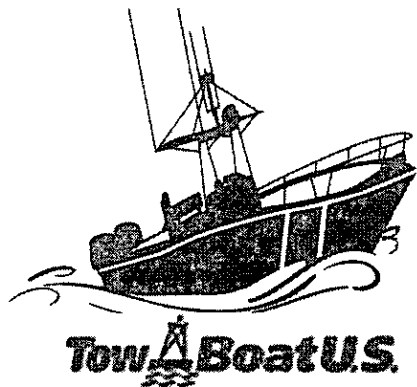
Weekly Rate - 32' - 42' (LOA) \$ 350.00

Weekly Rate 43' and Greater (LOA) \$ 500.00

Starts 1st Monday after September 10th and Ends 1st Sunday after May 1st.

Rates for 2027 - 2029

4 Hour Transient Dock Rates & Overnight Rates could vary slightly in the future depending on market value. We anticipate the rates being the same for years to come. If a change is needed, it will be approved and discussed with City Rec. Dept / City Mgr. prior to any modification before the oncoming season.



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Rates for 2024-2026 Seasons

Seasonal Rates - 27 Boats & 12 Jetski Docks

30' Seasonal Dock \$ 2300.00

36' Seasonal Dock \$ 2,950.00

40' Seasonal Dock \$ 3200.00

Jet Ski on 12 Jet Docks \$ 750.00

Jet Ski / Inflatable RHIB or similar dingy style

12' or less in water (same slip)

\$ 525.00 per Jet ski /RHIB

Rates for 2027-2029 Seasons (Pending Approval)

Seasonal Rates

30' Seasonal Dock \$ 2450.00

36' Seasonal Dock \$ 3100.00

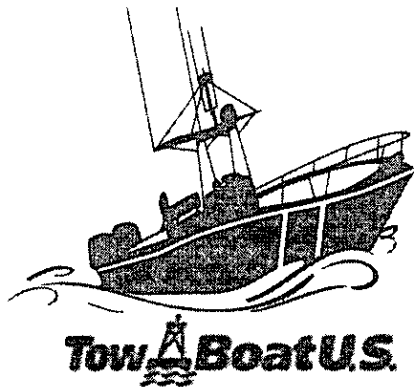
40' Seasonal Dock \$ 3350.00

Jet Ski on 12 Jet Dock \$ 800.00

Jet Ski / Inflatable RHIB or similar dingy style

12' or less in water (same slip)

\$ 575.00 per Jet ski /RHIB



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Additional Information for Qualification

TBM currently holds the FCC license call sign WQB366 for the property to operate the marine radio to communicate with boaters

TBM will continue to keep the Recreational Department Informed about local issues with other marina such as “Electric Shock” and other safety concerns.

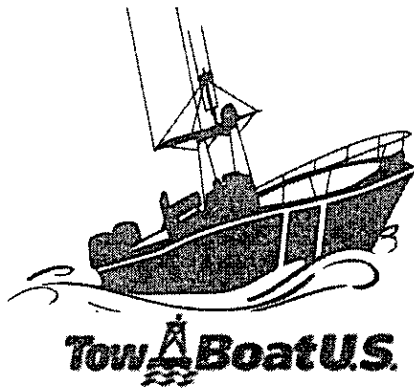
Attempts on our part will made to limit exposure of liabilities on the TBM & the City, by staying informed & knowing the facility. In June 2021 TBM met with SFD with a walk through of the facility, with training on shutting off power to docks

TBM has been operating the marina since 2014 with boat traffic and revenue increasing every season of operation

TBM will continue to be active in the Ohio Clean Marina Program and stay informed with the State of Ohio rules & regulations

TBM will continue to keep an eye of the facility in off hours during the evening and off season as we have done in the past

TBM has worked with the different department such as maintenance, water and even SPD in the best interest of the City to resolve various issues that arrive.



Towboat Marine LLC

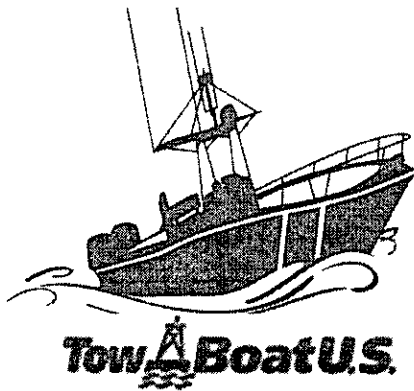
Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Staffing Requirements

Crew Needed: We currently have in place the full / part time crew for the 2024 season & future seasons. Some of our crew has been with us for years. We have a solid base of part-time dockhands which come in every weekend and do an excellent job for the marina. We have a long list of college students that fill the void during the busy summer months. Most of them return year after year and if schooling prevents them from helping us for the summer we fill the position and add to our great portfolio of part-timers. Our captains keep a good eye on the operating and help our with training. The following is a good base we utilize in training.

Crew Training: We will design a program based off of our On-Water Assistance / Towing Company. In this training program we will work with the crew, present & new hires in properly training everyone. We will stress the word "Safety" to all. One of our philosophies is: "Don't become part of a problem". Here are some of the following items we will focus on: safety issues, properly assisting boaters docking a boat, knot tying, collecting dock fees, & speaking with our guests / boaters with about where to go & what downtown has to offer.



Towboat Marine LLC

Sandusky, Ohio 44870 ~ (419) 627-8634

towboatmarine@gmail.com

Rate Proposal for the Paper District Management by Towboat Marine

Please note this rate schedule is almost identical to the past with some fine tuning. This slight adjustment has to do with the increase of pedestrian traffic in downtown due to the Bike Pathway, Jackson St. Pier and all the New Downtown Amenities the City has welcomed.

- 1. City get first 10,000.00**
- 2. TBM receives next \$ 35,000.00 (Same as Past Years)**
- 3. After the first \$ 45,000.00 in gross sales City & TBM will split the revenues 50/50 (same)**
- 4. TBM will also receive 3 Seasonal docks at no additional cost which is up and above the agreed upon Seasonal # of Docks.**
- 5. Bathrooms - Prior to the final 50 / 50 Revenue Split. TBM will get reimbursed from the Marina Account (Civista Bank 107) of Funds spent on the Cleaning Company. Note the past 2 years it has been approximately \$ 2305.80 for Monday & Saturday Service Mid May - September. If 3 day a week service is needed Reimbursement amount will go up / vary.**
- 6. Note on Page 5 of RFP total amount of Jet Ski docks is Currently 12 owned by the City since 2014 at PDM. History Fact: in 2016 4 docks were removed as they were empty / not utilized. The Jetski docks will all Utilized / leased for 2024. The area was reconfigured and the space was utilized to fit all docks so that it doesn't effect transient or seasonal area.**

Please Consider the following:

We also request the RFP on page 6 paragraph 1 be modified to: " not to exceed a total of 6 year extension" (3 years plus 6 year extension)



RECREATION

1918 Mills Street
Sandusky, Ohio 44870
419.627.5886
www.cityofsandusky.com

To: John Orzech, City Manager
From: Jason Werling, Recreation Superintendent
Date: November 27, 2023
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation to enter into a First Amendment to the Host Venue Agreement with World Triathlon Corporation and Shores & Islands Ohio to extend the agreement through 2027 with additional one-year options for 2028 and 2029.

BACKGROUND INFORMATION: The IRONMAN 70.3 triathlon organizers approached Lake Erie Shores & Islands in 2020 regarding a change of venue to their Ohio event.

The City of Sandusky and Shores & Islands Ohio entered into a three-year agreement with the World Triathlon Corporation for the years 2022, 2023, and 2024.

The event has drawn 1,500-2,000 athletes plus thousands of spectators and the event includes a 1.2 mile swim, a 56-mile bike and 13.1 mile run. IRONMAN 70.3 Ohio has been an overwhelming success and has showcased the city's waterfront including the pier, Sandusky Bay Pathway, Shelby Street Boat Launch and helps support the many businesses throughout the city and Erie and Sandusky Counties. The City, World Triathlon Corporation, and Shores & Islands Ohio desire to extend this agreement through 2027.

