

AGENDA
City Commission Meeting
222 Meigs Street
5:00 p.m.

=====

MONDAY, JANUARY 8, 2007

=====

Prayer
Pledge of Allegiance
Meeting Called to Order
Roll Call - DK, DM, BC, BF, DW, CS, DE
Minutes – November 27th & December 11th

=====

Charter Officers – Mike Will, Don Icsman, Ed Widman, B. Joyce Brown

=====

Audience Participation – Agenda Items Only (3 minute limit)

=====

CURRENT BUSINESS

=====

ITEM#1 - Communication submitted by Scott Schell, Economic Development Specialist.

ORDINANCE NO. _____ Approving and ratifying the first amendment to the Option to Purchase Agreement with the Geo Gradel Corporation, relating to the redevelopment of property located in the Bayfront Urban Revitalization Plan Area. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM#2 - Communication submitted by George J. Poulos, Chief Building Official.

RESOLUTION NO. _____ Filing of an application with the State of Ohio, Manufactured Homes Commission, for certification for the City's Building Department to perform inspections on mobile and Manufactured Home Installations. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM#3 - Communication submitted by Josh Snyder, Traffic Engineer.

ORDINANCE NO. _____ Approve the First & Final Change Order for work being performed for the Sandusky Pedestrian Bike Path Phase II Project in the amount of \$5,052.83 to be paid to Maple City Concrete, LLC of Norwalk, Ohio. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM#4 - Communication submitted by Gary Packan, Assistant City Manager.

ORDINANCE NO. _____ Approve the Second Amendment to the Community Reinvestment Area Agreement with K & T Property Development and Management, L.L.C.; authorizing the City Manager to execute the second amendment, substantially in the same form attached to this Ordinance **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM#5 - Communication submitted by Kathryn K. McKillips, P.E. Engineering Director.

ORDINANCE NO. _____ Authorizing a Cooperative Agreement between the City of Sandusky and the Ohio Water Development Authority to finance the cost of the planning activities for the Wastewater Treatment Plant Expansion Project Phase II. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM#6 – This item was ordered in by Commissioner Brian Crandall.

ORDINANCE NO. _____ Amending Part One – Administrative Code, Title Seven – Boards and Commissions, Chapter 159 A.D.A. Advisory Board. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM#7 – Communication submitted by the Ohio Department of Liquor Control.

A transfer request of D1, D2, D3 and D6 Liquor Permits to Villa Ventures LLC dba Cedar Villa Restaurant, 1918 Cleveland Road, Sandusky, Ohio 44870 from Cedar Villa Inc. dba Cedar Villa Restaurant, 1918 Cleveland Road, Sandusky, Ohio 44870. **Request the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request.**

=====

ITEM#8 – Communication submitted by the Ohio Department of Liquor Control.

A transfer request of C2, C2X, and D6 Liquor Permits to Décor Investments LLC dba Butts & More, 305 W. Perkins Avenue, Sandusky, Ohio 44870 from Raemark Inc. dba Variety Village, 322 E. Market Street, Sandusky, Ohio 44870, (Virginia Jackson). **Request the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request.**

=====

City Manager's Report
Old Business
New Business
Audience Participation – Open discussion on any item (5 minute limit)
Press Question/Answers
Executive Session
Adjournment

TO: City Commission
FROM: Scott Schell, Economic Development Specialist
DATE: January 5, 2007
RE: Option to Purchase Geo Gradel - Extension

ITEM FOR CONSIDERATION: This communication is requesting legislation be approved authorizing the extension of an Option to Purchase Agreement with Geo Gradel Co, which was approved by Ordinance No. 05-112, in connection with the redevelopment of the property located in the Bayfront Urban Revitalization Plan area.

BACKGROUND INFORMATION: The City of Sandusky has been working with the Geo Gradel Co. for acquisition, demolition and remediation for the property located at 931 W. Water St. In 2005, the city was awarded a Clean Ohio Revitalization Fund (CORF) Grant for environmental clean-up as part of the continuation of the Paper District. Per the CORF agreement with the Ohio Dept of Development, the City has thirty (30) months to fulfill the grant requirements. The thirty (30) month period officially began January of 2006 when the agreement was signed by all parties.

