



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
NOVEMBER 13, 2023 AT 5 P.M.
CITY HALL, 240 COLUMBUS AVENUE**

INVOCATION Mr. Poggiali
PLEDGE OF ALLEGIANCE
CALL TO ORDER
ROLL CALL D. Murray, D. Brady, S. Poggiali, D. Waddington, B. Harris, M. Meinzer, W. Poole
APPROVAL OF MINUTES October 23, 2023 Regular Meeting
AUDIENCE PARTICIPATION
COMMUNICATIONS Motion to accept all communications submitted below.
CURRENT BUSINESS

CONSENT AGENDA

ITEM A – Submitted by Cathy Myers, Commission Clerk

LIQUOR LICENSE FOR SANDUSKY BOOK BAR LLC

Budgetary Information: There is no budgetary impact for this item.

Notice to Legislative Authority for NEW D1, D2, & D3 Liquor License, Beer only for on premises consumption or in original sealed containers for carryout until 1:00 a.m. Wine and mixed beverages for on premises consumption or in sealed containers for carryout only until 1:00 a.m. Spirituous liquor for on premises consumption only until 1:00 a.m.

TREX For: Sandusky Book Bar LLC, 2101 W. Perkins Avenue

From: TRFO MDA Enterprises LLC, 358 Ludlow Way, Cincinnati

ITEM B – Submitted by Michelle Reeder, Finance Director

INCOME TAX AMENDMENTS TO CODIFIED ORDINANCES

Budgetary Information: There is no cost associated with adopting this ordinance.

ORDINANCE NO. _____: It is requested an ordinance be passed amending Part One (Administrative Code), Title Nine (Taxation), Chapter 192 (Income Tax), specifically sections 192.03, 192.05, and 192.18 of the codified ordinances, in the manner and way specifically set forth hereinbelow; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM C – Submitted by Marcus Harris, Diversity & Economic Opportunity Manager

APPROVAL OF AMERICA 250 GRANT APPLICATION

Budgetary Information: There are no matching fund requirements for the grant.

RESOLUTION NO. _____: It is requested a resolution authorizing the submission of a grant application to Ohio Humanities through the America 250-Ohio Grant program to support educational commemorative programming relating to the 250th anniversary of the independence and founding of the United States; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM D – Submitted by James Stacey, Transit Administrator

APPROVAL OF 2024 OHIO WORKFORCE MOBILITY PARTNERSHIP GRANT APPLICATION

Budgetary Information: If awarded, the required local matching funds to access the Ohio Workforce Mobility Partnership Program dollars is twenty percent of the awarded project estimated cost and that will be generated from multiple local sources.

RESOLUTION NO. _____: It is requested a resolution approving and ratifying the submission of a grant application to the Ohio Department of Transportation for state fiscal year 2024 Ohio Workforce Mobility Partnership Program Grant funds for the Sandusky Transit System; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM E – Submitted by James Stacey, Transit Administrator

APPROVAL OF 2024 AGREEMENT FOR TRANSPORTATION SERVICES WITH ECBDD

Budgetary Information: STS will bill for trips consumed by individuals who are enrolled with Erie Board of Developmental Disabilities and eligible for transportation services. The revenue from this agreement will be used to meet the local match requirements to receive Federal Transit Administration (FTA) and Ohio Department of Transportation (ODOT) grant funding.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and the Erie County Board of Developmental Disabilities for the period of 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.

ITEM F – Submitted by James Stacey, Transit Administrator

APPROVAL OF 2024 AGREEMENT FOR TRANSPORTATION SERVICES WITH CEDAR POINT

Budgetary Information: STS will receive \$200,000 for the length of the proposed contract. The money received from this contract will help meet the local match requirements to receive Federal Transit Administration (FTA) and Ohio Department of Transportation (ODOT) grant funding.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an agreement for transportation services between the City of Sandusky and Millennium Operations LLC, d.b.a. Cedar Point for the period of 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.

ITEM G – Submitted by Josh Snyder, Public Works Engineer

PERMISSION TO ACCEPT GRANT FROM OHIO DEPARTMENT OF DEVELOPMENT FOR PERKINS AVE PROJECT

Budgetary Information: The grant funds do not require a local match, so the legislation will have no impact on the City budget.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to accept grant funds in the amount of \$2.5 million from the Ohio Department of Development through the Water and Wastewater Infrastructure Grant program; authorizing the City Manager to execute any grant agreements and to expend the funds consistent with the grant agreement; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

REGULAR AGENDA

ITEM 1 – Submitted by Josh Snyder, Public Works Engineer

APPROVAL OF CHANGE ORDER #1 ON THE PERKINS AVE WATERLINE & RESURFACING PROJECT

Budgetary Information: The original contract with Speer Bros Inc. was \$5,411,227.34, Change Order 1 is an overall increase of \$642,393.02, increasing the contract total to \$6,053,620.36. With the additional funding from the Ohio Department of Development in corresponding legislation, the new project split shall be:

	Original	Change Order	Revised
OWDA Loan - Water	\$ 3,807,537.15	\$ (1,367,859.59)	\$ 2,439,677.56
OWDA Loan - Storm/Sewer	\$ 518,547.30	\$ 270,395.50	\$ 788,942.80
OPWC Loan	\$ 145,049.00	\$ (145,049.00)	\$ -
OPWC Grant	\$ 325,000.00	\$ -	\$ 325,000.00
Issue 8	\$ 615,093.89	\$ (615,093.89)	\$ -
ODOD Grant	\$ -	\$ 2,500,000.00	\$ 2,500,000.00
	\$ 5,411,227.34	\$ 642,393.02	\$ 6,053,620.36

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 Speer Bros., Inc. of Sandusky, Ohio, for the Perkins Avenue Waterline and Resurfacing Project in the amount of \$642,393.02; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 2 – Submitted by Aaron Klein, Public Works Director

CONSENT TO ODOT TO RESURFACE STATE ROUTE 6

Budgetary Information: The project cost is estimated at \$1,478,630.00 of which the City’s portion is estimated to be \$622,421.00.

RESOLUTION NO. _____: It is requested a resolution be passed adopting the preliminary legislation submitted by the Director of the Ohio Department of Transportation for their Resurfacing – Urban Paving City of Sandusky Project, PID No. 103704; authorizing and directing the City Manager to sign the preliminary legislation and to execute any necessary contracts with the Director of Transportation for this project; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 3 – Submitted by Aaron Klein, Public Works Director

APPROVAL OF FINAL CHANGE ORDER FOR US-6 EAST URBAN PAVING PROJECT

Budgetary Information: The City’s portion increased from \$1,093,147.00 to \$1,212,600.56, which is an additional \$119,453.56. This additional amount would be split evenly with \$59,726.78 coming from the Sewer Fund and the Issue 8 Fund for street resurfacing.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to expend additional funds for the Ohio Department of Transportation’s Resurfacing - Urban Paving City of Sandusky Project in the amount of \$119,453.56; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 4 – Submitted by Nicole Grohe, CDBG Program Administrator

APPROVAL OF DEMOLITION CONTRACT TO 917 JACKSON EXTENSION WITH ABA DEMOLITION

Budgetary Information: The total cost for the asbestos abatement and demolition is \$15,200 and will initially be paid with Special Assessment Nuisance Funds which will be reimbursed by the Erie County Health Department through a Memorandum of Understanding (MOU).

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with ABA Demolition of Norwalk, Ohio, for the asbestos abatement and demolition of 917 Jackson Street Extension Project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM 5 – Submitted by Nicole Grohe, CDBG Program Administrator

APPROVAL OF CDBG FY21 DEMOLITION PROJECT #6 WITH ABA DEMOLITION

Budgetary Information: The total cost for the asbestos abatement and demolition is \$44,550 and will be paid with FY20 Community Development Block Grant Funds. Liens will be placed on the properties for the total cost of the asbestos abatement and demolition.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into a contract with ABA Demolition of Norwalk, Ohio, for the CDBG FY21 Demolition Project #6; 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” 

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43088-9005
(614)644-2380 FAX(614)644-3155

TO

76791180005		TREX		SANDUSKY BOOK BAR LLC 2101 W PERKINS AV SANDUSKY OH 44870
PERMIT NUMBER		TYPE		
ISSUE DATE				
6	14	2023		
FILING DATE				
D1 D2 D3				
PERMIT CLASSES				
22	077		F029712	
TAX DISTRICT		RECEIPT NO.		

FROM:

5791393		TRFO		MDA ENTERPRISES LLC 358 LUDLOW AV CINCINNATI OH 45220
PERMIT NUMBER		TYPE		
ISSUE DATE				
06	01	2023		
FILING DATE				
D1 D2 D3				
PERMIT CLASSES				
31	086			
TAX DISTRICT		RECEIPT NO.		

MAILED 10/27/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/1/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES TREX 76791180005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CLERK OF SANDUSKY CITY COUNCIL
240 COLUMBUS AVE
SANDUSKY OH 44870

Ohio

Department of Commerce

Rev 2/10/2021

Mike DeWine, Governor
Jan Husted, Lt. Governor

Division of Liquor Control
Sheryl Maxfield, Director

Dear Local Legislative Authority Official:

Please find enclosed the legislative notice that is being sent to you regarding the applied for liquor permit as captioned on the notice. You must, within 30 days from the "mailed" date listed on the notice under the bar code:

- Notify the Division whether you object and want a hearing; or
- Ask for your one-time only, 30-day extension:
 - Any requests for a one-time, 30-day extension will be reviewed by the Division upon timely receipt. If granted, your additional 30-days runs from the expiration of the original 30-day period.

To be considered timely, your above response must be faxed, emailed, or mailed to the Division no later than the postmark deadline date given on the form. To speed up processing times and reduce paper, the Division respectfully asks that you either fax or email your response. Please send your response to:

FAX: (614) 644-3108
EMAIL: LiquorLicensingMailUnit@com.state.oh.us
MAIL: Ohio Division of Liquor Control
Attn: Licensing Unit
6608 Tussing Road
PO Box 4008
Reynoldsburg, Ohio 43068-9008

Please note that the Division is no longer sending ownership information with this legislative notice. If you want to know who owns the applied for permit you can find that information in two ways:

- Go to https://www.comapps.ohio.gov/lqr/lqr_apps/PermitLookup/PermitHolderOwnership.aspx and enter the permit number listed on the legislative notice; or
- Contact your police department or your county sheriff if you are a township fiscal officer or county clerk. The Division sends the applicable law enforcement agency the pertinent ownership information when it notifies them of the permit application.

Thank you in advance for your cooperation,

Division Licensing Section

Licensing Section
6608 Tussing Road
Reynoldsburg OH 43068-9008

Fax 614-728-1231
TTY/TDD 800-780-0780

Cathy Myers

From: Jared Oliver
Sent: Tuesday, October 31, 2023 6:59 AM
To: Colleen Gilson; Cathy Myers; Mario D'Amico
Subject: RE: TREX Liquor Permit # 76791180005 Sandusky Book Bar LLC

SPD has no comments or concerns with this request.



Jared Oliver | Chief of Police
SANDUSKY POLICE DEPARTMENT
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5869 | F: 419.627.5862
www.ci.sandusky.oh.us



From: Colleen Gilson <CGilson@cityofsandusky.com>
Sent: Monday, October 30, 2023 10:44 AM
To: Cathy Myers <CommissionClerk@cityofsandusky.com>; Jared Oliver <joliver@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>
Subject: Re: TREX Liquor Permit # 76791180005 Sandusky Book Bar LLC

Community Development has no issues with this request.

Colleen Gilson

From: Cathy Myers <CommissionClerk@cityofsandusky.com>
Sent: Monday, October 30, 2023 9:15:23 AM
To: Jared Oliver <joliver@cityofsandusky.com>; Colleen Gilson <CGilson@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>
Subject: RE: TREX Liquor Permit # 76791180005 Sandusky Book Bar LLC

Please provide comments for Commission for this Liquor Permit:

Liquor Permit D1, D2, D3 – Beer only for on premises consumption or in original sealed containers for carry out until 1:00am. Wine & mixed beverages for on premises consumption or in sealed containers for carryout only until 1:00am. Spirituous liquor for on premises consumption only until 1:00am.

TREX For: Sandusky Book Bar LLC, 2101 W. Perkins Ave, Sandusky.
From: TRFO MDA Enterprises LLC, 358 Ludlow Way, Cincinnati, OH.

Cathy Myers, Commission Clerk
City Hall

Cathy Myers

From: Mario D'Amico
Sent: Monday, October 30, 2023 10:14 AM
To: Cathy Myers; Jared Oliver; Colleen Gilson
Subject: Re: TRES Liquor Permit # 76791180005 Sandusky Book Bar LLC

Fire has no issues with this Liquor permit.



Mario D'Amico | *Fire Chief*
SANDUSKY FIRE DEPARTMENT
600 W. Market Street | Sandusky, OH 44870
T: 419.627.5822 | F: 419.627.5820
mdamico@ci.sandusky.oh.us

From: Cathy Myers <CommissionClerk@cityofsandusky.com>
Sent: Monday, October 30, 2023 9:15 AM
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TRES For: Sandusky Book Bar LLC, 2101 W. Perkins Ave, Sandusky.
From: TRFO MDA Enterprises LLC, 358 Ludlow Way, Cincinnati, OH.



Cathy Myers, Commission Clerk
City Hall
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850 | F: 419.627.5555
www.cityofsandusky.com



Cathy Myers

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Sent: Monday, October 30, 2023 10:44 AM
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Subject: Re: TREX Liquor Permit # 76791180005 Sandusky Book Bar LLC

Community Development has no issues with this request.