BUDGETARY INFORMATION: The annual host fee of \$25,000 is paid each year and will be paid out of Recreation or Capital Funds.

ACTION REQUESTED: It is requested that the proper legislation be prepared approving a First Amendment to the Host Venue Agreement with the IRONMAN 70.3 Sandusky Ohio event to extend through 2027 with two additional one-year options. It is further requested that the legislation to be passed under suspension of the rules in full accordance with section 14 of the City Charter in order to execute the agreement and allow for the continuation of the IRONMAN 70.3 triathlon event in Sandusky.

I concur with this recommendation:

Approved:

Jason Werling, Recreation Superintendent

John Orzech, City Manager

cc: Cathy Myers, Commission Clerk; Michelle Reeder, Finance Director; Stewart Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: World Triathlon- Ironman Competition

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 #431-6502-53000

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A FIRST AMENDMENT TO THE HOST VENUE AGREEMENT WITH WORLD TRIATHLON CORPORATION AND LAKE ERIE SHORES & ISLANDS FOR SERVICES RELATED TO HOSTING IRONMAN 70.3® OHIO TRIATHLON EVENTS FOR THE DIVISION OF PARKS AND RECREATION; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, World Triathlon Corporation (WTC) and its subsidiaries own and operate IRONMAN 70.3® triathlon events and the City Commission approved an agreement with WTC and Lake Erie Shores & Islands for services related to hosting IRONMAN 70.3® triathlon events in and around the City of Sandusky during the years 2022, 2023, and 2024, by Ordinance No. 21-154, passed on October 25, 2021; and

WHEREAS, the IRONMAN 70.3® event draws 1,500 to 2,000 athletes plus thousands of spectators and the event includes a 1.2 mile swim, 56 mile bike and 13.1 mile; and

WHEREAS, the IRONMAN 70.3® OHIO event has been an overwhelming success and has showcased the City's waterfront, including the Jackson Street Pier, Sandusky Bay Pathway, Shelby Street Boat Launch, and helps support the many businesses through the City and Erie and Sandusky Counties; and

WHEREAS, the City, World Triathlon Corporation, and Shores & Islands Ohio desire to extend this agreement during the years 2025, 2026, and 2027, with the option to extend during the years 2028, and 2029; and

WHEREAS, the City will be providing an annual payment of \$25,000 for the events which will be paid with Recreation Funds and/or Capital 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 execute the agreement and allow for the continuation of the IRONMAN 70.3 triathlon event in 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 Division of Parks and Recreation, 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 First Amendment to the Host Venue Agreement with World Triathlon Corporation and Lake Erie Shores & Islands for services related to hosting IRONMAN 70.3® OHIO triathlon events for the Division of Parks and Recreation and to extend the agreement for three (3) years through 2027, substantially in the same form as reflected in Exhibit "1" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

Section 2. The City Manager and/or Finance Director is authorized and directed to expend funds to World Triathlon Corporation for the Ironman 70.3® OHIO Triathlon Events in the amount of \$25,000.00 per year for years 2025, 2026, and 2027, and if extended, for the years 2028 and 2029.

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: December 11, 2023



FIRST AMENDMENT

to

HOST VENUE AGREEMENT

IRONMAN® 70.3® Ohio (2025-2027)

This FIRST AMENDMENT TO HOST VENUE AGREEMENT (this "**First Amendment**") is effective as of _____, 2023 the ("**First Amendment Date**") by and between **WORLD TRIATHLON CORPORATION**, a Florida corporation d/b/a IRONMAN ("**WTC**") and **CITY OF SANDUSKY**, an Ohio municipal corporation ("**Host**"), and **LAKE ERIE SHORES AND ISLANDS**, a non-profit corporation formed under the laws of Ohio ("**LESI**"). WTC, Host, and LESI are sometimes referred herein individually as "**Party**" and collectively as "**Parties**".

RECITALS

- A. This First Amendment amends that certain HOST VENUE AGREEMENT, dated October 27, 2021, between WTC, Host, and LESI (the "**Agreement**"). Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Agreement.
- B. The Parties desire to further amend the Agreement to extend the Term through 2027, and make certain modifications and amendments to the Agreement provided herein.

The Parties agree as follows:

AMENDMENTS TO THE AGREEMENT

1. **Section 1(a)** of the Agreement is hereby amended to include years 2025, 2026, and 2027 as a Race Year.
2. **Section 1(d)** of the Agreement is hereby amended to include the following Race Dates:

- (iv) July 20, 2025
- (v) July 19, 2026
- (vi) July 18, 2027
- (vii) A mutually agreed upon date in July 2028*
- (viii) A mutually agreed upon date in July 2029*

**subject to Section 2(b)*

3. **Section 2** of the Agreement is hereby amended deleted in its entirety and replaced with the following:

2. Term of the Agreement; Extension Period.

- (a) **Initial Term.** This Agreement is effective beginning on the Effective Date, and will continue in effect until the date that is thirty (30) days after the 2027 Event, unless this Agreement is sooner terminated in accordance with the terms of this Agreement (the "**Term**" or, if applicable, the "**Initial Term**").
- (b) **Option to Extend Term.** Unless this Agreement is earlier terminated, Host has the right, upon providing written notice to WTC (i) prior to July 1, 2027, to extend the Term by one



(1) year (“**Renewal Option 1**”), such that an Event would take place in 2028 and this Agreement would continue in effect until thirty (30) days following the 2028 Event, and (ii) in the event Host exercises its Renewal Option 1, Host has the right, upon providing written notice to WTC prior to July 1, 2028, to extend the Term by one (1) year (“**Renewal Option 1**”), such that an Event would take place in 2029 and this Agreement would continue in effect until thirty (30) days following the 2029 Event (“**Renewal Option 2**”). During such Renewal Option 1 and/or Renewal Option 2 (if any), the Annual Payment will be as set forth in Exhibit A, and except to the extent otherwise expressly stated herein, all terms of this Agreement shall apply *mutatis mutandis*. For the avoidance of doubt: The Initial Term together with the Renewal Option 1 and/or Renewal Option 2, if applicable, are referred to herein collectively as the “Term”.

4. The Annual Payments table set forth on Exhibit A of the Agreement is hereby amended to include the following payments:

Regarding the Event for Race Year	Annual Payment to be paid by Host to WTC	Annual Payment Due Date
2025	\$25,000.00	January 31, 2025
2026	\$25,000.00	January 31, 2026
2027	\$25,000.00	January 31, 2027
2028*	\$25,000.00	January 31, 2028
2029*	\$25,000.00	January 31, 2029

*Subject to Section 2(b).

5. The Restricted Sponsorship Categories Table in Exhibit D is hereby deleted in its entirety and replaced with the following:

- Airlines
- Alcohol malt beverage and non-alcohol malt beverages
- Automobiles, electric vehicles, electric buses, and electric scooters
- Bike wear (including technical bike apparel, helmets, and footwear)
- Bikes, bike components, bike trainers, bike parts (including pedals), bike devices (including computers, GPS devices, power meters, and any other connected devices)
- Charities
- Compression Wear
- Digital virtual multisport software/platforms including swimming, cycling and/or running
- Energy Drinks
- Event registration or transaction processing software/services
- Eyewear and related accessories
- Financial Services, Wealth Management, Cryptocurrency & Life Insurance
- Hand/wrist devices including watches, global positioning devices (GPS) and any other connected devices
- Heart Rate Monitors
- Online Fundraising Platform
- Photography Services
- Recovery Devices and Wearables including ice-based products, vibration & percussive massage, heat/cold/thermal wearables, contrast therapy, compression (e.g., pneumatic boots), vibration



- rollers/balls/sticks, handheld meditation, TENS & stim devices
- Running Wear (including footwear and apparel)
- Swim Wear (including wetsuits, swim caps, and swim goggles)
- Timing Services
- Travel Booking Services, Tour Operator Services, Athlete Premium Experiences, and Training Camps
- Treadmills