The initial Option to Purchase agreement that the City negotiated with Geo Gradel Co. was for a term of eighteen (18) months that began in June of 2005. That agreement is attached (Exhibit A), expired in December of 2006. The City and Geo Gradel Co have agreed to a two (2) year extension, a copy of which is attached to the corresponding Ordinance and marked Exhibit B. If the execution of this extension is ratified, the First Amendment to Option to Purchase Agreement would expire December 31, 2008.

Over the course of the project, the city and the property owner have been working toward relocating the business thus facilitating waterfront redevelopment on the west end of the Paper District. Staff is working to relocate Geo Gradel to coal docks #1 and #2.

BUDGET IMPACT: This proposal will not have a cost to the city.

STRATEGIC PLAN IMPACT:

Development of Housing – By redeveloping the Geo Gradel Co. property as part of the continuation of the Paper District project, the goal of improving housing opportunities is accomplished.

Development of Business – By redeveloping this property into a multi-use facility, Sandusky will receive the benefits of additional business opportunities in downtown as new residents living downtown will need more goods and services nearby.

Financial Improvements – By redeveloping this property as part of the west end of the Paper District project, the city, county and school system will see a financial benefit through increased property taxes, increased income taxes from new residents as well as the fact more people are living downtown, thus patronizing local businesses.

Brownfield or Vacant Properties –Geo Gradel Co. is a designated Brownfield site. City staff has provided assistance to redevelop an underutilized property.

ACTION REQUESTED: It is requested that the City Commission enact the attached legislation under suspension of the rules in accordance with Section 14 of the City Charter to extend the option to purchase agreement with Geo Gradel Co. so City staff can begin the acquisition, demolition and remediation of the property and continue to move forward with the redevelopment of the west end of the Paper District.

I concur with this recommendation:

Michael J. Will, City Manager

Gary Packan, Assistant City Manager

Attachments

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND RATIFYING THE FIRST AMENDMENT TO THE OPTION TO PURCHASE AGREEMENT WITH THE GEO GRADEL CORPORATION, RELATING TO THE REDEVELOPMENT OF PROPERTY LOCATED IN THE BAYFRONT URBAN REVITALIZATION PLAN AREA; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission of the City of Sandusky heretofore approved the Bayfront Urban Revitalization Plan, as amended (the "Bayfront Urban Revitalization Plan" or "Plan"), in order to carry out the City's public purpose of elimination and prevention of recurrence of blight in the Plan Area; and

WHEREAS, this City Commission approved an Option to Purchase Agreement with the Geo Gradel Corporation, and a Development Agreement with Midstates Bayfront Development LLC by Ordinance No. 05-112, passed on June 27, 2005, in order to allow the City to apply for a grant from the State of Ohio (the "Grant Application), to provide funds for the acquisition, demolition and environmental remediation of the property, all for the purpose of enabling the City to carry out its above stated public purpose by obtaining private redevelopment in accordance with the requirements of the Plan; and

WHEREAS, ratification of the amendment is being requested to the Option to Purchase Agreement extending the expiration date to December 31, 2008, which will enable City Staff to continue working on relocating Geo Gradel Corporation to coal docks owned by the City; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to continue to move forward with the redevelopment of the west end of the Paper District and to ratify the First Amendment to the Option to Purchase Agreement; and

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

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

Section 1. This City Commission hereby approves the First Amendment to the Option to Purchase Agreement, a copy of which is attached to this Ordinance, marked Exhibit "B" and incorporated as if fully rewritten herein.

Section 2. This City Commission hereby ratifies the execution of the First Amendment to the Option to Purchase Agreement by the City Manager, Director of Law and Director of Finance.

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

DEPARTMENT OF ENGINEERING SERVICES

DIVISION OF BUILDING INSPECTION
GEORGE J. POULOS, CHIEF BUILDING OFFICIAL
Becky A. Smith, Engineering Aide
Earl Mullins, Building Inspector
Stephen Ritzenthaler, Electrical Inspector
Steve Brown, Plumbing Inspector

222 Meigs Street
SANDUSKY, OHIO 44870
Phone (419) 627-5940
Phone (419) 627-5875
Phone (419) 627-5841
Phone (419) 627-5843
Fax: (419) 627-5933

To: Michael J. Will, City Manager
From: George J. Poulos, Chief Building Official
Date: December 18, 2006
Re: Commission Agenda Item

ITEM FOR CONSIDERATION: A Resolution to submit an application for certification of the City of Sandusky Building Department to the Ohio Manufactured Homes Commission in order to have the authority to inspect mobile and manufactured home installations after January 1, 2007. The Ohio Manufactured Homes Commission has jurisdiction regarding the standards for the installation of new and used mobile and manufactured homes pursuant to O.R.C. Chapter 4781. Local inspection departments which become certified can provide plans review, issue permits, collect permit fees, perform installation inspections, approve or disapprove installations based upon installation standards and affix the required State installation inspection seal prior to occupancy.