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Sent: Monday, October 30, 2023 9:15:23 AM
To: Jared Oliver <joliver@cityofsandusky.com>; Colleen Gilson <CGilson@cityofsandusky.com>; Mario D'Amico <mdamico@cityofsandusky.com>
Subject: RE: TREX Liquor Permit # 76791180005 Sandusky Book Bar LLC

Please provide comments for Commission for this Liquor Permit:

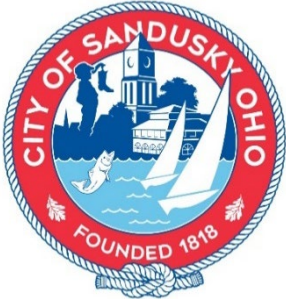
Liquor Permit D1, D2, D3 – Beer only for on premises consumption or in original sealed containers for carry out until 1:00am. Wine & mixed beverages for on premises consumption or in sealed containers for carryout only until 1:00am. Spirituous liquor for on premises consumption only until 1:00am.

TREX For: Sandusky Book Bar LLC, 2101 W. Perkins Ave, Sandusky.
From: TRFO MDA Enterprises LLC, 358 Ludlow Way, Cincinnati, OH.



Cathy Myers, Commission Clerk
City Hall
240 Columbus Avenue | Sandusky, OH 44870
T: 419.627.5850 | F: 419.627.5555
www.cityofsandusky.com





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: October 24, 2023
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Legislation approving amendments to the municipal income tax chapter (Chapter 192) of the City of Sandusky Codified Ordinance. Governor DeWine signed House Bill 33 on July 3, 2023 which contained provisions that impact all municipal income tax codes in Ohio, therefore our local codified ordinances need to be revised.

BACKGROUND INFORMATION:

The Regional Income Tax Agency, administers the income tax collections for the City of Sandusky, they have provided the updated language for our local ordinance changes. The HB33 changes include:

- Alternative apportionment for business with remote workers
- Net Profit extension filings, extended one month
- Notices prohibited with taxpayers on extension
- Late filing penalty capped and waiver required
- Information exchanges between municipalities and the Ohio Tax Commissioner

BUDGETARY INFORMATION: There is no cost associated with adopting this ordinance.

ACTION REQUESTED:

It is recommended that this ordinance be approved as soon as possible. The ordinance is needed so that the City of Sandusky can be in compliance with the House Bill 33 changes, by January 1, 2024 deadline. It is recommended that the City Commission adopt the necessary legislation as an emergency measure and in accordance with Section 14 of the City Charter.

I concur with this recommendation:

John Orzech
City Manager

Michelle Reeder
Finance Director

CC: Stew Hastings, Law Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART ONE (ADMINISTRATIVE CODE), TITLE NINE (TAXATION), CHAPTER 192 (INCOME TAX), SPECIFICALLY SECTIONS 192.03, 192.05, AND 192.18 OF THE CODIFIED ORDINANCES, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, on July 3, 2023, Governor DeWine signed Ohio House Bill 33, the state's budget bill, into law and some of the provisions of the bill need to be adopted by the City Commission as amendments to our existing income tax ordinance by December 31, 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 to ensure the amendments are in place and effective 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 Finance Department, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

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

Section 1. Part One (Administrative Code), Title Nine (Taxation) Chapter 192 (Income Tax), Section 192.03 (Imposition of Tax) of the Codified Ordinances of the City be amended as follows:

192.03 IMPOSITION OF TAX.

Businesses.

(F) (1) Except as otherwise provided in divisions (F)(2) **and (G)** of this section, net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of municipal income taxation in the same proportion as the average ratio of the following:

~~(Ord. 15-165. Passed 11-23-15).~~

F (4) For the purposes of division (F)(1)(c) of this section, **and except as provided in division (G) of this section**, receipts from sales and rentals made and services performed shall be situated to a municipal corporation as follows:

~~(Ord. 15-165. Passed 11-23-15).~~

(G)(1) As used in this division:

(a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:

(i) The taxpayer has assigned the individual to a qualifying reporting location.

(ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.

(b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.

(c) "Reporting location" means either of the following:

(i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;

(ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Section 4 of this Chapter, on qualifying wages paid to an employee for the performance of personal services at that location.

(d) "Qualifying reporting location" means one of the following:

(i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

(ii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (G)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of division (F) of this section apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

(3) For the purpose of calculating the ratios described in division (F)(1) of this section, all of the following apply to a taxpayer that has made the election described in division (G)(2):

(a) For the purpose of division (F)(1)(a) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(b) For the purpose of division (F)(1)(b) of this section, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(c) For the purpose of division (F)(1)(c) of this section, and notwithstanding division (F)(4) of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location.

(4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (F)(2) of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation

solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.

(5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to Section 4 of this Chapter.

REMAINDER OF SECTION IS UNCHANGED

Section 2. Part One (Administrative Code), Title Nine (Taxation) Chapter 192 (Income Tax), Section 192.05 (Annual Return; Filing) of the Codified Ordinances of the City be amended as follows:

192.05 ANNUAL RETURN; FILING.

(A) An annual City income tax return shall be completed and filed by every individual taxpayer ~~eighteen (18) years of age or older and any taxpayer that is not an individual~~ for each taxable year for which the taxpayer is subject to the tax, whether or not a tax is due thereon.

~~(Ord. 15-165. Passed 11-23-15).~~

(G)(1)(a) Except as otherwise provided in this Chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the Tax Administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of Section 5747.08 of the ORC. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to City. No remittance is required if the net amount due is ten dollars or less.

(b) Except as otherwise provided in this Chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the Tax Administrator on or before the fifteenth day (15th) of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the Tax Administrator or on generic forms, together with remittance made payable to the City. No remittance is required if the net amount due is ten dollars or less.

(2) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of the City's income tax return. The extended due date of the City's income tax return shall be the 15th day of the tenth month after the last day of the taxable year to which the return relates. **For tax years ending on or after January 1, 2023, the extended due date of the City's income tax return for a taxpayer that is not an individual shall be the 15th day of the eleventh month after the last day of the taxable year to which the return relates.** An extension of time to file under this division is not an extension of the time to pay any tax due unless the Tax Administrator grants an extension of that date.

(a) A copy of the federal extension request shall be included with the filing of the City's income tax return.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may **submit a written** request that the Tax Administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's City income tax return. If the request is received by the Tax Administrator on or before the date the City income tax return is due, the Tax Administrator shall grant the taxpayer's requested extension.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of Section 5747.08 of the ORC, a taxpayer shall automatically receive an extension for the filing of the City's income tax return. The extended due date of the City's income tax return shall be the same as the extended due date of the state income tax return.

(4) If the Tax Administrator considers it necessary in order to ensure the payment of the tax imposed by the City, the Tax Administrator may require taxpayers to file returns and make payments otherwise than as provided in this division, including taxpayers not otherwise required to file annual returns.

(5) **If a taxpayer receives an extension for the filing of a municipal income tax return under division (G)(2), (3), or (4) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.**

If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150.

Division (G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2) of this section or failed to file for an extension under division (G)(2)(b) of this section.

(56) To the extent that any provision in this division (G) of this section conflicts with any provision in divisions (N), (O), (P), or (Q) of this section, the provisions in divisions (N), (O), (P), or (Q) prevail.

~~(Ord. 15-165. Passed 11-23-15)~~

REMAINDER OF SECTION IS UNCHANGED

Section 3. Part One (Administrative Code), Title Nine (Taxation) Chapter 192 (Income Tax), Section 192.18 (Interest and Penalties) of the Codified Ordinances of the City be amended as follows:

192.18 INTEREST AND PENALTIES.

(A) As used in this section:

(1) "Applicable law" means this Chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by the City provided they impose or directly or indirectly address the levy, payment, remittance, or filing requirements of the City.

(2) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under Section 1274 of the Internal Revenue Code, for July of the current year.

(3) "Income tax," "estimated income tax," and "withholding tax" means any income tax, estimated income tax, and withholding tax imposed by the City pursuant to applicable law, including at any time before January 1, 2016.

(4) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(2) of this section.

(5) "Return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with the Tax Administrator or the City by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the City on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules and regulations, as adopted before January 1, 2016, of the City to which the return is to be filed or the payment is to be made.

(C) Should any taxpayer, employer, agent of the employer, or other payer for any reason fails, in whole or in part, to make timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the City any return required to be filed, the following penalties and interest shall apply:

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, the City may impose a penalty equal to fifteen percent (15%) of the amount not timely paid.

(b) With respect to any unpaid withholding tax, the City may impose a penalty not exceeding fifty percent (50%) of the amount not timely paid.

(3) **(a) For tax years ending on or before December 31, 2022,** ~~with~~ with respect to returns other than estimated income tax returns, the City may impose a penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed \$150 for each failure.

(b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, the City may impose a penalty not exceeding \$25 for each failure to timely file each return, regardless of the liability shown thereon, except that the City shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(D) Nothing in this section requires the City to refund or credit any penalty, amount of interest, charges, or additional fees that the City has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of the City to abate or partially abate penalties or interest imposed under this section when the Tax Administrator determines, in the Tax Administrator's sole discretion, that such abatement is appropriate.

(F) By the 31st day of October of each year the City shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The City may impose on the taxpayer, employer, any agent of the employer, or any other payer the City's post-judgment collection costs and fees, including attorney's fees.

~~(Ord. 18-023. Passed 1-22-18.)~~

Section 4. The passage of this Ordinance does not waive any rights of the City, including, but not limited to, the City reserving the right under its home rule powers to challenge Ohio House Bill 33, including the amendments to Chapter 718 of the Revised Code.

Section 5. 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 6. 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 7. 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 13, 2023



CITY MANAGER

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

TO: John Orzech, City Manager
FROM: Marcus Harris, Diversity and Economic Opportunity Manager
DATE: October 30, 2023
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation for the approval to submit an application to Ohio Humanities for the America 250-Ohio Grant award in the amount of \$50,000.

BACKGROUND INFORMATION: The Ohio Commission for the United States Semi-quincentennial (also known as America 250-Ohio or AM250-OH) has made funds available for grants to non-profit, educational, and local governmental organizations to support educational and commemorative programming about the two-hundred-fiftieth anniversary of the independence and founding of the United States. The purpose of this grant program is to draw attention to the achievements, struggles, honors, innovations, and significance of all people in Ohio since before its founding to the present day as described in Ohio Revised Code 149.309 and Resolution 2023 – 09 adopted by the Ohio Commission for the United States Semi-quincentennial.

The grant project plan will focus on Sandusky’s vital role as a last stop on the Underground Railroad in conjunction with the City’s annual Juneteenth celebration. The project involves the creation of interactive exhibits to enhance the Underground Railroad guided walking tours to showcasing the historical homes by having residents tell the stories of Sanduskians who played a vital role in the Underground Railroad accessed via QR code. In addition to the walking tour enhancements, the project aims to fund educational and entertainment activities associated with the Juneteenth holiday and will culminate in an annual Juneteenth celebration concert and fireworks.

BUDGETARY INFORMATION: There are no matching fund requirements for the grant.

ACTION REQUESTED: It is requested that a resolution be approved authorizing the submission of an application to Ohio Humanities for grant funds through the America-250 Grant Program in the amount of \$50,000 and if awarded, authorizing the City Manager to execute any grant agreements. It is further requested that this resolution shall take immediate effect in accordance with Section 14 of the City Charter in order to submit the grant application by the fall grant cycle deadline of November 17, 2023.

Approved:

I concur with this recommendation:

Marcus Harris, Diversity and Economic Opportunity Manager

John Orzech, City Manager

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO OHIO HUMANITIES THROUGH THE AMERICA 250-OHIO GRANT PROGRAM TO SUPPORT EDUCATIONAL COMMEMORATIVE PROGRAMING RELATING TO THE 250th ANNIVERSARY OF THE INDEPENDENCE AND FOUNDING OF THE UNITED STATES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Commission for the United States Semiquincentennial (also known as America 250-Ohio or AM250-OH) is making funds available for grants to non-profit, educational, and local governmental organizations to support educational and commemorative programming about the 250th anniversary of the independence and founding of the United States and the purpose of this grant program is to draw attention to the achievements, struggles, honors, innovations, and significance of all people in Ohio since before its founding to the present day as described in Ohio Revised Code 149.309 and Resolution 2023 – 09 adopted by the Ohio Commission for the United States Semiquincentennial; and

WHEREAS, Ohio Humanities is Ohio’s state-based partner of the National Endowment for the Humanities with a mission focused on storytelling and grantmaking with more than 50 years of experience providing grants of tens of millions of dollars throughout Ohio, and therefore has the staff expertise, relationships and technical infrastructure to implement a comprehensive, equitable, timely and transparent statewide grant program in partnership with the Ohio Commission for the U.S. Semiquincentennial; and

WHEREAS, the City’s plan for the 250th anniversary will focus on Sandusky’s vital role as a last stop on the Underground Railroad in conjunction with the City’s annual Juneteenth celebration and involves the creation of interactive exhibits to enhance the Underground Railroad guided walking tours and to fund educational and entertainment activities associated with the Juneteenth holiday and will culminate in an annual Juneteenth celebration concert and fireworks and is requesting grant funds in the amount of \$50,000.00; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to submit the grant application to Ohio Humanities by the fall grant cycle deadline of November 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 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 Ohio Humanities through the America 250-Ohio Grant Program to support educational commemorative programming relating to the 250th anniversary of the independence and founding of the United States.

Section 2. This City Commission authorizes and directs the City Manager to provide all information and documentation required for possible financial assistance and to execute any grant agreements and lawfully expend funds consistent with the application and agreement should they be awarded.

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: November 13, 2023



DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Transit

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

TO: John Orzech, City Manager

FROM: James A. Stacey III, Transit Administrator

DATE: October 30, 2023

SUBJECT: **Sandusky Transit System 2024 Ohio Workforce Mobility Partnership Program Grant Application**

ITEM FOR CONSIDERATION: Request legislation for the approval and ratification of an application submitted to the Ohio Department of Transportation (ODOT) for the Ohio Workforce Mobility Partnership Program and if awarded, approval for the City Manager to execute all grant or agreements.

BACKGROUND INFORMATION: The Ohio Workforce Mobility Partnership Program, by way of the Federal Transportation Administration (FTA) and the Ohio Department of Transportation (ODOT), provides funds to assist with operating and capital project expenses in the provision of public transportation services in rural areas.