OTHER PROVISIONS

6. **No Other Changes.** Except as expressly provided in this First Amendment, the Agreement is not otherwise amended, modified, or affected by this First Amendment, and all other terms of the Agreement remain unchanged and in full force and effect.
7. **Miscellaneous.** The Agreement, as amended by this First Amendment, constitutes the entire agreement and understanding of the Parties with respect to its subject matter and supersedes all prior or contemporaneous agreements, arrangements, and understandings, written or oral, between or among the Parties, except as may be specifically provided herein. No modifications, amendments, cancellations, renewals, or extensions of or to this First Amendment or the Agreement will be binding upon the Parties unless modified, amended, cancelled, renewed, or extended in a writing and signed by both Parties. This First Amendment will be binding upon, and enure to the benefit of, the Parties and their respective successors and assigns. Subject to the immediately preceding sentence, no third party will have any rights or remedies under the Agreement or this First Amendment. This First Amendment may be executed in counterparts, each of which will be deemed an original binding document and all of which will constitute one and the same instrument. An electronic (e.g., PDF) or facsimile copy of this executed First Amendment or counterpart hereof will be deemed, and will have the same legal force and effect as, an original document.

This First Amendment has been executed and delivered by each Party's duly authorized representative as of the First Amendment Date.

HOST:

CITY OF SANDUSKY

By: _____
Name:
Title:

WTC:

WORLD TRIATHLON CORPORATION

By: _____
Name: SHANE FACTEAU
Title: COO

LAKE ERIE SHORES AND ISLANDS

By: _____
Name:
Title:



PARKS & RECREATION

1918 Mills Street
Sandusky, Ohio 44870
419.627.5886
www.ci.sandusky.oh.us

TO: John Orzech, City Manager

FROM: Jason Werling, Recreation Superintendent

DATE: November 30, 2023

Subject: Commission Agenda Item – Chemical Spraying Services for Mills Creek Golf Course

ITEMS FOR CONSIDERATION: Legislation approving an agreement with Bay Area Lawn Care to provide chemical spraying services for Mills Creek Golf Course for the 2024 and 2025 seasons of March through October.

BACKGROUND INFORMATION: The City of Sandusky issued a request for proposals on October 10, 2023 for Lawn Spraying Services at Mills Creek Golf Course. The services included supplies, materials and labor for application of reemergence crabgrass control and balanced fertilizers for the golf course including a spring application, a late spring application, a summer application and fall applications. Bay Area Lawn Care was the sole bidder for the RFP that closed in November 2023 and their proposal was determined to be the lowest and best by a selection committee based upon pricing and location.

BUDGETARY IMPACT: The contract calls for \$13,085 in 2024 and \$13,085 in 2025 for a total amount of \$26,170 and will be budgeted and paid from the Mills Creek Golf Course contractual services account.

ACTION REQUESTED: It is requested that the proper legislation be prepared approving the chemical spraying contract with Bay Area Lawn Care, for 2024 and 2025 seasons. It is further requested that the legislation is to be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order to allow Bay Area Lawn Care to order the chemicals and prepare for the season that opens officially on April 1st.

Approved:

I concur with this recommendation:

Jason Werling, Recreation Superintendent

John Orzech, City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Bay Area Golf Course Spraying

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 #227-3600-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/1/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A TWO (2) YEAR AGREEMENT WITH PISARSKY ENTERPRISES, LLC (D.B.A. BAY AREA LAWN CARE) FOR LAWN SPRAYING SERVICES AT THE MILLS CREEK GOLF COURSE FOR THE SEASONS IN CY 2024 AND CY 2025; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, a Request for Proposals (RFP) was issued on October 10, 2023, for Lawn Spraying Services at the Mills Creek Golf Course during the season of March through October, in which one (1) proposal was received and evaluated by a selection committee who determined that the proposal from Pisarsky Enterprises, LLC (d.b.a. Bay Area Lawn Care) was the lowest and best, based upon pricing and location; and

WHEREAS, the cost for services is \$13,085.00 for each season in CY 2024 and CY 2025 for a total cost of \$26,170.00 and will be paid with Mills Creek Golf Course 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 execute the agreement and allow Bay Area Lawn Care to order chemicals and prepare for the season that opens officially on April 1, 2024; 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 Recreation, 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 agreement with Pisarsky Enterprises, LLC (d.b.a. Bay Area Lawn Care) of Sandusky, Ohio, for law spraying services at the Mills Creek Golf Course for the CY 2024 and CY 2025 seasons of March through October in the amount of \$13,085.00 per season for a total amount not to exceed Twenty Six Thousand One Hundred Seventy and 00/100 Dollars (\$26,170.00), consistent with the proposal submitted by Pisarsky Enterprises, LLC (d.b.a. Bay Area Lawn Care) of Sandusky, Ohio, a copy of which is marked Exhibit "A" and attached to this Ordinance and specifically incorporated as if fully rewritten herein.

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 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 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 upon its passage, and its 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: December 11, 2023

Bay Area Lawn Care

PO Box 24 • SANDUSKY, OH 44870
2132 River Ave Sandusky, Ohio 44870
Phone: 419-625-5217

Date: 10/28/2023

Mills Creek Golf Course
222 Meigs St.
Sandusky, OH 44870

Sq. Footage: 60 Acres

Dear Sir

Below you will find your prices for 2024 - 2025 applications.

The following lawn care program is recommended for the turf in this area:

- 1 SPRING APPLICATION:** Preemergence **crabgrass** control & Balanced Fertilizer
For All Fairways & Tees March 15th - May 15
INITIALS: _____ COST: \$ 3,625.00
- 2 LATE SPRING APPLICATION:** Grub Control & Weed Control
For All Fairways & Tees May 15 - June 30
INITIALS: _____ COST: \$ 3,450.00
- 3 Recomend Applications on Greens**
Total of 8 applications to be applied every 21 to 28 days
To be billed at \$ 395 per application
* supplemental applications may be necessary due to weather conditions
INITIALS: _____ COST: \$ 3,160.00
FALL APPLICATION: WEED CONTROL ON ENTIRE COURSE INCLUDING ROUGHS
INITIALS: _____ COST: \$ 2,850.00

Total Cost \$ 13,085.00

If you have any Questions **give us a call at (419)-625-5217 OR cell (419) 656-4841.**

MIKE PISARSKY

City Of Sandusky REP

THANK YOU FOR ALLOWING US TO ASSIST YOU WITH YOUR LAWN CARE NEEDS!

Proposal Form

No alternatives, deletions or additions shall be made of this form as it may render the bid invalid. Alternative proposals can be submitted, where so designated within the bid proposal for review by the City, but of the understanding that the City of Sandusky has sole authority to consider or reject any alternative proposals.

Name of Organization: Pisarsky Enterprises DBA Bay Area Lawn Care

Business Address: 2132 River Ave Sandusky, Ohio 44870

Telephone Number 419-626-5217

Other Phone 419-656-4841

Other Phone

Fax

Email mpisarsky@bex.net

Name and Title of Contact Individual for Further Information

Michael J. Pisarsky
Owner President

Legal Status of Organization: (Check one)

- ☐ For-profit corporation or joint venture corporation
☒ For-profit partnership or sole proprietorship
☐ Non-profit corporation Public agency Other (identify)
☐ Non-profit corporation Private agency Other (identify)

Attach your proposal with any additional information that was requested or that you feel necessary to help in the City's evaluation of your qualifications and proposed operation of the facilities.

In the area below, please enter your contract amount for each service year. These amounts will serve as a "do not exceed" in the contract. Again, any services requested by the City outside of the attached scope shall be provided as a separate service and on a time and material basis.