The City of Sandusky is currently certified by the Ohio Board of Building Standards to enforce the Residential Code of Ohio and the Ohio Building Code. The City's Chief Building Official desires to apply for certification to be able to provide these inspection services to the City. In addition, due to the limited number of inspectors at the Ohio Manufactured Homes Commission they have encouraged the City's Building Department to become certified which would enable the department to provide these inspection services, on a contractual basis, with Erie and Huron Counties.

BUDGETARY INFORMATION: This certification will allow the City of Sandusky's Building Division to collect fees, review plans and inspect manufactured home installations. This will also allow Erie and Huron Counties to contract with our Building Division for these inspections. There is no fee for the Building Department's application for certification and a \$30.00 non-refundable fee for each individual inspector's application for certification.

ACTION REQUESTED: It is requested that the Resolution authorizing the filing of the manufactured home installation inspection department application with the Ohio Manufactured Homes Commission be approved as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to enable the Ohio Manufactured Homes Commission to review the City's departmental application at their next scheduled meeting.

George J. Poulos, Chief Building Official

GJP/bas
I concur with this recommendation:

Michael J. Will
City Manager

Kathryn McKillips, PE
Director of Engineering Services

cc: Donald C. Icsman, Director, Law Department
Edward Widman, Director, Department of Finance
Joyce Brown, Clerk of City Commission

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE STATE OF OHIO, MANUFACTURED HOMES COMMISSION, FOR CERTIFICATION FOR THE CITY'S BUILDING DEPARTMENT TO PERFORM INSPECTIONS ON MOBILE AND MANUFACTURED HOME INSTALLATIONS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the State of Ohio through the Ohio Manufactured Homes Commission has jurisdiction regarding the standards for installation of new and used mobile and manufactured homes pursuant to O.R.C. Chapter 4781 and local inspection departments which become certified by the Ohio Manufactured Homes Commission can provide various services related to mobile and manufactured home installations after January 1, 2007; and

WHEREAS, the City of Sandusky's Building Department is currently certified by the Ohio Board of Building Standards to enforce the Residential Code of Ohio and the Ohio Building Code and by becoming certified for the installation of new and used mobile and manufactured homes the Department will have the authority to provide plans review, issue permits, collect permit fees, perform installation inspections, approve or disapprove installations based upon installation standards and affix the required State installation seal prior to occupancy for the City and on a contractual basis for other political subdivisions; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules and in accordance with Section 14 of the City Charter to enable the Ohio Manufactured Homes Commission to review the City's departmental application at their next scheduled meeting; 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 Department of Engineering Services 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 approves and authorizes the filing of the departmental application with the Ohio Manufactured Homes Commission requesting certification for the City's Building Department to perform inspections for mobile and manufactured home installations, substantially in the same as attached to the Resolution, and the City Manager, the Director of Engineering Services, the Chief Building Official, and other city officers and employees as necessary and appropriate are authorized and directed to file the departmental application and subsequently the personnel applications and provide the necessary information and certifications to carry out the purposes of this Resolution.

Section 2. If any section, phrase, sentence, or portion of this Resolution is for

any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

To: Michael J. Will, City Manager

From: Josh Snyder, Traffic Engineer

Date: December 27, 2006

Item for Consideration: This communication is requesting a first and final change order for the Sandusky Pedestrian Bike Path Phase II Project in the amount of \$5,052.83 to account for overruns in quantity used by the contractor. The contractor used additional stone aggregate base for the sidewalk portion of the pathway. This change in quantity is due to the fact that the former sidewalk that was removed was 6"-10" thick, and the new sidewalk is only 4" thick, so the difference in height to meet the existing grade was made up with stone, rather than concrete. Maple City Concrete Company of Norwalk, Ohio was the contractor on this job.

Budgetary Information: The original contract price was \$171,169.63, and the final contract cost is \$176,222.46. The additional cost is \$5,052.83, in which 4,042.26 (80%) will be funded by the MPO through ODOT and the remaining \$1,010.57 (20%) will be funded through CDBG funds.