The Ohio Department of Transportation is the designated recipient of Federal Transit Administration funds and State General Revenue Funds. The Workforce Mobility Partnership Program was first established in Section 755.20 of House Bill 23. Through this act, \$15 million dollars is made available each State Fiscal Year for 2024-2025 to support projects in the rural areas of Ohio that easily and efficiently transport resident workforce members to economically significant employment centers outside of their resident community.

Included in the 2024 application, the City of Sandusky is requesting \$200,000 in funding to purchase a 40ft, high-capacity passenger transit bus capable of accommodating both seating and standing passengers. This request will transition out an STS vehicle nearing the end of its useful life expectancy as well as provide an opportunity to increase ridership. Additionally, \$6,000 of financial assistance is being requested to purchase electronic bus passes to coincide with a recent technology upgrade. Currently, Sandusky Transit System drivers must visually inspect tickets and document the fare transaction on a paper manifest for every passenger that embarks our vehicles. As part of a current IT upgrade, STS is installing mobile ticketing devices called Validators on buses allowing the verification of purchases to be done electronically. The chipped passes will link to the Validator and digitally track the transaction, freeing up drivers from documenting on paper. If awarded, the electronic bus passes will be dispersed to contracted organizations first, where a bulk number of ridership is generated. Finally, the application will include a request for \$24,720 per year to cover the cost of dispatching software licensing for 5 years. This

software aids the STS dispatchers in scheduling trips and keeps all the statistics used for STS reporting for the Federal Transit Administration and the Ohio Department of Transportation (ODOT).

BUDGET IMPACT: If awarded, the required local matching funds to access the Ohio Workforce Mobility Partnership Program dollars is twenty percent of the awarded project estimated cost and that will be generated from multiple local sources.

ACTION REQUESTED: **Legislation** approving and ratifying the submission of a grant application to the Ohio Department of Transportation for the SFY 2024 Ohio Workforce Mobility Partnership Program, and if awarded, authorizing the City Manager to execute any grant or agreements. It is further requested that this legislation takes immediate effect in full accordance with Section 14 in order to ratify the submission of the application to ODOT for the 2024 Ohio Workforce Mobility Partnership Program which was submitted by the due date of October 31, 2023.

James A. Stacey III, Transit Administrator

I concur with this recommendation:

John Orzech

City Manager

Colleen Gilson

Director of Community
Development

RESOLUTION NO. _____

A RESOLUTION APPROVING AND RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR STATE FISCAL YEAR 2024 OHIO WORKFORCE MOBILITY PARTNERSHIP PROGRAM GRANT FUNDS FOR THE SANDUSKY TRANSIT SYSTEM; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Workforce Mobility Partnership Program was first established in Section 755.20 of House Bill 23 and through this act, \$15 million is made available each State Fiscal Year for 2024-2025 to support projects in the rural and urban areas of Ohio that easily and efficiently transport resident workforce members to economically significant employment centers or to places of employment outside of their resident community; and

WHEREAS, the City has applied for financial assistance in the amount of \$200,000.00 for the purchase of a high-capacity passenger transit bus to replace an existing vehicle nearing the end of its useful life expectancy, \$6,000.00 for the purchase of electronic bus passes to coincide with recent upgrade of mobile ticketing devices, and \$24,720.00 per year for the cost of dispatch software licensing for five (5) years and the required local matching funds will be paid with funds generated from multiple sources; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to ratify the submission of the grant application to the Ohio Department of Transportation for SFY 2024 Ohio Workforce Mobility Partnership Program which was submitted by the due date of October 31, 2023; and

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

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

Section 1. This City Commission hereby approves and ratifies the submission of a grant application to the Ohio Department of Transportation for the State Fiscal Year 2024 Ohio Workforce Mobility Partnership Program Grant for financial assistance for the Sandusky Transit System and to execute any contracts or agreements on behalf of the City and lawfully expend funds should they be awarded.

Section 2. The City Manager is authorized to execute and file with the City's applications any assurances or any other documentation required by the Ohio

Department of Transportation and to furnish such additional information as the Ohio Department of Transportation may require in connection with the City's applications.

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

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: November 13, 2023



Community Development

Division of Transit

240 Columbus Ave.
Sandusky, Ohio 44870

419.621.8462

www.cityofsandusky.com

TO: John Orzech, City Manager

FROM: James A. Stacey III, Transit Administrator

DATE: October 26, 2023

SUBJECT: **2024 Agreement for Transportation Services – Erie County Board of Developmental Disabilities**

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter a one (1) year contract for transportation services between the City of Sandusky and the Erie County Board of Developmental Disabilities.

BACKGROUND INFORMATION: The Sandusky Transit System (STS) has been providing transportation services to eligible individuals for the Erie Board of Developmental Disabilities since 1993. The current contract was effective on January 1, 2023 and will expire December 31, 2023.

The Erie County Board of Developmental Disabilities is required by the Ohio Revised Code to ensure that transportation services are provided to individuals determined to be eligible to use the transportation services provided by the Sandusky Transit System in accordance with individual's Most Valuable Person plans approved by the Erie County Board of Developmental Disabilities and the administrative rules established by the State of Ohio.

The Sandusky Transit System will provide safe, reliable, transportation services to individuals served by the Erie Board of Developmental Disabilities throughout Erie County. These individuals are transported on schedules developed with input from various members of the individual's support team. This contract will be in effect for a term of one (1) year from January 1, 2024, through December 31, 2024. The Medicaid rate to be invoiced per passenger trip will be \$26.29 from January 1, 2024 – June 30, 2024, and then adjust to \$27.75 from July 1, 2024 – December 31, 2024. Subsequently, \$15.00 punch cards and \$25.00 per monthly fixed route pass fare options will be offered additionally, as specified in the Most Valuable Person (MVP) plan formerly known as the Individual's Service Plan (ISP).

STS will provide the Erie Board of Developmental Disabilities with reports, training records, and other information that is proposed in the contract. The money received from this contract will help

meet the local match requirements to receive Federal Transit Administration (FTA) and Ohio Department of Transportation (ODOT) grant funding.

BUDGET IMPACT: STS will bill for trips consumed by individuals who are enrolled with Erie Board of Developmental Disabilities and eligible for transportation services. The revenue from this agreement will be used to meet the local match requirements to receive Federal Transit Administration (FTA) and Ohio Department of Transportation (ODOT) grant funding.

This contract is expected to provide approximately 2,500 trips and generate over \$40,000 in 2024.

ACTION REQUESTED: It is requested that legislation be adopted allowing the City Manager to enter into a contract for transportation services with Erie County Board of Developmental Disabilities from January 1, 2024 to December 31, 2024. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to execute the agreement in a timely manner as the prior agreement expires on December 31, 2023, and to continue services without interruption.

James A. Stacey III, Transit Administrator

I concur with this recommendation:

John Orzech, City Manager

Colleen Gilson,

Director of Community Development

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND THE ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES FOR THE PERIOD OF 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, the Erie County Board of Developmental Disabilities (ECBDD) is required by the Ohio Revised Code to ensure that transportation services are provided to individuals determined to be eligible to utilize the public transportation services provided by the Sandusky Transit System in accordance with the Most Valuable Person (MVP) service plans approved by the ECBDD and the administrative rules established by the State of Ohio; and

WHEREAS, the Sandusky Transit System has provided transportation services for Erie County Board of Developmental Disabilities (ECBDD) eligible individuals since 1993 and proposes to continue this service; and

WHEREAS, the Sandusky Transit System will receive fees for transportation services at the Medicaid rate listed as follows:

January 1, 2024, through June 30, 2024

Transportation	\$26.29 per trip
Transportation	\$15.00 punch card
Pass Cards	\$25.00 per monthly fixed route card

July 1, 2024, through December 31, 2024

Transportation	\$27.75 per trip
Transportation	\$15.00 punch card
Pass Cards	\$25.00 per monthly fixed route card

and these funds received will be used as matching funds for the Ohio Department of Transportation and Federal Transit Administration Transit grants; 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 in a timely manner as the prior agreement expires on December 31, 2023, and to continue services without interruption; 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 Sandusky Transit System, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 to execute the Agreement with the Erie County Board of Developmental Disabilities for transportation services for the period from January 1, 2024, to December 31, 2024, substantially in the same form as reflected in Exhibit "A" 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. 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 13, 2023

ERIE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES
SERVICES CONTRACT for NON-SPECIALIZED PROVIDERS

Provider Name: City of Sandusky
(James Stacey)

Address: 240 Columbus Avenue
Sandusky, Ohio 44870

Phone: 419-621-8462; 419-625-5848

Email: jstacey@ci.sandusky.oh.us

This Contract shall be in effect from **January 1, 2024 through December 31, 2024**, unless otherwise terminated, extended, or renewed by the parties. All previous Contracts will become null and void upon commencement of this Contract. Services may be provided to a variety of eligible Individuals as indicated in the Most Valuable Person (MVP) (previously known as Individual Service Plan “ISP”) and Support Budget.

Services:

From January 1, 2024 to June 30, 2024

Transportation	\$26.29 per trip
Transportation	\$15.00 punch card
Pass Cards	\$25.00 per card

From July 1, 2024 to December 31, 2024

Transportation	\$27.75 per trip
Transportation	\$15.00 punch card
Pass Cards	\$25.00 per card

No services will be reimbursed at a rate higher than the Medicaid state rate.

I. DEFINITIONS:

- A. Individual means a person with a developmental disability, who is eligible to receive programs and services and who may also receive Individual Support Services through state and/or local County Board funds.
- B. Most Valuable Person (MVP) (previously known as the Individual Service Plan “ISP”) means a written description of the services, supports, and activities to be provided to an Individual, including the portion which identifies the Provider’s specific duties and responsibilities relating to an Individual, according to requirements set forth in Applicable Requirements, which is approved by the Board.
- C. Provider means an agency, business or LLC who provides services to Individuals with Developmental Disabilities and the public.
- D. Service and Support Administrator (SSA) means the Board employee(s) and/or person(s) who Contract with the Board who are responsible for service and support administration function for the Individual.
- E.

II. GENERAL TERMS AND AGREEMENTS:

- A. The Provider understands that he/she is Contracting with the Erie County Board of DD and is not the employee of the Erie County Board of DD while providing MVP services. The Provider is personally responsible for reporting and payment of taxes and other fees to the IRS and other applicable authorities.
- B. The Provider understands the Erie County Board of DD, its staff or management does not assume any liability for the Provider's actions or quality of care provided by the Provider while delivering services.
- C. There will be no reconciliation of this Contract as it will be a fee for services arrangement. Services will be provided only in the presence of the Individual; unless otherwise noted in the MVP.
- D. The Provider shall provide notice of major unusual incidents pertaining to the Individual to the Erie County Board of DD's Investigative Agent immediately and shall provide such other additional reports to the Erie County Board of DD and to such other persons and/or agencies as is required by applicable federal and state law.
- E. Non-Discrimination: The Provider shall comply with all federal, state, and local requirements regarding non-discriminatory practices on the basis of age, race, color, creed, disability, sex, or national origin.
- F. Bill of Rights: The Provider shall comply with the Bill of Rights for persons with developmental disabilities as defined in Section 5123.62 of the O.R.C.
- G. Records Retention: The Provider shall maintain all records and documentation related to services for a period of five (5) years. Financial records should be maintained for a period of time adhering to IRS regulations, other federal/state requirements and, when applicable, Social Security guidelines for audits of Provider's records and personal funds of the services recipient.
- H. Confidentiality: Any and all protected health information (HIPAA related information) will be kept in confidence and will not be shared with anyone that is not authorized by consent to release information to receive this information from.

III. WORK HOURS:

- A. The Erie County Board of DD, Individuals, and families expect for supports and services to be provided as agreed to in the MVP. The Provider will not be paid for missed service.

IV. RATES:

- A. The Provider may choose to change their rate within the Contract year. An addendum to the Contract must be completed prior to the start of the revised rate.

V. PROCEDURES FOR PAYMENT:

- A. The amount of money paid each month to the Provider shall not exceed the amount of money per month and/or year as designated in this Contract and MVP.
- B. The Erie County Board of DD has thirty (30) business days from the date of receipt of the invoice to pay Providers for services rendered; invoices will only be processed on a monthly basis pursuant to the county auditor's procedures. Invoices must be received by the Erie County Board of DD no later than sixty (60) calendar days from the day of service rendered. If invoices are not received within these timelines, they may not be honored for payment.

- C. All invoices are required to be submitted in electronic format utilizing the www.ohiodd.net billing system or another agreed upon format. All Providers must go through an initial www.ohiodd.net billing training with Board staff prior to submission of first invoice.
- D. In the event that this Contract is renewed, or a new Contract is agreed upon by the parties, reconciliation of costs due under this Contract shall be carried out in accordance with the requirements of O.R.C. 5126.44(D).
- E. If the Provider is required to make a repayment for payments received from an Individual Support Services overpayment, Provider shall pay the amount determined to be in error, which is supported by documentation by the Erie County Board of DD.

VI. AUTOMOBILE INSURANCE and DRIVER'S LICENSE:

- A. The Provider who provides transportation shall carry automobile liability insurance for passenger vehicles used to transport the Individual. Proof of current automobile insurance must be on file with the Provider and available to the Erie County Board of DD if requested. If the insurance expires, then transportation services are terminated from the Contract and payment for transportation services from the expiration date forward will not be paid.
- B. In addition to the automobile insurance coverage required in paragraph V(A) above, the Provider hereby agrees to indemnify and hold harmless, to the extent allowed under Ohio Law, the Erie County Board of DD for any and all costs and expenses associated with carrying out the Provider's duties under this Contract unless otherwise provided herein, including, but not limited to, all deductibles on all automobile insurance policies, and all losses occasioned by a Provider's failure to acquire automobile insurance coverage, as required hereunder.
- C. The Provider and their employees shall possess a valid Ohio Driver's license. If the driver's license expires, then that service is terminated from the Contract and payment for transportation services will not be paid from the expiration date forward.

VII. TRAINING:

- A. The Provider is responsible for successfully completing the following training before providing services. Provider must submit signed document to show proof of completion of the training.
 - a. Incident Reporting (initially);
 - b. www.ohiodd.net billing (initially).