2024	2025
<u>\$13,085.00</u>	<u>13,085.00</u>



PARKS & RECREATION

1918 Mills Street
Sandusky, Ohio 44870
419.627.5886
www.ci.sandusky.oh.us

TO: John Orzech, City Manager
FROM: Jason Werling, Recreation Superintendent
DATE: November 30, 2023
RE: Commission Agenda Item:
Shelby Street Boat Launch Facility Agreement 2024-2026

ITEMS FOR CONSIDERATION:

Legislation to enter into a three-year agreement with Sandusky Bait Company, of Flatrock, Ohio, for the lease of the building located at the Shelby Street Boat Launch Facility beginning January 1, 2024 and concluding on December 31, 2026. The agreement may be extended for up to three (3) additional one (1) year terms upon written agreement.

BACKGROUND INFORMATION:

Since September of 2019, Steve Hammer d.b.a. Sandusky Bait Company has operated his retail business at the Shelby Street Boat launch Ramp Facility and the current agreement is set to expire December 31, 2023.

On October 10, 2023, the City issued an RFP for the 2024-2026 operation of the Shelby Street Boat Launch facility.

The Sandusky Bait Company was one of two respondents to the Request for Proposals. Their proposals were evaluated by a selection committee. Based on the company's experience, availability, and ability to keep the facility operating and staffed, it was determined that Sandusky Bait Company was the best proposal to operate the Shelby Street Boat Launch for the 2024-2026 seasons. The City will continue to provide the launch ramps and restrooms available to the community free of charge.

BUDGET IMPACT:

The agreement will not result in any additional budgetary expenses. The City will benefit from the agreed upon rental fee income of \$100 per month during the peak season and \$50 per month during the off-season.

ACTION REQUESTED: It is requested that legislation be approved authorizing the City Manager to enter into an Agreement with Sandusky Bait Company for the lease of the Shelby Street Boat Launch Facility. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to execute the agreement by the lease start date of January 1, 2024.

Approved:

I concur with this recommendation:

Jason Werling, Recreation Superintendent

John Orzech, City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH SANDUSKY BAIT COMPANY OF FLATROCK, OHIO, FOR THE OPERATION OF A RETAIL BUSINESS FOR THE SALE OF BAIT AND TACKLE, CONVENIENCE ITEMS, FOOD, BEVERAGES, AND FISHING EQUIPMENT AND SUPPLIES AT THE BUILDING LOCATED AT THE SHELBY STREET BOAT LAUNCH RAMP FACILITY FOR THE PERIOD OF JANUARY 1, 2024, THROUGH DECEMBER 31, 2026; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in August of 2019, Steve Hammer expressed interest in operating a bait shop at the Shelby Street Boat Launch Ramp Facility and presented a proposal to the Recreation Board which was determined by the Board to be appropriate and in the best interest for the City; and

WHEREAS, since September of 2019, Steve Hammer d.b.a. Sandusky Bait Company has operated his retail business at the Shelby Street Boat Launch Ramp Facility and the current agreement is expiring December 31, 2023; and

WHEREAS, the City issued a Request for Proposals (RFP) on October 10, 2023, for the operation of the Shelby Street Boat Launch Facility for a three (3) period for calendar years 2024 through 2026 in which two (2) proposals were received and evaluated by a selection committee and based upon the company's experience, availability, and ability to keep the facility operating and staffed, the Sandusky Bait Company, of Sandusky, Ohio, was determined to be the best proposer; and

WHEREAS, the agreement will be effective for the period January 1, 2024, through December 31, 2026 and may be extended for up to three (3) additional one (1) year terms upon written agreement; and

WHEREAS, this agreement will not result in any additional budgetary expenses and the City will benefit from the agreed upon rental and utility fee income; 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 execute the agreement prior to the commencing date of January 1, 2024; 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 Recreation, 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 agreement with Sandusky Bait Company of Flat Rock, Ohio, for the operation of a retail business for the sale of bait and tackle, convenience items, food, beverages, and fishing equipment and supplies, at the building located at the Shelby Street Boat Launch Ramp Facility for the period of January 1, 2024, through December 31, 2026, consistent with the Request for Proposals and the proposal submitted by Sandusky Bait Company of Flatrock, Ohio, a copy of which is marked Exhibit "A" and attached to this Ordinance and specifically incorporated as if fully rewritten herein.

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 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 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 upon its passage, and its 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: December 11, 2023

Proposal Form

No alternatives, deletions or additions shall be made of this form as it may render the bid invalid. Alternative proposals can be submitted, where so designated within the bid proposal for review by the City, but of the understanding that the City of Sandusky has sole authority to consider or reject any alternative proposals.

Name of Organization: Sandusky Bait Company

Business Address: 101 Shelly St. Sandusky Ohio 44870

Telephone Number 419 - 366 3927

Other Phone 419 565 3398

Other Phone 419 565 3734

Fax

Email sanduskybait@gmail.com

Name and Title of Contact Individual for Further Information

Stephen Barone Jr.
President

Legal Status of Organization: (Check one)

- ☒ For-profit corporation or joint venture corporation
- ☐ For-profit partnership or sole proprietorship
- ☐ Non-profit corporation Public agency Other (identify)
- ☐ Non-profit corporation Private agency Other (identify)

Attach your proposal with any additional information that was requested or that you feel necessary to help in the City's evaluation of your qualifications and proposed operation of the facilities.

Sandusky Bait Co.
419-366-3927
Sanduskybait@gmail.com

PROPOSAL

We have been running Sandusky Bait at Sandusky Public Boat Ramp since August 2019. We have become a go to place for local fishermen and women. They not only come for bait, but input on the local fishing bite as well as things to do, visit and where to stay in Sandusky.

2023 will be our second year of hosting a Fall Brawl Weigh Station..

We implemented a Kid's Fishing Derby in September 2019 and hosted the 5th Annual Fall into Fishing Kids Derby on September 10, 2023. Local Business and community support was great with donations of food and door prizes. The kids have a blast and it is a free event for the kids. We want people to start and continue their love for the lake, fishing and the Sandusky area. We have been involved with community interests. We have donated money and goods to multiple fundraising efforts in the area.

We propose to lease the facilities for three (3) full calendar years from January to December, with option for renewal for up to three years. This would enable us to plan farther into the future. We purpose to continue to pay a lease amount of One Hundred Dollars (\$100) per month during the operation season of April 1 through September 30.. Fifty Dollars (\$50) per month during the off season of October 1 through March 31.

Business Hours: We propose summer season hours 6 a.m to 6 p.m seven (7) days per week, Memorial Day through Labor Day. Early spring and after Labor day adjust hours to 7:00 a.m to 5:00 pm as daylight hours are shorter. Noting that if there is a fishing tournament we would adjust the hours to accommodate the anglers for that event. There are weather events that support closing the shop during inclement weather. We would post the closing on Social Media along with signs on the door.

Proposer will provide and maintain public liability insurance, fire and casualty insurance for the premises and will comply with coverages at the requested limits and coverage requirements.

We have not charged a fee for the ramp since opening and would keep it as a free. Free launch welcomes more boaters to the area which is a plus for the Bait Shop as well as the City of Sandusky.

Proposer agrees to maintain adequate staffing during store operation hours and will be present during fishing tournaments. There will be adequate staffing for janitorial needs of the public restroom and public areas of the shop..

Sandusky Bait Company is licensed by the State of Ohio to sell hunting and fishing licenses which is a convenience to our customers both local and out of State visitors. We offer many needed items for boaters ranging from boat safety items. Included in our offerings are boat plugs, flares, whistles, distress flags and oil, to last minute needs such as snacks, drinks, sunglasses and pain relievers as well as live bait.'

If successful in the bid for lease we agree to execute authorization for background check with references..

We look forward to a mutually beneficial relationship between Sandusky Bait Company and the City of Sandusky.



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
Engineering Services, Department of Public Works

Jason Werling, Recreation Superintendent

Date: November 28, 2023

Subject: Commission Agenda Item – Agreement with Garner Sanitation of Sandusky, Ohio for the Portable Restroom Rentals

ITEM FOR CONSIDERATION: Legislation to enter into an agreement with Garner Sanitation Services Inc. of Sandusky, Ohio for the rental and service of portable restrooms commencing on January 1, 2024 and expiring on December 31, 2026.