Action Requested: It is requested that the first and final payment and change order in the amount of \$5,052.83 for the Sandusky Pedestrian Bike Path Phase II Project 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 close the project.

Joshua R. Snyder, P.E.
Traffic Engineer

I concur with this recommendation:

Michael Will
City Manager

Kathryn K. McKillips, P.E.
Director of Engineering Services

JRS/cal

cc: Michael Will, City Manager
Ed Widman, Finance Director
Joyce Brown, Commission Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK BEING PERFORMED FOR THE SANDUSKY PEDESTRIAN BIKE PATH PHASE II PROJECT IN THE AMOUNT OF \$5,052.83 TO BE PAID TO MAPLE CITY CONCRETE, LLC OF NORWALK, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission previously declared the necessity for the City to proceed with the Sandusky Pedestrian Bike Path Phase II Project by passage of Resolution No. 047-04R on December 27, 2004; and

WHEREAS, this City Commission previously approved the awarding of the contract for work being performed for the Sandusky Pedestrian Bike Path Phase II Project by Ordinance No. 06-010, passed on January 23, 2006; and

WHEREAS, this First & Final Change Order reflects the cost of additional stone aggregate base for the sidewalk portion of the pathway due to the height difference from the former sideway and the new sidewalk; and

WHEREAS, the original contract with Maple City Concrete, LLC was \$171,169.63 and with the addition of this First & Final Change Order the final contract cost is \$176,222.46; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for this completed project to be closed out; 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 Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Sandusky Pedestrian Bike Path Phase II Project in an amount **not to exceed** \$5,052.83 resulting in the final contract cost of One Hundred Seventy Six Thousand Two Hundred Twenty Two and 46/100 Dollars (\$176,222.46) with Maple City Concrete, LLC of Norwalk, 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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

TO: City Commission

FROM: Gary Packan, Assistant City Manager

DATE: December 20, 2006

RE: Commission Agenda Item – Community Reinvestment Area Agreement – Amendment to allow additional time for project completion and other technical adjustments.

ITEM FOR CONSIDERATION:

On July 26, 2004 K+T Property Management and Development, a company headed by Jeff Krabill, was granted Community Reinvestment Area (C.R.A.) tax abatement for renovation of a then vacant building located at 300 – 310 E. Water Street into a mixed-use condominium and office project.

The original C.R.A. Agreement called for Mr. Krabill to complete the project by December 31, 2005. A prior amendment (Ordinance 06-024) was approved February 27, 2006 granting an extension of the completion deadline to December 31, 2006.

While construction is ongoing and units are being sold, the project will not be finished before the end of 2006. The amendment recognizes this and extends the project completion date to December 31, 2007 with all related performance parameters extended accordingly.

The Amendment also modifies provisions to recognize that all residential units have now been platted as condominium units and, as such, will only be eligible for a five-year/50% abatement. No units eligible for the ten-year abatement that would have been granted had Mr. Krabill kept any of these units as rentals. Further the Amendment clarifies the provision that abatements for the individual condominium purchasers may start and end at different times as was originally envisioned. The Erie County Auditors Office had maintained that since the condo units were all platted at once, they would need to have their abatement start and end at the same time. This is of course impractical as the units are in various stages of completion and the Amendment specifically allows abatement to start as units are finished and sold.

The amendment also establishes a common procedure for condominium owners to apply for abatement under Sandusky's CRA program.

The Erie County Auditor has asked that you consider these changes and, if possible, enact the changes before the end of the year.

The city's Tax Incentive review Council met on November 28, 2006 and unanimously voted to recommend these changes. The Amendment also requires the formal support of the Sandusky Schools. The Board of Education of the Sandusky City Schools approved the proposed amendment on December 4, 2006.

BUDGET/STRATEGIC PLAN IMPACT:

None. This Amendment allows additional time for completion and makes technical changes to assure that abatement is granted in accordance with the original intent of the Community Reinvestment Area Agreement.

SUPPORTING COMMENTS:

Mr. Krabill has undertaken a very ambitious project and set a completion date that proved to be too ambitious. A technical problem came about when Mr. Krabill platted all of the residential units at the same time. The Erie County Auditor has asked for the technical adjustments to the agreement so that Mr. Krabill's condominium buyers will receive abatement in accordance with the original intent of the agreement.

Construction is ongoing and should be complete by the end of 2007. Requests for extensions of time to complete projects are common and technical adjustments are sometimes necessary and staff has no objection to the granting of these requests.