VIII. TERMINATION, MODIFICATION, AMENDMENT AND NOTICE OF PROVIDERS INTENT:

- A. This Contract shall be terminated, and the obligations of all parties shall cease if any of the following conditions occur:
 - a. The service recipient has determined that he/she no longer wishes to receive the services set forth in this Contract;
 - b. Services supports are deemed to be no longer required as determined by a board review of the Individual service plan.
- B. The Provider may immediately terminate this Contract only if the Erie County Board of DD fails to provide funding to the Provider as required under this Contract. In all other circumstances, the Provider must give a thirty (30) day written notice to terminate the Contract.



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

TO: John Orzech, City Manager
FROM: James A. Stacey III, Transit Administrator
DATE: October 27, 2023
SUBJECT: **2024 Agreement for Transportation Services – Cedar Point**

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to enter into a contract for transportation services between the City of Sandusky / Sandusky Transit System and Cedar Point for employee transportation services.

BACKGROUND INFORMATION: The Sandusky Transit System (STS) will provide unlimited, safe, reliable, transportation services to all of Cedar Point employees on Fixed Routes only.

This contract is in effect from January 1, 2024 until December 31, 2024 at a negotiated rate of \$200,000 per year. Cedar Point will be invoiced and billed \$50,000 on a quarterly basis and be expected to pay in a timely manner. The money received from this contract will help meet the local match requirements to receive Federal Transit Administration and Ohio Department of Transportation grant funding.

BUDGET IMPACT: STS will receive \$200,000 for the length of the proposed contract. The money received from this contract will help meet the local match requirements to receive Federal Transit Administration (FTA) and Ohio Department of Transportation (ODOT) grant funding.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a contract for transportation services with Cedar Point. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to execute the agreement prior to the commencing date of January 1, 2024, and to continue providing services.

James A. Stacey III, Public Transit Administrator

I concur with this recommendation:

John Orzech, City Manager

Colleen Gilson,
Director of Community Development

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF SANDUSKY AND MILLENNIUM OPERATIONS LLC, D.B.A. CEDAR POINT FOR THE PERIOD OF 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, the Sandusky Transit System will provide free transportation services for Cedar Point employees, upon the showing of the employee's valid Cedar Point Identification Card, for any of the Fixed Routes on the Sandusky Transit System; and

WHEREAS, the Sandusky Transit System has provided these services to Cedar Point since 2019, and is desirous to continue these services; and

WHEREAS, Cedar Point will pay \$200,000.00 (\$50,000.00 on a quarterly basis) for the unlimited ridership for their employees for all fixed routes for the period of January 1, 2024, through December 31, 2024; 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 continue providing services for Cedar Point; 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 Sandusky Transit System, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 to execute an Agreement with Millennium Operations LLC, d.b.a. Cedar Point, for transportation services related to the Sandusky Transit System for the period from January 1, 2024, through December 31, 2024, substantially in the same form as reflected in Exhibit "A" 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. 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 13, 2023

TRANSPORTATION AGREEMENT

This Transportation Agreement between the City of Sandusky's Sandusky Transit System (STS) and Millennium Operations LLC d.b.a. Cedar Point, herein known as Cedar Point, sets forth the terms agreed upon between the parties for provision of program eligible transportation service.

Term: The services performed under this Agreement will be for the period commencing January 1, 2024 and continuing through December 31, 2024.

Scope of Service: STS will provide free transportation services for Cedar Point employees, upon the showing of the employee's valid Cedar Point Identification Card, for any of the STS fixed routes.

Operating Days: Service will be available every day except the following holidays: New Year's Day, Thanksgiving Day, and Christmas Day, but subject to change.

Fare and Payment Schedule: Cedar Point will pay \$200,000 for unlimited ridership for Cedar Point employees for all fixed routes. Fixed Routes are Monday through Sunday and normally scheduled service hours between 5:00 a.m. to 12:30 a.m., but subject to change.

Billing: Cedar Point will be billed, and shall pay, for services quarterly in the amount of \$50,000, for a total amount of \$200,000. Cedar Point shall pay STS for the services performed quarterly prior to the following dates: February 28, 2024; May 31, 2024; August 31, 2024; November 30, 2024.

STS Responsibilities

1. **Vehicle Operations:** STS will provide free transportation on any of the STS Fixed Routes to any Cedar Point employee, who shows their valid Cedar Point ID card.

Cedar Point Responsibilities

1. **Passenger Information:** Cedar Point shall inform their employees that in order to ride the STS fixed routes for free, the employees shall show their valid Cedar Point ID card.

Monitoring and Evaluation: STS and Cedar Point will monitor the manner in which the terms of this Agreement are being carried out and evaluate its effectiveness.

Amendments: This Agreement may be amended at any time by a written amendment signed by both parties.

Termination: This Agreement may be terminated by either party upon ninety (90) days' notice in writing provided by one party to the other. STS will continue to provide service until the effective date of termination, and Cedar Point will make payment in accordance with the payment provisions of the Agreement for the services prior to the effective date of termination.

SIGNATURE PAGE TO FOLLOW

CITY OF SANDUSKY

MILLENNIUM OPERATIONS LLC
D.B.A. CEDAR POINT

By: _____
John Orzech, City Manager

By: _____
Carrie Boldman, General Manager

Date

Date

Approved as to form:

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

EXHIBIT "A"



DEPARTMENT OF PUBLIC WORKS

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

To: John Orzech, City Manager

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

Date: November 1, 2023

Subject: Commission Agenda Item – Ohio Department of Development, Water and Wastewater Infrastructure Program

ITEM FOR CONSIDERATION: Legislation authorizing the City Manager to accept and expend grant funds from the Water and Wastewater Infrastructure Program, administered by the Ohio Department of Development in the amount of \$2.5M dollars for the Perkins Avenue Waterline & Resurfacing Project.

BACKGROUND INFORMATION: The Water and Wastewater Infrastructure Grant Program, administered by the Ohio Department of Development (ODOD) provides grants to improve access to clean drinking water and wastewater infrastructure. The program was made possible through federal American Rescue Plan Act dollars allocated to the State of Ohio. In the later part of 2021, ODOD released several webinars pertaining to applying and administering funds if award, with the grant opening for applications in August. The City applied for funding on three planned projects Warren Street Reconstruction, Perkins Avenue Waterline & Resurfacing and the Sewer Interceptor Cleaning projects. In October of 2021 the first round of grant awardees was released totaling \$93M, unfortunately, the City did not receive funds.

Early June, 2023 the City was contacted by a representative from ODOD with interest in providing funding toward our already under construction Perkins Avenue Waterline & Resurfacing project. They indicated some projects were not moving forward and they found themselves with money freed up to put toward other projects. By July, 2023 we received notice that our project was being awarded \$2.5M of grant money.

The current budget for the project was using an OWDA loan for the water activity on the project, with the new funding we are able to cover expenses on additional needed work on the project and reduce the amount the City is taking out in a loan.

BUDGETARY INFORMATION: The grant funds do not require a local match, so the legislation will have no impact on the City budget.

ACTION REQUESTED: It is recommended that proper legislation be prepared to authorize the City Manager to accept and expend grant funds from the Water and Wastewater Infrastructure Program, administered by the Ohio Department of Development in the amount of \$2.5M dollars on the Perkins Avenue Waterline & Resurfacing Project. It is requested 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 expenditure of funds on current construction activity.

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$2.5 MILLION FROM THE OHIO DEPARTMENT OF DEVELOPMENT THROUGH THE WATER AND WASTEWATER INFRASTRUCTURE GRANT PROGRAM; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY GRANT AGREEMENTS AND TO EXPEND THE FUNDS CONSISTENT WITH THE GRANT AGREEMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Water and Wastewater Infrastructure Grant program provided grants to improve access to clean drinking water and wastewater infrastructure up to \$250,000 for design projects and up to \$5 million for construction projects to public entities within a political subdivision with the authority to own and operate public water and sewer systems; and

WHEREAS, the City applied for Water and Wastewater Infrastructure Grant funds in 2021 without success and then later in June of 2023, was contacted by the Ohio Department of Development with interest in providing funding for the City's Perkins Avenue Waterline and Resurfacing Project and was notified in July of 2023 the City was being awarded \$2.5 million in grant funds for the project; and

WHEREAS, the City Commission approved a Cooperative Agreement with the Ohio Water Development Authority (OWDA) to finance the cost of construction for the storm sewer, sanitary and water, as part of the Perkins Avenue Waterline and Resurfacing Project by Ordinance No. 22-209, passed on October 24, 2022; and

WHEREAS, the City will utilize the grant funds to cover expenses on the additional work necessary for the project and reduce the amount of OWDA loans for the cost of construction; and

WHEREAS, authorization to approve the First Change Order for work performed by Speer Bros., Inc. of Sandusky, Ohio, for the Perkins Avenue Waterline and Resurfacing Project in the amount of \$642,393.02 is being requested in companion legislation; 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 the expenditure of funds on current construction activity; 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 authorizes and directs the City Manager

and/or Finance Director to accept grant funds from the Ohio Department of Development through the Water and Wastewater Infrastructure Program for the Perkins Avenue Waterline and Resurfacing Project, in the amount of Two Million Five Hundred Thousand and 00/100 Dollars (\$2,500,000.00).

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 Development 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: November 13, 2023



DEPARTMENT OF PUBLIC WORKS

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

To: John Orzech, City Manager

From: Josh R. Snyder, P.E., Public Works Engineer

Date: November 1, 2023

Subject: Commission Agenda Item – Change Order 1 on the Perkins Avenue Waterline & Resurfacing Project

ITEM FOR CONSIDERATION: Legislation approving Change Order 1 on the Perkins Avenue Waterline & Resurfacing Project.

BACKGROUND INFORMATION: Legislation was unanimously passed at the October 24, 2022, City Commission meeting awarding a construction contract for the Perkins Avenue Waterline & Resurfacing Project to Speer Bros., Inc. of Sandusky, OH per Ordinance 22-208 in the amount of \$5,411,227.34. The project provided for nearly two miles of new waterline and roadway installation along Perkins Avenue, from Mills Creek Bridge to just West of Anita Drive, consisting of concrete replacement in various locations and the replacement of the water line and roadway along 52nd Street, from Perkins Avenue to Milan Road.

Once construction began it was evident this project was needed even more than anticipated, the infrastructure is in poor condition as well as the roadway/trench repairs around the infrastructure. This caused three increases to the contract which were unavoidable.

Pavement Repair

Once the contractor got into excavation over the existing water and sewer lines, it was discovered that it was full depth concrete rather than mostly full depth asphalt underneath as expected. This is due to a couple different factors, first is due to the fact there are more than seventy recorded water main leaks in various locations along the entire stretch of the project, all having full depths concrete caps on top of them. Secondly, the poor inspection and plan notes from the previous water and sewer separation projects, with some work occurring over eighty years ago, not reflecting the extent of concrete under this roadway. In addition, in some areas the trench was so fragile that additional pavement area was falling onto the utility, requiring the contractor to repair a much larger site than anticipated. In order to match the existing pavement cross section in the trench areas, full depth reinforced concrete pavement repairs were required. Lastly, was the discovery of two storm sewer crossings that tie into the County's system, which were collapsed, rusty and failing, which needed replaced and subsequently added to the unplanned trench repair area.

Additional Work: State Route 4 & Perkins Avenue 30" Transmission Waterline Repair

As the Contractor performed work at the intersection of Route 4 and Perkins Ave, it was discovered that there was an unknown water leak underground, not coming from the new 8" water line. Through

investigation, it was discovered there was a leak coming from the 30" transmission line, requiring the immediate replacement of the 30" valve as well to properly shut down the system.

This work was time sensitive and entailed shutting down the entire intersection for a week, coordination with several departments, as the line was 13' down, requiring extensive excavation and the purchase or expensive material to make the repair. The 30" valve and shutting down the 30" water main involved outside sub-contractors for that unplanned work.

Additional Work: Columbus Avenue 16" Waterline Repair and Railroad Tie Removal

While excavating for the planned waterline, an unforeseen leak was encountered on the adjacent and intersecting 16" water main that feeds Erie County. This repair required a special shutdown, as the valves on this line were inoperable. Once "water stops" were in place, the inoperable valves and leaking fitting were replaced.

While excavating for this water line work, 115+ year old railroad steel rail and wooden ties were discovered under the pavement encased in concrete. This was on top of where the proposed waterline was to run and over much of the larger (16" WL) repair area. Because of the deterioration of the wood and rusting of the steel, the concrete was in poor condition and was removed in order to make necessary waterline repairs and prevent future pavement issues, as this as road-base material continues to degrade. Disposal of the steel and wooden ties required disposal at the landfill, different from all other excavated material, there is an inherent cost to landfill these materials.

While the excavation was open, a Manhole was set on the end of a sewer run on Columbus Avenue, which was previously inaccessible by sewer maintenance crews.

Additionally, low density fill and medium set (MS) concrete were used to backfill, in efforts to expedite restoration of this void in the middle of one of the City's busiest intersections.

Lastly, an excavation of this scale, combined with the exact location of work, required a total closure of Columbus Avenue, a busy arterial City street, and a special Maintenance of Traffic (MOT) was required to be established, requiring additional labor.

The changes and extra work to the project do not add extra time to the contract, therefore the completion date remains to be December 6, 2023. A grant in the amount of \$2.5M was awarded to the City after award of the project which will help offset funds and cover the extras costs.