BACKGROUND INFORMATION: On November 6, 2023, the City issued a request for proposals (RFP) for the service and rental of portable ADA accessible restrooms for a period from January 1, 2024 until December 31, 2026. The City received one (1) responsive proposal by the November 27, 2023, deadline from Garner Sanitation Service Inc., which was evaluated by a selection committee and based upon their proposal, qualifications, delivery time, and previous performance, was determined to be the lowest and best proposal.

They provided a cost of \$17,249.75 for 2024, \$18,809.75 for 2025 and \$20,369.75 for 2026. The price shall cover the placement of ADA or Regular Portable Restrooms at City Parks and Properties throughout the City and cover the cost to have them cleaned and maintained twice a week.

The agreement shall commence on January 1, 2024 and expire on December 31, 2026

BUDGETARY INFORMATION: The total cost of this contract for the years 2024-2026 is \$56,429.25. The cost of the rental and service of the portable restrooms will be paid with General Funds and Recreation Funds based on the usage (number of service times and the restroom size) and location. All costs have been included in the Contractual Services portions of the Operations and Maintenance budgets for the respective departments. This agreement may be amended if additional units are needed in the future.

ACTION REQUESTED: It is requested that legislation be approved authorizing the City Manager to enter into an agreement with Garner Sanitation Services Inc., of Sandusky, Ohio for \$56,429.25 for the rental and service of the portable restrooms in City parks for three years, 2024-2026. It is further requested that the legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order to execute the agreement prior to the commencing date of January 1, 2024, and to continue with services uninterrupted.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Garner Sanitation – Portable Restrooms

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 #110-2600-53000, 110-4850-53000, 110-3300-53000, 227-3500-53000, 227-3600-53000, 227-3800-53000, 227-3700-53000

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH GARNER SANITATION SERVICE INC. OF SANDUSKY, OHIO, FOR THE RENTAL AND SERVICE OF PORTABLE RESTROOMS IN CITY PARKS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City issued a Request for Proposals (RFP) on November 6, 2023, to provide and service ADA accessible portable restrooms at specific park locations and the only proposal received was from Garner Sanitation Service Inc., of Sandusky, Ohio, which was evaluated by a selection committee and based upon their proposal, qualifications, delivery time, and previous performance, was determined to be the lowest and best proposal; and

WHEREAS, the cost of services per year is \$17,249.75 for CY 2024, \$18,809.75 for CY 2025, and \$20,369.75 for CY 2026 for a total cost of \$56,429.25 and will be paid with General Funds and Recreation Funds which have been proportionately budgeted for and available in the respective departments; 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 execute the agreement prior to the commencing date of January 1, 2024, and to continue with services uninterrupted; 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 three (3) year agreement with Garner Sanitation Service Inc., for the rental and service of portable restrooms in City parks in the amount of \$17,249.75 for CY 2024, \$18,809.75 for CY 2025, and \$20,369.75 for CY 206 for a total amount **not to exceed** Fifty-Six Thousand Four Hundred Twenty-Nine and 25/100 Dollars (\$56,429.25), consistent with the proposal submitted by Garner Sanitation Service Inc., a copy of which is marked Exhibit "A" and attached to this Ordinance.

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: December 11, 2023

Garner Sanitation Services, Inc.

***P.O. BOX 1234.
Sandusky, OH 44871-1234***

11/20/2023

Garner Sanitation Services submits the following bid/rates for portable restrooms:

2024	\$17,249.75
2025	\$18,809.75
2026	\$20,369.75

Special event rentals will be \$85 for regular units and \$145 for ADA H/C.

Special event rates are good for the length of contract 2024 through 2026.

Thank you,



Phillip G. Myers

President

Phone: 419-625-8764
Phone : 800-473-3205



Fax: 419-625-6240
E-Mail : Garner@LRBCG.com
WWW.garnersanitation.com

Serving Erie, Ottawa, Sandusky, Huron, Lorain and Seneca counties in Ohio.

2024 City of Sandusky Parks Portable Restroom Contract

Parks	type	qty	start	stop	
Kiwanis	R	1	3/18/2024	11/15/2024	1436
Wightman-Weiber	h/c	1	5/6/2024	10/18/2024	1270
Jatcee South	R	1	3/18/2024	10/18/2024	1256.5
Sprau	R	1	5/9/2024	8/31/2024	718
Huron Park/Splash	H/C	1	5/6/2024	9/20/2024	1030
Washington Pier	H/C	1	5/6/2024	11/15/2024	1510
Amvets	R	1	5/6/2024	8/31/2024	718
Washington Park	H/C	1	6/3/2024	8/9/2024	790
Mills Golf	R	1	4/1/2024	11/15/2024	1246.25
Oakland Cemetary	H/C	1	5/24/2024	5/30/2024	140
Big Island Canoe	H/C	1	4/1/2024	11/15/2024	1700
Shelby St Boat	H/C	1	3/18/2024	5/10/2024	480
Dorn Park	H/C	1	3/18/2024	5/10/2024	480
Sandusky Bay Pav	H/C	1	1/1/2024	12/31/2024	2880
Cental Park	R	1	6/3/2024	8/9/2024	398.75
Churchwell Park	R	1	6/3/2024	8/9/2024	398.75
Orlando Pace	R	1	6/3/2024	8/9/2024	398.75
Foxborough Park	R	1	6/3/2024	8/9/2024	398.75
					17249.75

2025 City of Sandusky Parks Portable Restroom Contract

Parks	type	qty	start	stop	
Kiwanis	R	1	3/18/2024	11/15/2024	1596
Wightman-Weiber	h/c	1	5/6/2024	10/18/2024	1370
Jatcee South	R	1	3/18/2024	10/18/2024	1396.5
Sprau	R	1	5/9/2024	8/31/2024	798
Huron Park/Splash	H/C	1	5/6/2024	9/20/2024	1110
Washington Pier	H/C	1	5/6/2024	11/15/2024	1630
Amvets	R	1	5/6/2024	8/31/2024	798
Washington Park	H/C	1	6/3/2024	8/9/2024	850
Mills Golf	R	1	4/1/2024	11/15/2024	1376.25
Oakland Cemetary	H/C	1	5/24/2024	5/30/2024	140
Big Island Canoe	H/C	1	4/1/2024	11/15/2024	1830
Shelby St Boat	H/C	1	3/18/2024	5/10/2024	520
Dorn Park	H/C	1	3/18/2024	5/10/2024	520
Sandusky Bay Pav	H/C	1	1/1/2024	12/31/2024	3120
Cental Park	R	1	6/3/2024	8/9/2024	438.75
Churchwell Park	R	1	6/3/2024	8/9/2024	438.75
Orlando Pace	R	1	6/3/2024	8/9/2024	438.75
Foxborough Park	R	1	6/3/2024	8/9/2024	438.75

					18809.75

2026 City of Sandusky Parks Portable Restroom Contract

Parks	type	qty	start	stop	
Kiwanis	R	1	3/18/2024	11/15/2024	1756
Wightman-Weiber	h/c	1	5/6/2024	10/18/2024	1470
Jatcee South	R	1	3/18/2024	10/18/2024	1536.5
Sprau	R	1	5/9/2024	8/31/2024	878
Huron Park/Splash	H/C	1	5/6/2024	9/20/2024	1190
Washington Pier	H/C	1	5/6/2024	11/15/2024	1750
Amvets	R	1	5/6/2024	8/31/2024	878
Washington Park	H/C	1	6/3/2024	8/9/2024	910
Mills Golf	R	1	4/1/2024	11/15/2024	1506.25
Oakland Cemetary	H/C	1	5/24/2024	5/30/2024	140
Big Island Canoe	H/C	1	4/1/2024	11/15/2024	1960
Shelby St Boat	H/C	1	3/18/2024	5/10/2024	560
Dorn Park	H/C	1	3/18/2024	5/10/2024	560
Sandusky Bay Pav	H/C	1	1/1/2024	12/31/2024	3360
Cental Park	R	1	6/3/2024	8/9/2024	478.75
Churchwell Park	R	1	6/3/2024	8/9/2024	478.75
Orlando Pace	R	1	6/3/2024	8/9/2024	478.75
Foxborough Park	R	1	6/3/2024	8/9/2024	478.75
					20369.75



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, PE

Date: November 27, 2023

Subject: Commission Agenda Item – Change Order 1 on the Sandusky Justice Center project

ITEM FOR CONSIDERATION: Legislation approving Change Order 1 for the Sandusky Justice Center project.