ACTION REQUESTED:

It is requested that the City Commission enact the legislation under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter. Currently the Erie County Auditor will not allow abatement for units completed after December 31, 2006 and will insist that all units start and end their abatements at the same time no matter their state of completion. Until this change is in place, purchasers of condominium units may be denied abatement they would have been otherwise entitled to.

I concur with this recommendation:

Michael J. Will, City Manager

ges 12/15/06

SECOND AMENDMENT TO A COMMUNITY REINVESTMENT AREA AGREEMENT

K & T PROPERTY DEVELOPMENT AND MANAGEMENT LLC

THIS SECOND AMENDMENT, made and entered into this ____ day of _____, 2006, to a Community Reinvestment Zone Agreement (hereinafter "Agreement") dated July 26, 2004, by and between the CITY OF SANDUSKY, OHIO (hereinafter "City"), and K+T Property Development and Management LLC (hereinafter "K&T") with offices located at 300 East Water Street, Sandusky, Ohio.

WHEREAS, the City Commission of the City of Sandusky, Ohio, (hereinafter "Commission") by Ordinance #04-133 adopted July 26, 2004 approved a Community Reinvestment Area Agreement (hereinafter "Agreement") with K+T for the renovation of vacant commercial space located at 300 – 310 East Water Street into productive commercial and residential units (hereinafter "Project"); and

WHEREAS, K+T has experienced certain unforeseen delays that have postponed the final completion date of the Project; and

WHEREAS, K+T has requested that the City amend the Agreement by extending the Project completion date by one year from December 31, 2006 to December 31, 2007 (Exhibit A); and

WHEREAS, certain other technical amendments are necessary to preserve abatement contemplated under the Agreement for the purchasers of the residential condominium units; and

WHEREAS, without amendment to the Project completion deadline and other technical amendments to the Agreement, the Agreement as currently constituted, will have the unintended consequence of denying abatement to K+T and subsequent purchasers of the condominium units at the Project Site for substantial investment made at the Project Site; and

WHEREAS, the Agreement was previously amended to extend the Project completion date from December 31, 2005 to December 31, 2006; and

WHEREAS, on November 28, 2006 the City's Tax Incentive Review Council recommended that the Agreement be revised consistent with the requested terms; and

WHEREAS, K+T has been found to be in compliance with the Agreement as determined by the City's Tax Incentive Review Council analysis of the same; and

WHEREAS, this Amendment makes no other changes to the terms and conditions of the Agreement except as noted herein; and

WHEREAS, the Project site is located within the Sandusky City School District and the Board of Education was notified of the proposed Amendment in accordance with Ohio Revised Code Section 5709.83 (Exhibit B) and said Board of Education approved of the terms of the proposed amendment at their regularly scheduled meeting of December 4, 2006 (Exhibit C); and

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

1. The final paragraph of Section 1 shall be deleted in and the following shall be inserted:

The Project will begin on or before August 2004 with all acquisition, construction and installation completed by December 31, 2007 or such later date as may be extended by the City in writing.

2. Section 2 shall be deleted in its entirety and the following shall be inserted:

Section 2: The Project is expected to create, within the below delineated time frames, two (2) new full-time equivalent job positions at the Project Site. The projected hiring schedule is as follows:

<u>Time Period Ending</u>	<u>New Full-Time Equivalent Positions</u>
12/31/06	0
12/31/07	0
12/31/08	2

The increase in the number of employees is estimated to result in approximately \$25,000 of additional annual payroll at the Project Site.

There are currently -0- employees at the Project Site.

3. Section 4 shall be deleted in its entirety and the following shall be inserted:

Section 4: Subject to compliance by the Property Owner in all material respects with its obligations under this Agreement the City hereby grants to K + T a tax exemption for Project related improvements taxed as commercial real estate at the Project Site pursuant Section 3735.67 of the Ohio Revised Code for the increased appraised valuation of property improved as a result of construction and completion of the Project as follows:

<u>Year of Tax Exemption</u>	<u>Percent of Appraised Valuation of Real Property Improvements Exempted</u>
1	100%
2	100%
3	100%
4	100%
5	100%
6	100%
7	100%
8	100%
9	100%
10	100%

Specifically, this exemption applies to that single commercial unit known as Unit 1A and bearing Erie County Permanent Parcel Number 5601179001. The exemption commences

the first year for which the real property would first be taxable were that property not exempted from taxation. Each appraisable improvement will receive a ten (10) year exemption period.