BUDGETARY INFORMATION: The original contract with Speer Bros Inc. was \$5,411,227.34, Change Order 1 s an overall increase of \$642,393.02, increasing the contract total to \$6,053,620.36. With the additional funding from the Ohio Department of Development in corresponding legislation, the new project split shall be;

	Original	Change Order	Revised
OWDA Loan - Water	\$ 3,807,537.15	\$ (1,367,859.59)	\$ 2,439,677.56
OWDA Loan - Storm/Sewer	\$ 518,547.30	\$ 270,395.50	\$ 788,942.80
OPWC Loan	\$ 145,049.00	\$ (145,049.00)	\$ -
OPWC Grant	\$ 325,000.00	\$ -	\$ 325,000.00
Issue 8	\$ 615,093.89	\$ (615,093.89)	\$ -
ODOD Grant	\$ -	\$ 2,500,000.00	\$ 2,500,000.00
	\$ 5,411,227.34	\$ 642,393.02	\$ 6,053,620.36

ACTION REQUESTED: It is recommended that proper legislation be prepared to approve Change Order 1 on the Perkins Avenue Waterline & Resurfacing Project with Speer Bros., Inc., of Sandusky, OH for an increase to the contract of \$642,393.02, bringing the total contract price to \$6,053,620.36. It is

requested 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 of approved work to the Contractor.

I concur with this recommendation:

John Orzech
City Manager

Aaron Klein
Director

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

CITY OF SANDUSKY, OHIO
DEPARTMENT OF PUBLIC WORKS

Project: Perkins Ave Waterline and Resurfacing Project
Construction Work Order No.: 1

CONTRACT: 2994
ORDINANCE NO. 22-208

Contractor: Speer Bros., Inc.
3812 Old Railroad Road
Sandusky, Ohio 44870

STREET OR LOCATON OF WORK: Perkins Ave & 52nd Street

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
Pavement Repair									
40	1,250	24.00	-1,226.00	SY	Pavement Repair, As per plan	\$ 100.00	\$ 125,000.00	\$ 2,400.00	\$ (122,600.00)
41	3,625	0.00	-3,625.00	SY	Pavement Repair, Misc.: Pavement Trench Repair	\$ 63.00	\$ 228,375.00	\$ -	\$ (228,375.00)
43	152	4,294.47	4,142.47	SY	Full Depth Pavement Removal and Rigid Repalcement	\$ 150.00	\$ 22,800.00	\$ 644,170.50	\$ 621,370.50
Additional Work: State Route 4 & Perkins Ave 30" Transmission Waterline Repair									
OWDA 2	0	1.00	1.00	LS	Stater Route 4 and Perkins Ave 30" Waterline Repair	\$ -	\$ -	\$ 151,061.99	\$ 151,061.99
Additional Work: Columbus Ave 16" Waterline Repair and Railroad Tie Removal									
OWDA 7	0	1.00	1.00	LS	Columbus 16" Waterline Repairs & Railroad Tie Removal	\$ -	\$ -	\$ 220,935.53	\$ 220,935.53

Explanation: Change order & Contingency reflects work performed in the field.

Total Difference \$ 642,393.02

Accepted:  Date: November 1, 2023

Original Contract Price = \$ 5,411,227.34
Contract Price after CO1 = \$ 6,053,620.36
% Increase = 11.9%
Original Budget/Estimate = \$ 5,411,227.34
% Increase = 11.9%

Accepted: _____ Date: _____, 2023

CITY OF SANDUSKY, OHIO
DEPARTMENT OF PUBLIC WORKS

Project: Perkins Ave Waterline and Resurfacing Project
Construction Work Order No.: 1

CONTRACT: 2994
ORDINANCE NO. 22-208

Contractor: Speer Bros., Inc.
3812 Old Railroad Road
Sandusky, Ohio 44870

STREET OR LOCATON OF WORK: Perkins Ave & 52nd Street
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
Pavement Repair									
40	1,250	24.00	-1,226.00	SY	Pavement Repair, As per plan	\$ 100.00	\$ 125,000.00	\$ 2,400.00	\$ (122,600.00)
41	3,625	0.00	-3,625.00	SY	Pavement Repair, Misc.: Pavement Trench Repair	\$ 63.00	\$ 228,375.00	\$ -	\$ (228,375.00)
43	152	4,294.47	4,142.47	SY	Full Depth Pavement Removal and Rigid Repalcement	\$ 150.00	\$ 22,800.00	\$ 644,170.50	\$ 621,370.50
Additional Work: State Route 4 & Perkins Ave 30" Transmission Waterline Repair									
OWDA 2	0	1.00	1.00	LS	Stater Route 4 and Perkins Ave 30" Waterline Repair	\$ -	\$ -	\$ 151,061.99	\$ 151,061.99
Additional Work: Columbus Ave 16" Waterline Repair and Railroad Tie Removal									
OWDA 7	0	1.00	1.00	LS	Columbus 16" Waterline Repairs & Railroad Tie Removal	\$ -	\$ -	\$ 220,935.53	\$ 220,935.53

Explanation: Change order & Contingency reflects work performed in the field. **Total Difference** \$ 642,393.02

Accepted: _____ Date: _____, 2023

Original Contract Price = \$ 5,411,227.34
Contract Price after CO1 = \$ 6,053,620.36
% Increase = 11.9%

Accepted: _____ Date: _____, 2023

Original Budget/Estimate = \$ 5,411,227.34
% Increase = 11.9%

CERTIFICATE OF FUNDS

In the Matter of: Perkins Ave Project- 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 #613-6211-55990, 239-6211-55990

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 11/8/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST CHANGE ORDER FOR WORK PERFORMED BY SPEER BROS., INC. OF SANDUSKY, OHIO, FOR THE PERKINS AVENUE WATERLINE AND RESURFACING PROJECT IN THE AMOUNT OF \$642,393.02; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Perkins Avenue Waterline and Resurfacing Project will provide for the replacement of the waterline with a new, larger size line, allowing better flows and water quality in the immediate and adjacent areas, fire hydrants, service lines and water meters, limited sidewalks, driveway aprons, catch basins, asphalt resurfacing, ADA ramps, and curbing on Perkins Avenue beginning at Anita Avenue and ending at the Mills Creek bridge, just west of the old YMCA, for a total length of nearly two (2) miles and additionally includes 52nd Street; and

WHEREAS, the City Commission approved an agreement for Professional Design Services with GPD Group of Cleveland, Ohio, for the Perkins Avenue Waterline and Resurfacing Project by Ordinance No. 21-078, passed on May 24, 2021; and

WHEREAS, this City Commission declared the necessity to proceed with the proposed Perkins Avenue Waterline and Resurfacing Project by Resolution No. 050-22R, passed on September 12, 2022; and

WHEREAS, the City Commission approved the awarding of the contract to Speer Bros., Inc. of Sandusky, Ohio, for work to be performed for the Perkins Avenue Waterline and Resurfacing Project by Ordinance No. 22-208, passed on October 24, 2022; and

WHEREAS, the City Commission approved a Cooperative Agreement with the Ohio Water Development Authority (OWDA) to finance the cost of construction for the storm sewer, sanitary and water, as part of the Perkins Avenue Waterline and Resurfacing Project by Ordinance No. 22-209, passed on October 24, 2022; and

WHEREAS, this First Change Order reflects changes in quantities of pavement repair and full depth concrete pavement removal, and additional work for State Route 4 and Perkins Avenue 30" transmission waterline repair and for Columbus Avenue 16" waterline repair and railroad tie removal; and

WHEREAS, the original contract with Speer Bros., Inc. of Sandusky, Ohio, was \$5,411,227.34, and with the addition of this First Change Order in the amount of \$642,393.02, the revised contract cost is \$6,053,620.36 and will be paid as follows:

	Original	Change Order	Revised
OWDA Loan - Water	\$ 3,807,537.15	\$ (1,367,859.59)	\$ 2,439,677.56
OWDA Loan - Storm/Sewer	\$ 518,547.30	\$ 270,395.50	\$ 788,942.80
OPWC Loan	\$ 145,049.00	\$ (145,049.00)	\$ -
OPWC Grant	\$ 325,000.00	\$ -	\$ 325,000.00
Issue 8	\$ 615,093.89	\$ (615,093.89)	\$ -
ODOD Grant	\$ -	\$ 2,500,000.00	\$ 2,500,000.00
	\$ 5,411,227.34	\$ 642,393.02	\$ 6,053,620.36

WHEREAS, approval is being requested in companion legislation to accept grant funds from the Department of Development through the Water and Wastewater Infrastructure Program for the Perkins Avenue Waterline and Resurfacing Project, in the amount \$2.5 million; 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 of approved work to the contractor for work already performed and items already installed in the field; 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 Perkins Avenue Waterline and Resurfacing Project in an amount **not to exceed** Six Hundred Forty-Two Thousand Three Hundred Ninety-Three and 02/100 Dollars (\$642,393.02) resulting in a revised contract cost of Six Million Fifty-Three Thousand Six Hundred Twenty and 36/100 Dollars (\$6,053,620.36) with Speer Bros., 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: November 13, 2023



DEPARTMENT OF PUBLIC WORKS

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

To: John Orzech, City Manager

From: Aaron M. Klein, P.E.

Date: October 31, 2023

Subject: Commission Agenda Item – Consent to ODOT for Preliminary Legislation to resurface State Route 6 between Venice Road and the east corporation limit and Milan Road between Cleveland Road and Butler Street

ITEM FOR CONSIDERATION: Legislation granting consent to the Director of the Ohio Department of Transportation (ODOT) to complete the Resurfacing-Urban Paving City of Sandusky Project - ERI-006-03.64 (Sandusky West Corporation Limit) to 05.61 (0.11 mi. west of Venice Rd Connector) ERI-250.00.00 (Concrete Repairs) (Sycamore Line/Cleveland Rd) to 0.48 (Butler St).

BACKGROUND INFORMATION: Per state law, maintenance of state routes and US routes within the municipal corporation limits are the responsibility of the municipality. However, ODOT began a state-wide Urban Paving program several years ago that would allocate funds towards resurfacing of dedicated state routes. ODOT completes a pavement analysis on all state routes on a routine basis and this section of State Route 6 was originally planned for resurfacing in 2020 and then again in 2022. This project includes resurfacing of Fremont Avenue from the west corporation limit to Venice Road, Venice Road from Fremont Avenue to the limits of the overpass project that was completed in 2013, as well as completion of concrete repairs on Milan Road between the overpass and Sycamore Line, and on Sycamore Line between Milan Road and Cleveland Road. However, city staff did not want to interfere with the West End Connectivity project in 2020 and requested to focus on local roadways that were in worse condition in 2022. Therefore, ODOT agreed to push the project to 2024.

ODOT agrees to pay 80%, with the City agreeing to pay 20%, of the roadway construction and construction engineering costs, which include pavement planning, asphalt overlay, treatment of shoulders, height adjustment to existing guardrail, pavement markings, temporary and fast dry, adjustments to catch basins, manholes, valve boxes, etc., mailbox supports and approaches, and work zone signs. In addition, the City agrees to pay 100% of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and Federal Highway Administration.

Concrete repairs on Sycamore Line and Cleveland Road will be split evenly between both parties at 50% and 50%. ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs.

ODOT also assumes full responsibility for design costs but inspection will be split at 80% (ODOT) and 20% (City). All other non-asphalt related items, such as curbs, gutters, curb ramps, base repairs or any alterations for roadways improvements, would be completed at 100% cost to the City.

Upon completion of final design in early 2024, ODOT will present the City with a contract and an updated cost estimate for this project, which will also be brought before City Commission for final approvals. ODOT has tentatively set a construction date for their project for spring of 2024. ODOT will act as the lead agency and administer the project. The preliminary engineer's opinion of probable costs estimates the total project cost to be \$1,478,630.00 with the City's share estimated at \$622,421.00 (42%).

BUDGETARY INFORMATION: The project cost is estimated at \$1,478,630.00 of which the City's portion is estimated to be \$622,421.00.

ACTION REQUESTED: It is recommended that proper legislation be prepared allowing the City to consent the Director of Transportation to complete the Resurfacing-Urban Paving City of Sandusky Project - ERI-006-03.64 from (Venice Rd) to 05.61 (Sandusky ECL) ERI-250.00.00 (Concrete Repairs) (Sycamore Line/Cleveland Rd) to 0.48 (Butler St) be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to return the preliminary legislation to ODOT by December 15, 2023.

I concur with this recommendation:

John Orzech
City Manager

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

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE PRELIMINARY LEGISLATION SUBMITTED BY THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THEIR RESURFACING – URBAN PAVING CITY OF SANDUSKY PROJECT, PID NO. 103704; AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN THE PRELIMINARY LEGISLATION AND TO EXECUTE ANY NECESSARY CONTRACTS WITH THE DIRECTOR OF TRANSPORTATION FOR THIS PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the preliminary legislation, a copy of which is attached to this Resolution and marked Exhibit “A”, is necessary for the Director of the Ohio Department of Transportation to complete the Resurfacing-Urban Paving City of Sandusky Project which includes resurfacing from the Sandusky West Corporation Limit to the west of the Venice Road Connector (ERI-006-03.64) and concrete repairs from Sycamore Line / Cleveland Road to Butler Street (ERI-250-00.00); and

WHEREAS, the preliminary legislation, Exhibit “A” attached to this Resolution, provides the terms of the agreement and cooperation between the City of Sandusky and the Director of Transportation regarding the completion of the project; and

WHEREAS, the estimated project cost is \$1,478,630.00 and the City’s portion of the costs (20% of roadway construction and construction engineering costs) is \$622,421.00; 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 return the executed preliminary legislation to the Ohio Department of Transportation by the 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 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 preliminary legislation submitted by the Director of the Ohio Department of Transportation, a copy of which is attached to this Resolution and marked Exhibit “1”, for the Resurfacing - Urban Paving City of Sandusky Project, PID No. 103704, consenting to the Director of Transportation to complete resurfacing from the Sandusky West Corporation Limit to the west of the Venice Road Connector (ERI-006-03.64) and concrete repairs from Sycamore Line / Cleveland Road to Butler Street (ERI-250-00.00), is adopted by this City

Commission and the President of this City Commission is authorized to sign the preliminary legislation.

Section 2. The City Manager is hereby authorized and directed to sign the preliminary legislation and to execute any necessary contracts with the Director of Transportation to complete the Resurfacing - Urban Paving City of Sandusky Project, PID No. 103704.