BACKGROUND INFORMATION: Legislation was unanimously passed at the September 12, 2022, City Commission meeting awarding a construction contract for the Sandusky Justice Center project to Mosser Construction, Inc. of Fremont, Ohio per Ordinance 22-187 in the amount of \$10,623,800.00. The design was to renovate an existing facility that was formerly Sandusky City Hall into a new justice center for the Sandusky Police Department and Sandusky Municipal Court. Staff is seeking approval of extra work change orders required to complete the project.

Asbestos Remediation

As part of the Brownfields grant in 2019, T&M Associates contracted with Hina Environmental to conduct an asbestos material survey at 222 Meigs Street at the City's request. The scope of work for the at Phase I report was to "sample all suspicious friable and non-friable building materials for asbestos before renovations/demolition." The report showed various rooms and corridors that were sampled and analytical results indicating which samples tested positive as a regulated asbestos-containing material (RACM). The report was provided to all plan holders prior to the Sandusky Justice Center project.

During demolition of the Phase I area, the Ohio Environmental Protection Agency (OEPA) was onsite to review activities and visually recognized that some of the floor material being removed as normal construction debris has often tested positive as ACM. Because of this, the City aired on the side of extreme caution and immediately shut down the project and asked Mosser to have their environmental subcontractor, A&I Health Solutions (A&I) of Vermilion, Ohio sample the remainder of Phase I prior to continuing any additional work. The subcontractor followed the federal regulations for thorough sampling protocols outlined in the US EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP's) for compliance monitoring.

Unfortunately, results of many of the ceiling and flooring materials tested positive as the EPA had suspected, and the results were a significant increase in square footage of ACM materials. The City then directed Mosser to sample the remainder of the facility and any pipe insulation or other materials that might be exposed during demolition that could pose a possible health risk to employees, future employees, construction workers, or the general public. All options available, including removal and containment in place, were evaluated at each sampled location. It was apparent that the vast majority would need to be removed for safety and to properly construct the project.

Remediation of Phase I was completed prior to continuing demolition activities and all workers were not permitted to work until the site was cleared. When insulation was encountered behind a wall that was demolished, it was sampled and safely remediated by A&I if it tested positive. Remediation activities began on November 27 for the remainder of the building.

Unknown Existing Conditions

There tend to be unknowns in retrofit projects that are only revealed after walls are removed and floors are opened.

In one instance, it was discovered that a mechanical shaft was cut into the floor between the first and second floors without additional structural supports. Due to the location of the Work Rooms for the Detective's Bureau and the internal wall, significant structural support was needed. This required saw cutting the floor, pouring new foundations, installing columns on the first and second floor, new boxed out walls, and mechanical redesign.

The new lobby, which is designed as an open space, is to span the former public lobby and part of the former commission chambers. Although it was known that the former commission chambers was constructed as an addition, it was not known until after the walls were demolished that it was not built fully integral and tied into the remainder of the building. This required additional structural beams to span the open space and avoid a complete redesign around existing conditions.

Summary

Unfortunately, this extra work has the cost and time impacts for the project. Since staff is still working with Mosser to make up time, which would result in overhead cost increases, any time extensions will not be presented in this change order. Change Order 1 is only for costs related to the above extra work.

Asbestos Remediation, Phase 1 (all)	\$181,386.37
Asbestos Remediation, Phases 2 & 3 (known)	\$168,434.12
Bulletin 5, Existing Mechanical Shaft	\$ 67,575.00
<u>Lobby Steel</u>	<u>\$ 66,335.21</u>
Change Order 1, Total	\$483,730.70

BUDGETARY INFORMATION: The original contract with Mosser was \$10,623,800.00 and the architect's opinion of probable cost was \$13,177,301.00. Change Order 1 would be an overall increase of \$483,730.70 of the original contract, increasing the contract total to \$11,107,530.70. Staff still anticipates issuing debt for this project with debt service payments being paid from Capital Projects and General Bond Retirement funds. Sandusky Municipal Court will be responsible for 40% and SPD for 60% of total project costs.

ACTION REQUESTED: It is recommended that proper legislation be approved for Change Order 1 on the Sandusky Justice Center project with Mosser Construction, Inc., of Fremont, OH for an increase to the contract of \$483,730.70, 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 prompt payment to the contractor for work performed or currently being performed.

I concur with this recommendation:

John Orzech
City Manager

cc: C. Myers, Commission Clerk; M. Reeder, Finance Director; S. Hastings, Law Director

CITY OF SANDUSKY, OHIO
DEPARTMENT OF PUBLIC WORKS

Project: Sandusky Justice Center Project
Construction Work Order No.: 1

CONTRACT: 2993
ORDINANCE NO. 22-187

Contractor: Mosser Construction, Inc.
122 South Wilson Ave
Fremont, OH 43420

STREET OR LOCATON OF WORK: 222 Meigs Street, Sandusky, OH 44870

Order is hereby issued and accepted for the following additions to or deductions from the quantities as specified in the original contract.

Bid Item No.	Plan Quantity	Actual Quantity	Difference in Quantity	Unit	Description	Unit Price	Bid Price	Actual Price	Total ADD/DED
Additional Work: Asbestos Remediation, Phase 1 (all)									
PCO 1	0	1.00	1.00	LS	Additional Asbestos Sampling	\$ -	\$ -	\$ 795.38	\$ 795.38
PCO 2	0	1.00	1.00	LS	Additional Abatement of floors and ceilings	\$ -	\$ -	\$ 125,095.52	\$ 125,095.52
PCO 14	0	1.00	1.00	LS	Additional Asbestos Pipe Isulation Removal	\$ -	\$ -	\$ 2,494.03	\$ 2,494.03
PCO 19	0	1.00	1.00	LS	Transite Panel Removal	\$ -	\$ -	\$ 12,692.06	\$ 12,692.06
PCO 30	0	1.00	1.00	LS	Asbestos Glazing Removal - Courtyard Windows	\$ -	\$ -	\$ 9,863.12	\$ 9,863.12
PCO 35	0	1.00	1.00	LS	Asbestos Stairway Ceiling Removal	\$ -	\$ -	\$ 30,446.26	\$ 30,446.26
Additional Work: Asbestos Remediation, Phase 2 & 3 (known)									
PCO 24	0	1.00	1.00	LS	Additional Abatement of floors and ceilings			\$ 168,434.12	\$ 168,434.12
Additional Work: Existing Mechanical Shaft									
PCO 25	0	1.00	1.00	LS	Bulletin 5 - Existing Mechanical Shaft	\$ -	\$ -	\$ 67,575.00	\$ 67,575.00
Additional Work: Steel Work in Lobby									
PCO 31	0	1.00	1.00	LS	Bulletin 8 - Additional Steel Work in Lobby	\$ -	\$ -	\$ 41,335.21	\$ 41,335.21
PCO 31A	0	1.00	1.00	LS	Install Structural Beam in Lobby	\$ -	\$ -	\$ 25,000.00	\$ 25,000.00

Explanation: Change order & Contingency reflects work performed in the field.