No real property tax abatement for the commercial unit shall commence after January 1, 2008 nor extend beyond December 31, 2017.

4. Section 6 shall be deleted in its entirety and the following shall be inserted:

Section 6. K + T has platted the following units as residential condominium units at the Project Site:

<u>Unit Number</u>	<u>Erie County Permanent Parcel Number</u>
1 A	5601179001
1 B	5601179002
1 C	5601179003
1 D	5601179004
2 A	5601179005
2 B	5601179006
2 C	5601179007
2 D	5601179008
3 A	5601179009
3 B	5601179010
3 C	5601179011

These units shall be eligible for a five-year, fifty percent abatement under the City's CRA program provided that the following procedures are followed:

1. The Erie County Auditor has appraised each of these units before the start of construction and applied a baseline value to each unit (hereinafter "Baseline Value"). The Baseline Value will remain fully taxable and may never be abated.
2. The Baseline Value shall follow each unit as it is sold or resold and becomes the taxable base value for any abatement granted to any subsequent condominium owner.
3. Each residential condominium unit may receive abatement under the City's CRA program upon proper application to the City of Sandusky Housing Officer, and certification by the City's Housing Officer to the Erie County Auditor that the residential condominium unit qualifies for abatement under the City of Sandusky's CRA legislation. Abatement for each residential condominium unit will begin and end in accordance with the dates certified by the City's Housing Officer.
4. Abatement of real property taxes is granted for a period of five-years and fifty percent and shall be based upon and applied only to the difference between the Baseline Value and the Erie County Auditor's appraisal on the tax lien date

following the sale by K+T to the first subsequent owner. Any subsequent increases in value remain fully taxable.

- 5. Abatements for each residential condominium units granted abatement under this Section might begin and end on different dates as sales dictate with the proviso that no real property tax abatement for any residential condominium unit shall commence after January 1, 2008 nor extend beyond December 31, 2012.
- 6. Consent of City. Subject to the conditions set forth above, and pursuant to City Commission Resolution number _____, the City hereby consents to this Amendment.

IN WITNESS WHEREOF, the parties have caused this Amendment to the Agreement to be executed by their authorized representative as of the date and year written above.

WITNESSES:

THE CITY OF SANDUSKY, OHIO

By: _____
Michael J. Will, City Manager

K+T Property Management and Development, LLC

By: _____
Jeffrey N. Krabill, Managing Member

Approved as to form:

Reviewed and approved:

Donald C. Icsman,
Law Director

Tom Paul
Erie County Auditor

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH K&T PROPERTY DEVELOPMENT AND MANAGEMENT, L.L.C.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT, SUBSTANTIALLY IN THE SAME FORM ATTACHED TO THIS ORDINANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission granted K&T Property Development and Management, L.L.C., Community Reinvestment Area Tax Abatement for the Lakeview Condominium Project located at 300-310 E. Water Street by Ordinance No. 04-133, passed on July 26, 2004; and

WHEREAS, the original CRA agreement had a completion date of December 31, 2005, and a first amendment was approved by Ordinance No. 06-024 passed on February 27, 2006, granting an extension of the completion deadline to December 31, 2006; and

WHEREAS, the construction is ongoing and the project will not be finished before the end of 2006 and this amendment will extend the completion date to December 31, 2007; and

WHEREAS, this amendment also modifies provisions to allow abatement in accordance with the original intent of the agreement and establishes a procedure to apply for abatement under Sandusky's CRA program; and

WHEREAS, the Tax Incentive Review Council met on November 28, 2006, and unanimously voted to recommend these changes and the Sandusky City School Board of Education approved the proposed amendment on December 4, 2006; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter to allow for the immediate effect of the amendment to prevent any purchasers of condominium units being denied abatement that they would otherwise be entitled to; and

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

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

Section 1. This City Commission hereby approves the Second Amendment to the Community Reinvestment Area Agreement with K&T Property Development and Management, L.L.C., substantially in the same form as attached to this Ordinance, marked Exhibit "A" and incorporated as if fully rewritten herein.

Section 2. The City Manager is hereby authorized and directed to execute the Second Amendment to the Community Reinvestment Area Agreement with K+T Property Development and Management, LLC, on behalf of the City.

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

Date: December 22, 2006
To: Michael J. Will, City Manager
From: Kathryn K. McKillips, P.E.