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: November 13, 2023

PRELIMINARY LEGISLATION

Ordinance/Resolution No. _____

PID No.103704

Project Name: **ERI US 0006 03.64**

The following _____ enacted by the City of Sandusky of Erie County,
(Ordinance/Resolution)
Ohio, hereinafter referred to as the City, in the matter of the stated described project.

SECTION I - Project Description

WHEREAS, the State has identified the need for the described project:

*Resurfacing-Urban Paving City of Sandusky
ERI-006-03.64 (Sandusky WCL (JNT. LINE)) - 05.61 (0.11 mi. west of Venice Rd Connector)
ERI-250-00.00 (Concrete Repairs)(Sycamore Line/Cleveland Rd.) to 00.48(Butler St.)*

Construction is tentatively scheduled to begin in May of 2024.

NOW THEREFORE, be it ordained by the City of Sandusky of Erie County, Ohio.

SECTION II - Consent Statement

Being in the public interest, the City gives consent to the Director of Transportation to complete the above-described project.

SECTION III - Cooperation Statement

The City shall cooperate with the Director of Transportation, for the portion of this project within the City of Sandusky, as follows:

- 1) *ODOT agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs, and environmental studies costs.*
- 2) *ODOT agrees to assume and bear eighty percent (80%) of the roadway construction and construction engineering costs.*
- 3) *The City agrees to assume and bear twenty percent (20%) of the roadway construction and construction engineering costs.*

Project Name:

SECTION III - Cooperation Statement continued.

- 4) *ODOT and the City agree that the following roadway construction items are eligible for 80% ODOT/20% City funding: Pavement planing, asphalt overlay, treatment of shoulder, height adjustment to existing guardrail, pavement markings, temporary and fast dry, adjustments to catch basins, manholes, valve boxes, etc., mailbox supports & approaches, and work zone signs.*
- 5) *ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs.*
- 6) *The City further agrees to pay One Hundred Percent (100%) of the cost of the following construction items: Pavement repair partial & full depth, curbs, curb ramps, sidewalks, City owned signs, guardrail- replacement of deficient existing & required new locations, and those items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project.*
- 7) *A preliminary cost estimate for the City's share of this project is \$ 581,702 for construction costs and \$ 40,719 for construction engineering (inspection).*

SECTION IV - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the City shall:

- 1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal law.
- 2) Provide ample financial provisions, as necessary, for the maintenance of the described project.
- 3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

SECTION V – Utilities and Right-of-Way Statement

If City owned utilities, within a corporation limit or in a private easement outside corporation limits, need to be relocated due to this ODOT project, the City will be reimbursed for any relocation work; ODOT will perform the coordination, relocation, and reimbursement which shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

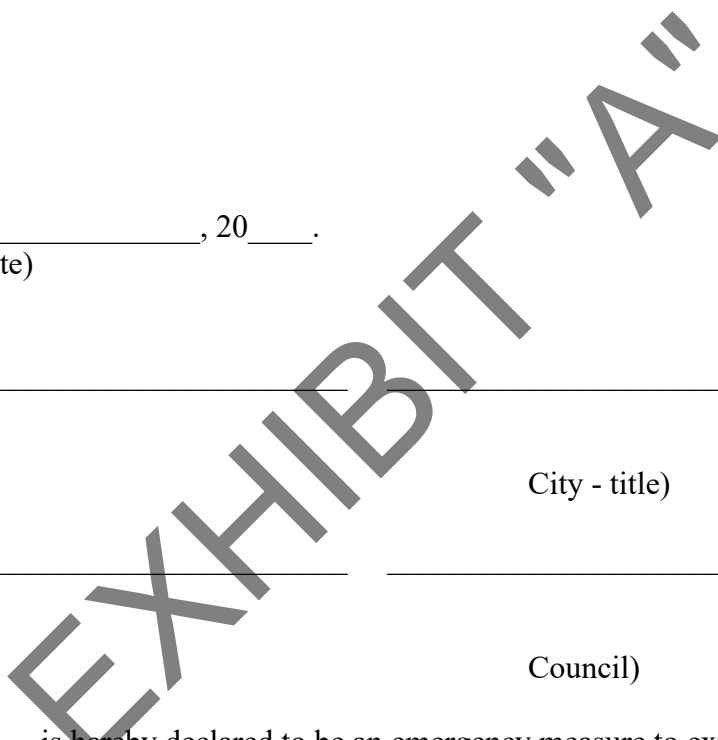
If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation, with exceptions due to an easement, etc.

Passed: _____, 20____.
(Date)

Attested: _____
(Clerk)
City - title (Officer of

Attested: _____
(Title)
Council) (President of

This _____ is hereby declared to be an emergency measure to expedite the highway
(Ordinance/Resolution)
project and to promote highway safety. Following appropriate legislative action, it shall take
effect and be in force immediately upon its passage and approval, otherwise it shall take effect
and be in force from and after the earliest period allowed by law.



PID No. 103704
Project Name: ERI US 0006 03.64

CERTIFICATE OF COPY
STATE OF OHIO
City of Sandusky of Erie County, Ohio

I, _____, as Clerk of the City of Sandusky of Erie County, Ohio,

Do hereby certify that the foregoing is a true and correct copy of _____ adopted by
(Ordinance/Resolution)
the legislative Authority of the said City of Sandusky on this ____ day of _____, 20__,

that the publication of such _____ has been made and certified of record according to
(Ordinance/Resolution)
law; that no proceedings looking to a referendum upon such _____ have been taken;
(Ordinance/Resolution)

and that such _____ and certificate of publication thereof are of record in

(Ordinance/Resolution)

_____, Page _____.
(Ordinance/Resolution)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official
seal, if applicable, this ____ day of _____, 20__.

(SEAL)
(If Applicable)

Clerk Signature
City of Sandusky of Erie County,
Ohio.

The foregoing is accepted as a basis for proceeding with the project herein described.

For the City of Sandusky of Erie County, Ohio

Attest: _____, Date _____
Contractual Officer



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: October 27, 2023

Subject: Commission Agenda Item – Final Change Order for US-6 East Urban Paving Project (PID 92889)

ITEM FOR CONSIDERATION: Requesting legislation for approval to expend the necessary funds for the final change order to the Ohio Department of Transportation (ODOT) for the Resurfacing-Urban Paving City of Sandusky Project - ERI-006-06.41 from (Venice Rd) to 11.34 (Sandusky ECL) ERI-250-0.00 (Concrete Repairs) (Sycamore Line/Cleveland Rd) to 0.49 (Butler St) for the City's share of the project. Preliminary legislation was passed by the City Commission on March 11, 2019, Resolution 011-19R, and Ordinance 20-068 was passed on April 13, 2020. An amendment was approved via Ordinance 20-080. This project has been assigned PID 92889 by ODOT.

BACKGROUND INFORMATION: Ordinance 20-068 allowed the City Manager to enter into an agreement with the Ohio Department of Transportation to resurface and reconstruct State Route 6 within city limits from the east corporation limit to Venice Road. Erie Blacktop, Inc. was awarded a contract for \$2,352,699.00, which was slightly higher than the engineer's estimate. This required an additional \$18,192.00 from the City which was approved via Ordinance 20-080.

A breakdown of final project quantities was received in September of 2023 as agreed upon by Erie Blacktop and ODOT, who managed the project. This resulted in a final project cost of \$2,694,207.97, which is \$341,508.97 more than the project award price. It has been determined, based on the previously established funding breakdown, that the City is responsible for \$119,453.56 of the final change order. Outside of normal quantity increases, some additional work was performed as part of the 2020 project at the City's request, including:

- New ADA curb ramps and associated sidewalks at intersections where they didn't previously exist,
- Replacement of concrete from curb to curb on Sycamore Line near the intersection of Cleveland Road that held water creating a safety concern for hydroplaning,
- All of the curbing along Washington Park
- Planing the concrete gutter on Cleveland Road and adding asphalt all the way to the curb by overlaying the gutter plate
- Regrading due to shallow electrical lines at the back of curb in Washington Park,
- Replacement of curb inlets on US-250 between the overpass and Sycamore Line so they wouldn't need to do this work as part of the US-6 West project that would begin in 2024.

This project was managed by ODOT as an Urban Paving project and was completed in 2020. The invoice must be paid before the end of 2023.

BUDGETARY INFORMATION: The City's portion increased from \$1,093,147.00 to \$1,212,600.56, which is an additional \$119,453.56. This additional amount would be split evenly with \$59,726.78 coming from the Sewer Fund and the Issue 8 Fund for street resurfacing.

ACTION REQUESTED: It is recommended that an ordinance authorizing payment to the Ohio Department of Transportation (ODOT) for the increase related to the City's contribution to ODOT's 2020 Urban Paving Project, also known as PID 92889 be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to provide payment to ODOT prior to the close of the calendar year.

I concur with this recommendation:

John Orzech
City Manager

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



Accounts Receivable

The Ohio Department of Transportation

In Account With:

City of Sandusky
240 Columbus Avenue
Sandusky, Ohio 44870

Address questions concerning this invoice to:

Dan Balsley
Ohio Department of Transportation
Division of Finance
Phone: 614-387-7950

Invoice Number	FAP Number	PID	Project #	Project Description	County	District
22084	E150528	92889	200235	ERI US 0006 06.41	Erie	03

Description of Work Done:

The project consists of resurfacing U.S. 6 between the pavement joint just west of Venice Road/Sanford Street and the Sandusky souther corporation limit and U.S. 250 between Cleveland Road and 500 feet north of Butler Street, including pavement repair, concrete repair, structure maintenance, and pavement markings, lying within the City of Sandusky.

The City of Sandusky agrees to assume and bear 100% of the entire cost of the improvement, less the amount of Federal-aid and State funds set aside by the Director of Transportation of the State of Ohio and the financing of this project.

Costs to the City of Sandusky :	Construction Contract Costs	\$1,123,391.82
	Less Deposit	-\$1,021,635.27
	Construction Inspection Costs	\$89,208.74
	Less Deposit	-\$71,511.73
	Balance	\$119,453.56

Amount Due State of Ohio	\$119,453.56
---------------------------------	---------------------

Please Return Bottom Portion of Invoice with Payment

Make Check Payable To:

The Treasurer of the State of Ohio
C/O The Ohio Department of Transportation

Invoice Number:	22084
Amount Due:	\$119,453.56

Remit To:

Division of Finance - Accounts Receivable
1980 West Broad Street
Columbus, Ohio 43223

Manager, Project Accounting

3/9/2023

Date

Project Breakdown					
	Part Code 1	Part Code 2	Part Code 3	Part Code 4	Total
Actual Amount	\$15,277.53	\$1,380,263.78	\$618,781.48	\$235,677.38	2,250,000.17
Actual Percentage	0.679%	61.345%	27.501%	10.475%	100.000%
Actual Incidental Amount	1670.343154	150908.8285	67653.4367	25767.3916	246,000.00
Actual Incidental Percentage	0.679%	61.345%	27.501%	10.475%	100.000%
Total Costs by Type					
Total Construction Contract Costs	16,947.87	1,531,172.61	686,434.92	261,444.77	2,496,000.17
Total Construction Inspection Costs	1,345.82	121,590.68	54,509.92	20,761.38	198,207.80
Total Project Costs	18,293.69	1,652,763.29	740,944.84	282,206.15	2,694,207.97
Totals by Share					
Total Federal Share	14,634.96	1,322,210.63	-	141,103.09	1,477,948.68
Total State Share	3,658.73	-	-	-	3,658.73
Total Local Share	-	330,552.66	740,944.84	141,103.06	1,212,600.56
Total Local Costs	-	330,552.66	740,944.84	141,103.06	1,212,600.56
Less Deposit					(1,093,147.00)
Amount Owed by City of Sandusky					\$ 119,453.56