Total Difference \$ 483,730.70

Accepted: _____ Date: _____, 2023

Accepted: _____ Date: _____, 2023

Original Contract Price = \$ 10,623,800.00
Contract Price after CO1 = \$ 11,107,530.70
% Increase = 4.6%
Original Budget/Estimate = \$ 10,623,800.00
% Increase = 4.6%

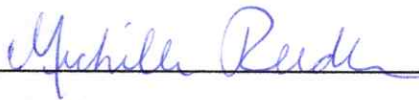
CERTIFICATE OF FUNDS

In the Matter of: Justice Center -Change Order #1

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 #431-7250-55990, 431-7260-55990

By: _____



Michelle Reeder

Finance Director

Dated: 11/28/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST CHANGE ORDER FOR WORK PERFORMED BY MOSSER CONSTRUCTION, INC. OF FREMONT, OHIO, FOR THE SANDUSKY JUSTICE CENTER PROJECT IN THE AMOUNT OF \$483,730.70; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Justice Center Project consists of renovating and reconstructing the former City Hall, located at 222 Meigs Street, to serve as the Sandusky Justice Center, and house the Sandusky Police Department, Sandusky Municipal Court, and Prosecutor’s Office; and

WHEREAS, the City Commission approved an agreement for Professional Design Services with Richard L. Bowen & Associates, Inc. of Cleveland, Ohio, for the Justice Center Design Project Phase I by Ordinance No. 18-080, passed on May 13, 2019; and

WHEREAS, the City Commission approved a First Amendment to the agreement for Professional Design Services with Richard L. Bowen & Associates, Inc. of Cleveland, Ohio, for the Justice Center Design Project Phase I & II by Ordinance No. 21-122, passed on July 26, 2021; and

WHEREAS, the final design and site plan was presented and unanimously approved at the Planning Commission meeting on June 22, 2022; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Sandusky Justice Center Project by Resolution No. 040-22R, passed on July 11, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Mosser Construction, Inc. of Fremont, Ohio, for work to be performed for the Sandusky Justice Center Project by Ordinance No. 22-187, passed on September 12, 2022; and

WHEREAS, this First Change Order reflects the addition work provided for asbestos remediation and additional structural support for the Detective Bureau and new lobby and these items are summarized as follows:

Asbestos Remediation, Phase 1 (all)	ADD	\$181,386.37
Asbestos Remediation, Phases 2 & 3 (known)	ADD	\$168,434.12
Bulletin 5, Existing Mechanical Shaft	ADD	\$ 67,575.00
<u>Lobby Steel</u>	<u>ADD</u>	<u>\$ 66,335.21</u>
Total		\$483,730.70

WHEREAS, the original contract with Mosser Construction, Inc. of Fremont, Ohio, was \$10,623,800.00, and with the addition of this First Change Order in the amount of \$483,730.70, the revised contract cost is \$11,107,530.70 and the City anticipates issuing debt for the project and the debt service payments will be paid with Capital Projects Funds and General Bond Retirement 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 allow for prompt payment to the contractor for work already performed and/or work currently being performed; 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 hereby authorized and directed to approve this First Change Order for work performed for the Sandusky Justice Center Project in an amount **not to exceed** Four Hundred Eighty-Three Thousand Seven Hundred Thirty and 70/100 Dollars (\$483,730.70) resulting in a revised contract cost of Eleven Million One Hundred Seven Thousand Five Hundred Thirty and 70/100 Dollars (\$11,107,530.70) with Mosser Construction, Inc. of Fremont, Ohio.

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: December 11, 2023



CITY OF SANDUSKY POLICE DEPARTMENT

222 Meigs Street
Sandusky, Ohio 44870
419.627.5863
www.ci.sandusky.oh.us

TO: John Orzech, City Manager
FROM: Jared Oliver, Police Chief
DATE: November 27, 2023
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation authorizing the submission of a grant application to the Ohio Department of Natural Resources Division of Parks and Watercraft to participate in the 2024 Marine Patrol Assistance Grant Program.

BACKGROUND INFORMATION: Last year, the Sandusky Police Department reactivated our marine patrol and uses a 24-foot Boston Whaler for marine patrol activity. The City of Sandusky has 22 miles of shoreline, and the patrol area is approximately 18 square miles. The Marine Patrol Assistance Grant will enable the department to help protect boaters, canoers, kayakers, and the lake they enjoy.

BUDGETARY INFORMATION: The estimated cost for the Marine Patrol in 2024 is \$30,000 and if awarded, 75% will be paid with grant funds and the required match of 25% will be paid with funds from the Police Department's operating budget.

ACTION REQUESTED:

It is requested that the proper legislation be prepared approving the submission of a grant application to the Ohio Department of Natural Resources Division of Parks and Watercraft to participate in the 2024 Marine Patrol Grant Program grant and, if awarded, authorizing the City Manager to accept funds and execute any grant agreement related to the acceptance of funds. It is further requested that the legislation be passed under suspension of the rules in accordance with section 14 of the City Charter in order to submit the grant application to the Ohio Department of Natural Resource by the submission deadline of December 15, 2023.

Approved:

I concur with this recommendation:

Jared Oliver, Police Chief

John Orzech, City Manager

Cc: Michelle Reeder, Finance Director; Stewart Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: ODNR Marine Patrol Grant

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 #110-1010-51001, 52000, 53000, 54000

By: _____

Michelle Reeder

Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION OF PARKS AND WATERCRAFT FOR THE PARTICIPATION IN THE 2024 MARINE PATROL ASSISTANCE GRANT PROGRAM FOR THE POLICE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Division of Parks and Watercraft, with the approval of the Director of Natural Resources is authorized pursuant to the Ohio Revised Code §1547.67 to expend funds for the purpose of assisting political subdivisions such as Sandusky for the purpose of establishing and/or maintaining and operating a Marine Patrol Program; and

WHEREAS, the purpose of the Marine Patrol Assistance Grant is to enforce Chapters 1547 and 1548 of the Ohio Revised Code and to provide emergency response to boating accidents on the water and funds can be utilized for the maintenance and operation of vessels, marine equipment, education materials, and personnel salaries; and

WHEREAS, this City Commission accepted a donation of a police boat, motors and a trailer from the Village of Kelleys Island, Ohio, to be used for the Police Department's marine patrol by Ordinance No. 22-120, passed on June 27, 2022; and

WHEREAS, the estimated cost for the Marine Patrol in 2024 is \$30,000.00 and if awarded \$22,500.00 (75%) will be paid with grant funds through the 2024 Marine Patrol Assistance Grant Program and the City's required match of \$7,500.00 (25%) will be paid with funds from the Police Department's operating budget; 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 submit the grant application to the Ohio Department of Natural Resources by the submission deadline of December 15, 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 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 **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 approves the submission of a grant application to the Ohio Department of Natural Resources, Division of Parks and Watercraft, for participation in the 2024 Marine Patrol Assistance Grant Program

for the Police Department.

Section 2. This City Commission authorizes and directs the City Manager to execute any grant agreement between the City of Sandusky and the Ohio Department of Natural Resources in relation to the acceptance of the grant funds and to lawfully expend the funds consistent with the grant agreement.

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 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: December 11, 2023



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: November 27, 2023
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation authorizing the City Manager to enter into an agreement between the City of Sandusky and the Erie County Sheriff's Office for the Provision of Dispatching Services for the City of Sandusky Police, Fire, and Service Departments commencing on January 1, 2024, through December 31, 2024.

BACKGROUND INFORMATION: Since 2007, the City of Sandusky has researched and studied the concept of public safety regional communications. Through the development of a regional communications ad-hoc committee and their recommendations, the City of Sandusky co-located its public safety dispatch services in 2009 with the Erie County Sheriff's Office. This co-location was undertaken with the understanding that a plan for regional communications would develop over the next two years. In 2011, plans were developed to bring Sandusky Public Safety Dispatchers under the employment and supervision of the Erie County Sheriff's Office in 2012. The Erie County Sheriff's Office has been providing dispatch services from 2012 to present.

BUDGETARY INFORMATION: The city agrees to reimburse the Erie County Sheriff's Department in 2024 for the dispatching services at an amount not to exceed **\$312,479.00** which **\$156,239.50 (50%)** will be taken from the 2024 Fire Department Proposed Budget (110-1310-53001 at 22% and 431-1330-53001 at 28%) and **\$156,239.50 (50%)** will be taken from the 2024 Police Department Proposed Budget, (110-1020-53001).