ITEM FOR CONSIDERATION: Legislation approving a cooperative agreement between the City of Sandusky and the Ohio Water Development Authority. The Ohio Water Development Authority will provide a loan to finance the cost of planning activities for the Wastewater Treatment Plant Expansion Project Phase II.

The City of Sandusky is required by a Consent Order to perform tasks included in the General Plan to expand the treatment facility.

The existing Wastewater Treatment Plant is a conventional activated sludge plant with a design average flow of 14.7 MGD after Phase 1 and a peak hydraulic capacity of 24 MGD. Phase 1 of the plant expansion and upgrade project was completed in 2005. The first phase of the overall expansion project included the construction of a new primary settling tank, grit tank, digester, and screen building as well as replacement of equipment. Phase II will increase the facility's capacity to a design average flow of 15.7 MGD with a peak hydraulic capacity of 36 MGD.

The Ohio Water Development Authority has been created to carry forward the declared public policy of the State of Ohio to preserve, protect, upgrade, conserve, develop, utilize and manage the water resources of Ohio and to assist and cooperate with other governmental agencies in achieving such purposes through the establishment, operation and maintenance of water development projects. The City of Sandusky desires to obtain a loan from the OWDA to finance the cost of planning activities for the Wastewater Treatment Plant Expansion Project Phase II.

BUDGETARY INFORMATION: The City and Erie County are partnering on this project. The City's portion of the planning and design costs is 61.1% as stated in the new Sewer Services Agreement between the City and Erie County. The cost of the planning activities is included in the Technical Services line item in the Phase II budget summary located in the Sewer Services Agreement. The total amount of the Consultant fee for professional design services will be \$1,302,450.00. The City's share is \$795,796.95.

ACTION REQUESTED: Request approval for the City Manager and the Finance Director to enter into a cooperative agreement with the Ohio Water Development Authority. It is requested that the necessary legislation to be passed under the suspension of the rules in accordance with section 14 of the City Charter so the application can be filed and executed with Ohio Water Development Authority in order to expedite the design process.

Kathryn K. McKillips, P.E.
Director of Engineering Services

I concur with the recommendation:
Michael J. Will
City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANDUSKY AND THE OHIO WATER DEVELOPMENT AUTHORITY TO FINANCE THE COST OF THE PLANNING ACTIVITIES FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT PHASE II; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky is required by the State of Ohio through a Consent Decree Order to perform tasks in furtherance of the City's Master Plan which includes the expansion of the Wastewater Treatment Plant and as part of Phase II is required to perform certain planning activities as described in Exhibit "A" which is attached to the "Cooperative Agreement for the State Planning Project"; and

WHEREAS, Phase II of the Wastewater Treatment Plant Expansion Project is intended to increase the plant average capacity to 15.7 MGD and hydraulic capacity to 36 MGD through secondary improvements and will also include updates and improvements to primary and secondary digesters; and

WHEREAS, the Ohio Water Development Authority (OWDA) has been created pursuant to Chapter 6121 of the Ohio Revised Code for reasons including to carry forward the declared public policy of the State of Ohio to preserve, protect, upgrade, conserve, develop, utilize and manage the water resources of Ohio and to assist and cooperate with other governmental in achieving such purposes through the establishment, operation and maintenance of water development projects and the City of Sandusky (referred to as the "LGA" in the Cooperative Agreement) desires to obtain a loan from the OWDA to finance the cost of certain planning activities on the terms as set forth in the "Cooperative Agreement for State Planning Project", a copy of which is marked Exhibit "1" attached to this Ordinance and is specifically incorporated as if fully rewritten herein; and

WHEREAS, the Planning and Design activities for Phase II of the Wastewater Treatment Plant Expansion Project are included in the new Sewer Services Agreement recently approved by this City Commission by Ordinance No. 06-130, passed on December 21, 2006, with the City's portion of the planning activities being 61.1% and the County's being 38.9% equating to \$795,796.95 City share and \$506,653.05 County share for a total cost of \$1,302,450.00; 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 allow the Agreement to be signed with OWDA in order to expedite the planning and design activities to be performed by Jones & Henry; 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 Department of Engineering Services 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 (LGA) hereby approves the Planning and Design activities for the Wastewater Treatment Plant Expansion Project Phase II and to finance the costs of these activities in cooperation with the OWDA under the provisions, terms

and conditions set forth in the "Cooperative Agreement for State Planning Project" substantially in the same form as attached hereto marked Exhibit "1".