Cont Alt Id	Prj Nbr	Ln Itm Nbr	Desc1	Unt Price	Bid Qty	Bid costs	Current Qty	Current Amt Pd to DT
Part Code 1								
Fed 80%, State 20%								
200235	ERI92889-1	15	EROSION CONTROL	1.00	15	\$15.00	0	\$0.00
200235	ERI92889-1	73	REMOVAL MISC.:	5.00	95.00	\$475.00	94.50	\$472.50
200235	ERI92889-1	74	SEALING OF CONCRETE SURFACES (EPOXY-URETHANE)	28.5	76.00	\$2,166.00	120.08	\$3,422.28
200235	ERI92889-1	75	TREATING CONCRETE BRIDGE DECKS WITH GRAVITY FED RESIN, AS PE	38.7	119.00	\$4,605.30	122.34	\$4,734.56
200235	ERI92889-1	76	REMOVAL OF EXISTING COATINGS FROM CONCRETE SURFACES	16	76.00	\$1,216.00	120.08	\$1,921.28
200235	ERI92889-1	77	JOINT SEALER	18.25	95.00	\$1,733.75	94.50	\$1,724.63
200235	ERI92889-1	99	PREMIUM ON RAILROADS' PROTECTIVE PUBLIC LIABILITY AND PROPER	3,000.00	1	\$3,000.00	1	\$3,000.00
200235	ERI92889-1	8003	LUMP SUM ADJUSTMENT - GENERAL / OTHER	2.28	0	\$0.00	1	\$2.28
Total Part Code 1						\$13,211.05		\$15,277.53
Part Code 2								
Fed 80%, Local 20%								
200235	ERI92889-2	5	LINEAR GRADING	2,000.00	2.51	\$5,020.00	2.29	\$4,580.00
200235	ERI92889-2	6	GRADING MAILBOX APPROACHES	200	20.00	\$4,000.00	0.00	\$0.00
200235	ERI92889-2	14	MONUMENT BOX ADJUSTED TO GRADE	105	40	\$4,200.00	9	\$945.00
200235	ERI92889-2	15	EROSION CONTROL	1	485	\$485.00	0	\$0.00
200235	ERI92889-2	16	CATCH BASIN ADJUSTED TO GRADE	600	36	\$21,600.00	0	\$0.00
200235	ERI92889-2	18	MANHOLE ADJUSTED TO GRADE	600	149.00	\$89,400.00	160	\$96,000.00
200235	ERI92889-2	22	PAVEMENT PLANING, ASPHALT CONCRETE	1.5	116,077.00	\$174,115.50	123,939.04	\$185,908.56
200235	ERI92889-2	23	PATCHING PLANED SURFACE	7.50	582	\$4,365.00	6,442.22	\$48,316.65
200235	ERI92889-2	31	NON-TRACKING TACK COAT	2.15	9,312.00	\$20,020.80	10,356.96	\$22,267.46
200235	ERI92889-2	32	PRIME COAT, AS PER PLAN	4.75	1,218.00	\$5,785.50	643.6	\$3,057.10
200235	ERI92889-2	33	ASPHALT CONCRETE SURFACE COURSE, 9.5 MM, TYPE A (446), AS PE	162.00	4,852.00	\$786,024.00	5,082.28	\$823,329.36
200235	ERI92889-2	34	COMPACTED AGGREGATE	65	189	\$12,285.00	83.44	\$5,423.60
200235	ERI92889-2	35	VALVE BOX ADJUSTED TO GRADE	210	24	\$5,040.00	42	\$8,820.00
200235	ERI92889-2	36	EDGE LINE, 4"	3,990.00	0.05	\$199.50	0.05	\$199.50
200235	ERI92889-2	37	LANE LINE, 4"	2,310.00	0.82	\$1,894.20	0.766	\$1,769.46
200235	ERI92889-2	38	CENTER LINE	6,090.00	0.51	\$3,105.90	0.461	\$2,807.49
200235	ERI92889-2	39	CHANNELIZING LINE, 8"	2.05	335	\$686.75	437	\$895.85
200235	ERI92889-2	40	STOP LINE	12.6	74.00	\$932.40	76.00	\$957.60
200235	ERI92889-2	41	CROSSWALK LINE	6.3	371	\$2,337.30	379	\$2,387.70
200235	ERI92889-2	42	LANE ARROW	163	14	\$2,282.00	14	\$2,282.00
200235	ERI92889-2	43	DOTTED LINE, 4"	4.2	776	\$3,259.20	406	\$1,705.20
200235	ERI92889-2	44	EDGE LINE, 4", TYPE 1	580	2.49	\$1,444.20	2.48	\$1,438.40
200235	ERI92889-2	45	LANE LINE, 4", TYPE 1	660	1.17	\$772.20	1.16	\$765.60
200235	ERI92889-2	46	CENTER LINE, TYPE 1	880	4.91	\$4,320.80	4.99	\$4,391.20
200235	ERI92889-2	47	CHANNELIZING LINE, 8", TYPE 1	0.55	4,257.00	\$2,341.35	4,538.00	\$2,495.90
200235	ERI92889-2	48	STOP LINE, TYPE 1	3.7	957.00	\$3,540.90	2,017.00	\$7,462.90
200235	ERI92889-2	49	CROSSWALK LINE, TYPE 1	2.9	6,451.00	\$18,707.90	11,602.00	\$33,645.80
200235	ERI92889-2	50	TRANSVERSE/DIAGONAL LINE, TYPE 1	3.7	245	\$906.50	306	\$1,132.20
200235	ERI92889-2	52	SCHOOL SYMBOL MARKING, 72", TYPE 1	210	2	\$420.00	0	\$0.00
200235	ERI92889-2	53	SCHOOL SYMBOL MARKING, 96", TYPE 1	240	1	\$240.00	1	\$240.00
200235	ERI92889-2	54	PARKING LOT STALL MARKING, TYPE 1	1.55	3,452.00	\$5,350.60	3,815.00	\$5,913.25
200235	ERI92889-2	55	LANE ARROW, TYPE 1	44	106	\$4,664.00	111	\$4,884.00
200235	ERI92889-2	56	LANE REDUCTION ARROW, TYPE 1	135	1	\$135.00	1	\$135.00

Cont Alt Id	Prj Nbr	Ln Itm Nbr	Desc1	Unt Price	Bid Qty	Bid costs	Current Qty	Current Amt Pd to DT
200235	ERI92889-2	57	DOTTED LINE, 4", TYPE 1	0.65	441	\$286.65	273	\$177.45
200235	ERI92889-2	72	DETECTOR LOOP, AS PER PLAN	1,345.00	43	\$57,835.00	43	\$57,835.00
200235	ERI92889-2	79	WORK ZONE MARKING SIGN	85	10	\$850.00	16	\$1,360.00
200235	ERI92889-2	80	ASPHALT CONCRETE FOR MAINTAINING TRAFFIC	300	25	\$7,500.00	37.11	\$11,133.00
200235	ERI92889-2	81	PORTABLE CHANGEABLE MESSAGE SIGN, AS PER PLAN	945	8	\$7,560.00	1	\$945.00
200235	ERI92889-2	82	WORK ZONE LANE LINE, CLASS I, 4", 740.06, TYPE I	3,150.00	0.4	\$1,260.00	0	\$0.00
200235	ERI92889-2	83	WORK ZONE LANE LINE, CLASS III, 4", 642 PAINT	630	2.38	\$1,499.40	2.38	\$1,499.40
200235	ERI92889-2	84	WORK ZONE CENTER LINE, CLASS I, 740.06, TYPE I	7,350.00	0.25	\$1,837.50	0	\$0.00
200235	ERI92889-2	85	WORK ZONE CENTER LINE, CLASS III, 642 PAINT	975	9.86	\$9,613.50	11.5	\$11,212.50
200235	ERI92889-2	87	WORK ZONE CHANNELIZING LINE, CLASS I, 8", 740.06, TYPE I	3.95	150	\$592.50	0	\$0.00
200235	ERI92889-2	88	WORK ZONE CHANNELIZING LINE, CLASS III, 8", 642 PAINT	0.55	8,514.00	\$4,682.70	8,778.00	\$4,827.90
200235	ERI92889-2	90	WORK ZONE STOP LINE, CLASS I, 740.06, TYPE I	11.55	74	\$854.70	0	\$0.00
200235	ERI92889-2	91	WORK ZONE STOP LINE, CLASS III, 642 PAINT	3.1	1,654.00	\$5,127.40	556	\$1,723.60
200235	ERI92889-2	99	CURB MARKING, TYPE 1	1.6	2,500.00	\$4,000.00	2,145.00	\$3,432.00
200235	ERI92889-2	8000	446 ADJUSTMENT	11,828.15	0	\$0.00	1	\$11,828.15
200235	ERI92889-2	8001	104.02 ADJUSTMENT	5,339.00	0	\$0.00	1	\$5,339.00
200235	ERI92889-2	8002	FUEL PRICE ADJUSTMENT	2,967.07	0	\$0.00	1	\$2,967.07
200235	ERI92889-2	8003	LUMP SUM ADJUSTMENT - GENERAL / OTHER	289.43	0	\$0.00	1	\$289.43
200235	ERI92889-2	9006	AGREED UNIT PRICE	262.5	0	\$0.00	3	\$787.50
200235	ERI92889-2	9012	AGREED LUMP SUM	-9,250.00	0	\$0.00	1	(\$9,250.00)
Total Part Code 2						\$1,293,380.85		\$1,380,263.78

Part Code 3 Local 100%

200235	ERI92889-3	1	PAVEMENT REMOVED	30	388	\$11,640.00	0	\$0.00
200235	ERI92889-3	2	WALK REMOVED	2.6	4,697.00	\$12,212.20	25,812.00	\$67,111.20
200235	ERI92889-3	3	CURB REMOVED	8.4	265	\$2,226.00	7.7	\$64.68
200235	ERI92889-3	4	CURB REMOVED, AS PER PLAN	8.40	3,380.00	\$28,392.00	4,830.90	\$40,579.56
200235	ERI92889-3	7	4" CONCRETE WALK	8.4	3,534.00	\$29,685.60	5,919.25	\$49,721.70
200235	ERI92889-3	8	CURB RAMP	11.85	1,163.00	\$13,781.55	9,601.81	\$113,781.45
200235	ERI92889-3	9	DETECTABLE WARNING	29.4	568	\$16,699.20	0	\$0.00
200235	ERI92889-3	10	CURB, TYPE 2-A, AS PER PLAN	29.4	300	\$8,820.00	0	\$0.00
200235	ERI92889-3	11	CURB, TYPE 2-B, AS PER PLAN	29.4	80	\$2,352.00	0	\$0.00
200235	ERI92889-3	12	CURB, TYPE 6	24.7	149	\$3,680.30	303	\$7,484.10
200235	ERI92889-3	13	CURB, TYPE 6, AS PER PLAN	24.70	3,000.00	\$74,100.00	2,364.50	\$58,403.15
200235	ERI92889-3	15	EROSION CONTROL	1	185	\$185.00	0	\$0.00
200235	ERI92889-3	16	CATCH BASIN ADJUSTED TO GRADE	600.00	3	\$1,800.00	1	\$600.00
200235	ERI92889-3	17	INLET RECONSTRUCTED TO GRADE, AS PER PLAN	3,200.00	8	\$25,600.00	3	\$9,600.00
200235	ERI92889-3	18	MANHOLE ADJUSTED TO GRADE	600	4	\$2,400.00	7	\$4,200.00
200235	ERI92889-3	19	SUBGRADE COMPACTION	4	388	\$1,552.00	0	\$0.00
200235	ERI92889-3	20	PARTIAL DEPTH PAVEMENT REPAIR (ASPHALT CONCRETE BASE)	250	775.00	\$193,750.00	74.73	\$18,682.50
200235	ERI92889-3	21	PAVEMENT REPAIR	285	65	\$18,525.00	0	\$0.00
200235	ERI92889-3	29	ASPHALT CONCRETE BASE, PG64-22	215.00	97	\$20,855.00	0	\$0.00
200235	ERI92889-3	30	AGGREGATE BASE	105.00	65	\$6,825.00	0	\$0.00
200235	ERI92889-3	31	NON-TRACKING TACK COAT	2.15	39	\$83.85	39	\$83.85
200235	ERI92889-3	33	ASPHALT CONCRETE SURFACE COURSE, 9.5 MM, TYPE A (446), AS PE	162.00	32	\$5,184.00	21.46	\$3,476.52
200235	ERI92889-3	35	VALVE BOX ADJUSTED TO GRADE	210.00	1	\$210.00	0	\$0.00

Cont Alt Id	Prj Nbr	Ln Itm Nbr	Desc1	Unt Price	Bid Qty	Bid costs	Current Qty	Current Amt Pd to DT
200235	ERI92889-3	78	LAW ENFORCEMENT OFFICER WITH PATROL CAR FOR ASSISTANCE	65.00	300	\$19,500.00	161.75	\$10,513.75
200235	ERI92889-3	84	WORK ZONE CENTER LINE, CLASS I, 740.06, TYPE I	7,350.00	0.12	\$882.00	0	\$0.00
200235	ERI92889-3	86	WORK ZONE EDGE LINE, CLASS I, 6", 740.06, TYPE I	4,200.00	0.36	\$1,512.00	0	\$0.00
200235	ERI92889-3	89	WORK ZONE DOTTED LINE, CLASS I, 4", 740.06, TYPE I	2.40	462	\$1,108.80	179	\$429.60
200235	ERI92889-3	92	ROADS FOR MAINTAINING TRAFFIC	3,250.00	1	\$3,250.00	0	\$0.00
200235	ERI92889-3	93	PAVEMENT FOR MAINTAINING TRAFFIC, CLASS B	235	21	\$4,935.00	0	\$0.00
200235	ERI92889-3	8000	446 ADJUSTMENT	119.48	0	\$0.00	1	\$119.48
200235	ERI92889-3	8001	104.02 ADJUSTMENT	25,658.61	0	\$0.00	1	\$25,658.61
200235	ERI92889-3	8003	LUMP SUM ADJUSTMENT - GENERAL / OTHER	114.52	0.00	\$0.00	1.00	\$114.52
200235	ERI92889-3	9000	AGREED UNIT PRICE	2	0	\$0.00	4,000.00	\$8,000.00
200235	ERI92889-3	9001	PAVEMENT PLANING, PCC	6.95	0	\$0.00	388	\$2,696.60
200235	ERI92889-3	9002	PAVEMENT OVERLAY FABRIC COMPOSITE	6.90	0	\$0.00	388	\$2,677.20
200235	ERI92889-3	9003	CURB RAMP	11.85	0	\$0.00	11,691.35	\$138,542.50
200235	ERI92889-3	9004	INLET, NO. 2-A-8, APP	5,523.00	0	\$0.00	5	\$27,615.00
200235	ERI92889-3	9005	INLET RECON TO GRADE, APP	4,499.25	0	\$0.00	2	\$8,998.50
200235	ERI92889-3	9007	PAVEMENT PLANING, PCC	6.95	0	\$0.00	56.1	\$389.90
200235	ERI92889-3	9008	PAVEMENT OVERLAY FABRIC COMPOSITE	6.90	0	\$0.00	56.1	\$387.09
200235	ERI92889-3	9010	AGREED UNIT PRICE	2	0	\$0.00	1,289.00	\$2,578.00
200235	ERI92889-3	9011	FORCE ACCOUNT	1,622.99	0	\$0.00	1	\$1,622.99
200235	ERI92889-3	9014	INLET RECON TO GRADE, APP	4,499.25	0	\$0.00	1	\$4,499.25
200235	ERI92889-3	9016	FORCE ACCOUNT	515.28	0	\$0.00	1	\$515.28
200235	ERI92889-3	9017	FORCE ACCOUNT	5,135.25	0	\$0.00	1	\$5,135.25
200235	ERI92889-3	9018	INLET RECON TO GRADE, APP	4,499.25	0	\$0.00	1	\$4,499.25
Total Part Code 3						\$511,746.50		\$618,781.48
Part Code 4 Fed 50%, Local 50%								
200235	ERI92889-4	15	EROSION CONTROL	1	315	\$315.00	0	\$0.00
200235	ERI92889-4	24	FULL DEPTH PAVEMENT REMOVAL AND RIGID REPLACEMENT, CLASS QC	155	382	\$59,210.00	955.65	\$148,125.75
200235	ERI92889-4	25	FULL DEPTH PAVEMENT REMOVAL AND RIGID REPLACEMENT, CLASS QC	170	418	\$71,060.00	289.26	\$49,174.20
200235	ERI92889-4	26	FULL DEPTH PAVEMENT SAWING	3.15	6,632.00	\$20,890.80	4,774.00	\$15,038.10
200235	ERI92889-4	27	BONDED PATCHING OF PORTLAND CEMENT CONCRETE PAVEMENT, TYPE A	36	920	\$33,120.00	0	\$0.00
200235	ERI92889-4	28	DIAMOND GRINDING PORTLAND CEMENT CONCRETE PAVEMENT	3.8	27,596.00	\$104,864.80	0	\$0.00
200235	ERI92889-4	8001	104.02 ADJUSTMENT	6,912.97	0	\$0.00	1	\$6,912.97
200235	ERI92889-4	8003	LUMP SUM ADJUSTMENT - GENERAL / OTHER	64.77	0	\$0.00	1	\$64.77
200235	ERI92889-4	9009	FORCE ACCOUNT	4,375.17	0	\$0.00	1	\$4,375.17
200235	ERI92889-4	9013	FORCE ACCOUNT	7,072.43	0	\$0.00	1	\$7,072.43
200235	ERI92889-4	9015	FORCE ACCOUNT	4,913.99	0	\$0.00	1	\$4,913.99
Total Part Code 4						\$289,460.60		\$235,677.38
Incidentals								
200235	ERI92889-1	94	MAINTAINING TRAFFIC	606.41	1	\$606.41	1	\$606.41
200235	ERI92889-1	95	FIELD OFFICE, TYPE B	2,200.00	0.01	\$22.00	0.01	\$22.00
200235	ERI92889-1	96	CONSTRUCTION LAYOUT STAKES AND SURVEYING	18.44	1	\$18.44	1	\$18.44
200235	ERI92889-1	97	MOBILIZATION	485.13	1	\$485.13	1	\$485.13
200235	ERI92889-1	98	PREMIUM FOR CONTRACT PERFORMANCE BOND AND FOR PAYMENT BOND	46.09	1.00	\$46.09	1.00	\$46.09
200235	ERI92889-2	94	MAINTAINING TRAFFIC	76,811.43	1	\$76,811.43	1	\$76,811.43

Cont Alt Id	Prj Nbr	Ln Itm Nbr	Desc1	Unt Price	Bid Qty	Bid costs	Current Qty	Current Amt Pd to DT
200235	ERI92889-2	95	FIELD OFFICE, TYPE B	2,200.00	1.85	\$4,070.00	2.35	\$5,170.00
200235	ERI92889-2	96	CONSTRUCTION LAYOUT STAKES AND SURVEYING	2,335.06	1	\$2,335.06	1	\$2,335.06
200235	ERI92889-2	97	MOBILIZATION	61,449.14	1	\$61,449.14	1	\$61,449.14
200235	ERI92889-2	98	PREMIUM FOR CONTRACT PERFORMANCE BOND AND FOR PAYMENT BOND	5,837.66	1	\$5,837.66	1	\$5,837.66
200235	ERI92889-3	94	MAINTAINING TRAFFIC	30,391.65	1	\$30,391.65	1	\$30,391.65
200235	ERI92889-3	95	FIELD OFFICE, TYPE B	2,200.00	0.73	\$1,606.00	0.73	\$1,606.00
200235	ERI92889-3	96	CONSTRUCTION LAYOUT STAKES AND SURVEYING	923.91	1	\$923.91	1	\$923.91
200235	ERI92889-3	97	MOBILIZATION	24,313.32	1	\$24,313.32	1	\$24,313.32
200235	ERI92889-3	98	PREMIUM FOR CONTRACT PERFORMANCE BOND AND FOR PAYMENT BOND	2,309.77	1	\$2,309.77	1	\$2,309.77
200235	ERI92889-4	94	MAINTAINING TRAFFIC	17,190.51	1	\$17,190.51	1	\$17,190.51
200235	ERI92889-4	95	FIELD OFFICE, TYPE B	2,200.00	0.41	\$902.00	0.41	\$902.00
200235	ERI92889-4	96	CONSTRUCTION LAYOUT STAKES AND SURVEYING	522.59	1	\$522.59	1	\$522.59
200235	ERI92889-4	97	MOBILIZATION	13,752.41	1	\$13,752.41	1	\$13,752.41
200235	ERI92889-4	98	PREMIUM FOR CONTRACT PERFORMANCE BOND AND FOR PAYMENT BOND	1,306.48	1	\$1,306.48	1	\$1,306.48
Total Incidentals						\$244,900.00		\$246,000.00

Total	\$2,496,000.17
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CERTIFICATE OF FUNDS

In the Matter of: ODOT US 6 Urban Paving – Final

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 #431-6200-55990,613-5820-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 11/8/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND ADDITIONAL FUNDS FOR THE OHIO DEPARTMENT OF TRANSPORTATION'S RESURFACING - URBAN PAVING CITY OF SANDUSKY PROJECT IN THE AMOUNT OF \$119,453.56; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to State law, maintenance of State routes and U.S. routes within a municipal corporation limits are the responsibility of the municipality, however, the Ohio Department of Transportation (ODOT) began a State-wide Urban Paving program several years ago that allocates funds towards resurfacing of dedicated State routes and to prioritize these projects, ODOT completes a pavement analysis on all State routes on a routine basis and all of State Route 6 within the corporation limits is scheduled for reconstruction between 2020 and 2023; and

WHEREAS, the ODOT Resurfacing - Urban Paving City of Sandusky Project consists of resurfacing U.S. 6 between the pavement joint just west of Venice Road / Sanford Street and the Sandusky southern corporation limit and U.S. 250 between Cleveland Road and 500 feet north of Butler Street, including pavement repair, concrete repair, structure maintenance, and pavement markings, lying within the City of Sandusky; and

WHEREAS, the City Commission previously adopted the preliminary legislation submitted by the Director of the Ohio Department of Transportation for the ODOT Resurfacing - Urban Paving City of Sandusky Project, PID No. 92889, by Resolution No. 011-19R, passed on March 11, 2019; and

WHEREAS, this City Commission previously authorized a contract with the Director of the Ohio Department of Transportation for their ODOT Resurfacing - Urban Paving City of Sandusky Project, PID No. 92889 by Ordinance No. 20-080, passed on May 26, 2020; and

WHEREAS, subsequent to public competitive bidding by the State, the lowest and best bid was from Erie Blacktop, Inc. in the amount of \$2,352,699.00, and the City's portion of costs was \$1,093,147.00 and paid as follows:

Capital Funds (Street)	\$ 830,602.00
Street Funds (new gas tax)	\$ 110,000.00
Sewer Funds (Storm Sewer - catch basins)	\$ 40,000.00
Sewer Funds (Sanitary - manholes)	\$ 35,000.00
Water Funds (valve boxes)	\$ 30,000.00
<u>Issue 8 Funds (Street)</u>	<u>\$ 47,545.00</u>
Total	\$ 1,093,147.00

WHEREAS, a breakdown of the final project quantities was received in September of 2023, as agreed upon by Erie Blacktop and the Ohio Department of Transportation, resulting in a final project cost of \$2,694,207.97 which is an increase of \$341,508.97; and

WHEREAS, the Final Change Order reflects the actual work performed and the actual quantities used in the field by the contractor, as well as additional work performed as part of the 2020 project at the City's request; and

WHEREAS, the City's original portion of costs was estimated at \$1,093,147.00 and with the additional cost of \$119,453.56, the total adjusted cost is \$1,212,600.56 and the additional cost will be paid with Sewer Funds in the amount of \$59,726.78 and Issue 8 Funds (Street) in the amount of \$59,726.78; 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 Department of Transportation prior to the end of the calendar year; 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 State as required by the Ohio Department of Transportation for the additional cost for the Ohio Department of Transportation's Resurfacing - Urban Paving City of Sandusky Project, PID No. 92889, at an amount **not to exceed** One Hundred Nineteen Thousand Four Hundred Fifty-Three and 56/100 Dollars (\$119,453.56).

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 13, 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: October 31st, 2023

Subject: Commission Agenda Item – Contract for the Demolition of 917 Jackson Ext., Parcel number 58-01917.000

Item for Consideration: Ordinance authorizing and directing the City Manager to enter into a contract for the demolition of 917 Jackson Ext., Parcel number 58-01917.000, involving asbestos abatement and demolition of a property.

Background Information: On August 28th, 2023, City Commission approved Resolution No. 038-23R which directed the City Manager to advertise and receive bids for the demolition and asbestos abatement at a vacant and blighted structure located at 917 Jackson Ext., Parcel number 58-01917.000.

Results of the bids, opened on October 31st, 2023 were as follows:

ABA Demolition	Norwalk, OH	\$15,200
Barnes Nursery	Cleveland, OH	\$19,560
Ed Burdue & CO LLC	Sandusky, OH	\$16,953
Siegal Excavating	Edinburg, PA	\$15,500

ABA Demolition of Norwalk, Ohio was determined to be the lowest and best bid.

Budgetary Information: The total cost for the asbestos abatement and demolition is \$15,200 and will initially be paid with Special Assessment Nuisance Funds which will be reimbursed by the Erie County Health Department through a MOU.

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

I concur with this recommendation:

Nicole Grohe
Community Development Program Administrator

I concur with this recommendation:

Colleen Gilson
Community Development Director

John Orzech
City Manager

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

CERTIFICATE OF FUNDS

In the Matter of: ABA Demolition-917 Jackson 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 #433-4210-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 11/8/23

CERTIFICATE OF FUNDS

In the Matter of: CDBG Demolition Project #6

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: 11/8/23

CERTIFICATE OF FUNDS

In the Matter of: ODOT US 6 Urban Paving – Final

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 #431-6200-55990,613-5820-53000

By: Michelle Reeder

Michelle Reeder

Finance Director

Dated: 11/8/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ABA DEMOLITION OF NORWALK, OHIO, FOR THE ASBESTOS ABATEMENT AND DEMOLITION OF 917 JACKSON STREET EXTENSION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Asbestos Abatement and Demolition of 917 Jackson Street Extension Project involves the asbestos abatement and demolition of a residential structure located at 917 Jackson Street Extension which was ordered for demolition by the City's Housing Appeals Board; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the Asbestos Abatement and Demolition of 917 Jackson Street Extension Project by Resolution No. 038-23R, passed on August 28, 2023; and

WHEREAS, upon competitive bidding as required by law four (4) appropriate bids were received and the bid from ABA Demolition of Norwalk, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost for of the project is \$15,200.00 and will initially be paid with Special Assessment Nuisance Funds and then reimbursed through a Memorandum of Understanding with the Erie County Health Department; and

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

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with ABA Demolition of Norwalk, Ohio, for the Asbestos Abatement and Demolition of 917 Jackson Street Extension Project, in an amount **not to exceed** Fifteen Thousand Two Hundred and 00/100 Dollars (\$15,200.00) consistent with the bid submitted by ABA Demolition of Norwalk, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: November 13, 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: October 31st, 2023
Subject: Commission Agenda Item – CDBG FY 21 – Demolition Project #6 Contract

Item for Consideration: Ordinance authorizing and directing the City Manager to enter into a contract for the CDBG FY 21 – Demolition Project #6, involving asbestos abatement and demolition of four (4) properties.

Background Information: On August 14th, 2023, City Commission approved Resolution No. 030-23R which directed the City Manager to advertise and receive bids for the demolition and asbestos abatement of the following four (4) properties – which are vacant and blighted structures:

1. 1329 Huntington Ave.
2. 331 Perry St.
3. 809 Hancock St.
4. 426 Perry Street (shed)

Results of the bids, opened on October 31st, 2023 were as follows:

ABA Demolition	Norwalk, OH	\$44,550	Ed Burdue & Company	Sandusky, OH	\$48,730
Barnes Nursery	Cleveland, OH	\$ 85,304	Siegal Excavating	Edinburg, PA	\$83,750

ABA Demolition, of Norwalk, Ohio was determined to be the lowest and best bid.

Budgetary Information: The total cost for the asbestos abatement and demolition is \$44,550 and will be paid with FY20 Community Development Block Grant Funds. Liens will be placed on the properties for the total cost of the asbestos abatement and demolition.

Action Requested: It is requested that the proper legislation be approved to permit the City Manager to enter into a contract with ABA Demolition for asbestos abatement and demolition of four (4) properties and that legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to move forward with the project and to continue to implement the City's efforts towards blight elimination in the interest of the health and safety and general welfare of the citizens of Sandusky.

I concur with this recommendation:

Nicole Grohe, Community Development Program Administrator

I concur with this recommendation:

Colleen Gilson, Community Development Director

John Orzech, City Manager

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

CERTIFICATE OF FUNDS

In the Matter of: CDBG Demolition Project #6

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: 11/8/23

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ABA DEMOLITION OF NORWALK, OHIO, FOR THE CDBG FY21 DEMOLITION PROJECT #6; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the CDBG FY21 Demolition Project #6 involves the asbestos abatement and demolition of four (4) residential structures located at 1329 Huntington Avenue, 331 Perry Street, 809 Hancock Street, and 426 Perry Street (garage) that were ordered for demolition by the City's Housing Appeals Board; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed CDBG FY21 Demolition Project #6 by Resolution No. 030-23R, passed on August 14, 2023; and

WHEREAS, upon competitive bidding as required by law four (4) appropriate bids were received and the bid from ABA Demolition of Norwalk, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total construction cost for of the project is \$44,550.00 and will be paid with FY20 Community Development Block Grant (CDBG) funds and subsequently all costs related to the demolition and asbestos abatement will be charged to the owners and assessed to the property; and

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

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with ABA Demolition of Norwalk, Ohio, for the CDBG FY21 Demolition Project #6, in an amount **not to exceed** Forty-Four Thousand Five Hundred Fifty and 00/100 Dollars (\$44,550.00) consistent with the bid submitted by ABA Demolition of Norwalk, Ohio, currently on file in the office of the Director of Public Works.

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

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

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

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

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

Passed: November 13, 2023