ACTION REQUESTED: It is requested that the proper legislation be prepared authorizing the City Manager to enter into an agreement with the Erie County Sheriff's Office for the Provision of Dispatching Services for the City of Sandusky, Police, Fire, and Service Departments. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to immediately execute the contract and allow for continued services through calendar year 2024 as the contract expires on December 31, 2023.

Approved:

Jared Oliver, Police Chief

Mario D'Amico, Fire Chief

I concur with this recommendation:

John Orzech, City Manager

Cc: Michelle Reeder, Finance Director; Stewart Hastings, Law Director

CERTIFICATE OF FUNDS

In the Matter of: Erie County Sheriff – Dispatch 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 #110-1020-53001, 110-1310-53001, 431-1330-53001

By: _____

Michelle Reeder

Finance Director

Dated: 12/6/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ERIE COUNTY SHERIFF FOR THE PROVISION OF PUBLIC SAFETY DISPATCHING SERVICES FOR THE CITY OF SANDUSKY POLICE, FIRE AND SERVICE DEPARTMENTS COMMENCING ON JANUARY 1, 2024, THROUGH DECEMBER 31, 2024; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in 2007, the City of Sandusky began researching and studying the concept of public safety regional communications and upon the development and recommendation of a regional communications adhoc committee, the City co-located its public safety dispatch services to the Erie County Sheriff's Office in 2009; and

WHEREAS, the co-location was undertaken with the understanding that a plan would be developed for regional communications over the next two years and in 2011 plans were developed to bring the Sandusky Public Safety Dispatchers under the employment and supervision of the Erie County Sheriff's Office and subsequently, the Erie County Sheriff's Office has provided these dispatching services since 2012 to present; and

WHEREAS, this City Commission approved the previous contract with the Erie County Sheriff for the Provision of Dispatching Services for the City of Sandusky Police, Fire and Service Departments for CY 2023 by Ordinance No. 22-257, passed on December 12, 2023, at a total cost of \$312,479.10; and

WHEREAS, the proposed contract is for one (1) year commencing on January 1, 2024, and terminating on December 31, 2024; and

WHEREAS, the City agrees to reimburse the Erie County Sheriff's Department for the dispatching services an amount not to exceed \$312,479.00, of which \$156,239.50 (50%) will be paid with funds from the Fire Department's 2024 Proposed Budget (110-1310-53001 at 22% and 431-1330-53001 at 28%) and \$156,239.50 (50%) will be paid with funds from the Police Department's 2024 Proposed Budget (110-1020-53001); 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 execute the contract with the Erie County Sheriff for the provision of dispatching services for the City's Police, Fire and Service Departments and allow for continued dispatching services through calendar year 2024, as the current contract expires on December 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 Police and Fire 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 is authorized and directed to enter into a one (1) year Contract with the Erie County Sheriff for the Provision of Public Safety Dispatching Services for the City's Police, Fire and Service Departments commencing on January 1, 2024, through December 31, 2024, substantially in the same form as Exhibit "1", a copy of 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 terms of this Ordinance at an amount **not to exceed** Three Hundred Twelve Thousand Four Hundred Seventy Nine and 00/100 Dollars (\$312,479.00).

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 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: December 11, 2023

**RENEWAL CONTRACT BETWEEN THE CITY OF SANDUSKY, OHIO
AND THE
ERIE COUNTY, OHIO SHERIFF
FOR THE PROVISION OF PUBLIC SAFETY DISPATCHING SERVICES
FOR THE CITY OF SANDUSKY POLICE, FIRE, AND SERVICE DEPARTMENTS.**

January 1, 2024

Page 1 of 4

This renewal contract is entered into by and between the City of Sandusky (City) and the Erie County Sheriff (Sheriff), pursuant to Ohio Revised Code Section 311.29.

1. Commencing on January 1, 2024 at 12:01 A.M., the Sheriff will continue to furnish personnel and will continue to provide dispatching and communications services, as has been the past routine and custom, for the City of Sandusky Police, Fire, and Service Departments; and
2. The City agrees to reimburse the Sheriff for the provision of said dispatching and communications services for calendar year 2024 in an amount of \$312,479.00, billable in twelve (12) equal installments.
3. The Chiefs of the Sandusky Police and Fire Departments will continue as members of the Erie County Sheriff's Office Dispatch Advisory Board (Board). The Board is comprised of one representative of each of the public safety agencies contracting with the Sheriff for dispatching and communications services; the Board exists to provide dispatch and communications policy input and guidance to the Sheriff and acts as a selection board for the Sheriff's Communications Supervisor. Sheriff agrees to abide by the recommendation of the Board relative to the selection or discharge of said Sheriff's Communications Supervisor, who shall be a fiduciary employee of the Sheriff; and
4. City agrees to abide by the recommendations of the Board relative to the dispatching and communications services provided by the Sheriff for the City's agencies; and
5. This contract shall remain in effect until 12:00 midnight on December 31, 2024; and
6. Either party may cancel this agreement at any time upon 180 days advance written notice to the other party; and

**RENEWAL CONTRACT BETWEEN THE CITY OF SANDUSKY, OHIO
AND THE
ERIE COUNTY, OHIO SHERIFF
FOR THE PROVISION OF PUBLIC SAFETY DISPATCHING SERVICES
FOR THE CITY OF SANDUSKY POLICE, FIRE, AND SERVICE DEPARTMENTS.**

January 1, 2024

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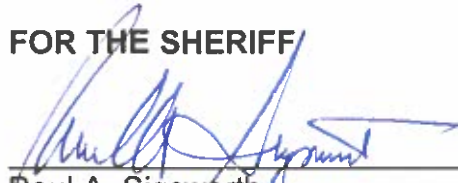
7. The City agrees to maintain all communications, computer, and records management hardware and software currently owed by the City during the life of this contract, utilizing the City's Information Technology (IT) support staff, or, at the discretion of the Sheriff, an outside vendor may be utilized if the City's IT support staff is unable to provide necessary repair(s) or suitable resolution(s) to any malfunctions of City owned equipment. City agrees to pay the costs of any outside vendor utilized to repair the City's equipment; and
8. Each party acknowledges and agrees that each party possesses liability insurance to cover the acts of its employees, agency, and elected officials, and therefore will not indemnify or name the other as an insured within its own liability coverage; and
9. This constitutes the entire contract between the parties and is subject to interpretation in accordance with the laws of the State of Ohio.

**RENEWAL CONTRACT BETWEEN THE CITY OF SANDUSKY, OHIO
AND THE
ERIE COUNTY, OHIO SHERIFF
FOR THE PROVISION OF PUBLIC SAFETY DISPATCHING SERVICES
FOR THE CITY OF SANDUSKY POLICE, FIRE, AND SERVICE DEPARTMENTS**

January 1, 2024
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SIGNATURE PAGE

FOR THE SHERIFF




Paul A. Sigsworth
Erie County Sheriff

FOR THE CITY

John Orzech
Sandusky City Manager

APPROVAL AS TO FORM

 11-15-23

Gerhard Gross
Erie County Prosecutor's Office
Chief Assistant Prosecuting Attorney
Civil Division

APPROVAL AS TO FORM

Stewart Hastings
Law Director
City of Sandusky

APPROVAL OF LEGISLATIVE BODY

Patrick J. Shenigo, President
Erie County Commissioner

Mathew R. Old, Vice President
Erie County Commissioner

Steven Shoffner
Erie County Commissioner

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January 1, 2024
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CERTIFICATION OF AVAILABILITY OF FUNDS

I, Michelle Reeder, Finance Director of the City of Sandusky, Ohio, hereby certify that the funds necessary to meet the terms of this contract have been lawfully appropriated for the purpose of this contract, and those funds are in the treasury of the City of Sandusky, Ohio, or are in the process of collection to the credit of that appropriation, free from prior encumbrance.

Michelle Reeder
Finance Director
City of Sandusky

EXHIBIT "A"