Section 2. The City Manager and the Finance Director are hereby authorized and directed to execute the Agreement on behalf of the City in substantially the same form of the Agreement attached hereto and together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and as being consistent with carrying out the City's public purpose.

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

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

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

DANIEL J. KAMAN

PRESIDENT OF THE CITY COMMISSION

ATTEST: _____

B. JOYCE BROWN

CLERK OF THE CITY COMMISSION

Passed:

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART ONE - ADMINISTRATIVE CODE, TITLE SEVEN - BOARDS AND COMMISSIONS, CHAPTER 159 A.D.A. ADVISORY BOARD, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the A.D.A. Advisory Board is recommending the proposed modifications to Chapter 159 to enlarge the pool of potential qualified and interested citizens to be appointed as members and to retain current otherwise qualified members; 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 enable the A.D.A. Advisory Board to immediately maintain its current membership and to broaden the pool of potential qualified citizens capable of being appointed as soon as possible; and

WHEREAS, it is deemed necessary in order to provide for the usual daily operation of the A.D.A. Advisory Board to enlarge the pool of potential qualified and interested citizens to be appointed and to retain current otherwise qualified members and to provide for the immediate preservation of the public peace, health and safety, to approve the modifications to Chapter 159 and by reason thereof this Ordinance is declared to be an emergency measure which shall 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. That Part One - Administrative Code, Title Seven - Boards and Commissions, Chapter 159, A.D.A. Advisory Board of the Codified Ordinances of the City, is hereby amended as follows:

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

A.D.A. Advisory Board

159.01 **Established; purposes** **159.03** **Rules**
159.02 **Membership; qualifications**

CROSS REFERENCES

Boards and Commissions - see CHTR. Sec. 28 et seq.
Open meetings - see ADM. 113.03 et seq.

159.01 ESTABLISHED; PURPOSES.

There is hereby established an A.D.A. (Americans with Disabilities Act **of 1990**) Advisory Board, the purposes of which shall be:

- (a) To assist in the self-evaluation of the services, programs, facilities, policies and procedures of the City to ensure nondiscrimination on the basis of disability;
- (b) To make recommendations for corrective measures to provide accessibility for City services, programs and facilities to persons with disabilities; and
- (c) To make recommendations to the A.D.A. Coordinator concerning complaints filed with the Coordinator alleging discrimination on the basis of disability.

~~(Ord. 01-147. Passed 5-14-01.)~~

159.02 MEMBERSHIP; QUALIFICATIONS.

(a) The A.D.A. Advisory Board shall consist of seven members, to be appointed by the President of the City Commission and confirmed by a majority of the members of the Commission. Each appointment shall be for a two-year term, provided, however, that the initial term of three of the members to be appointed for calendar year 2001 shall be for one year only, with all succeeding appointments to be for terms of two years. The President of the City Commission, with confirmation by the City Commission, may make appointments to fill the unexpired portion of any term for which a vacancy arises in mid-term.

~~(b) All members of the A.D.A. Advisory Board shall be residents of the City.~~

Appointment to the A.D.A. Advisory Board as outlined in Section 159.02(a) above shall be preferentially given to qualified residents of the City. Appointment to the A.D.A. Advisory Board may be extended at the discretion of the President and members of the City Commission to an otherwise qualified non-resident of the City who possesses the necessary qualifications contained in this section and a demonstrated commitment to the A.D.A. Advisory Board's purposes as contained in Section 159.01(a-c) of this Chapter and the Americans with Disabilities Act of 1990. At least three members shall be persons with disabilities, as defined by the American with Disabilities Act of 1990. The remaining members of the ~~Commission—~~**Advisory Board** may be persons with disabilities, members of organizations representing persons with disabilities, representatives of the health and medical communities, representatives of the business community, or any other interested citizen of the City.

(c) The A.D.A. Coordinator, the Law Director, the Director of Engineering Services and the ~~Public Services Director~~ **Assistant City Manager or their designee** shall serve as nonvoting ex-officio members of the A.D.A. Advisory Board.

~~(Ord. 01-147. Passed 5-14-01.)~~

159.03 RULES.

The A.D.A. Advisory Board shall elect a chairman and a vice-chairman and may establish rules and procedure for the conduct of the business of the Board.

(Ord. 01-147. Passed 5-14-01.)

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 hereof, this Ordinance

is hereby declared to be an emergency measure and 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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: