

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

MONDAY, NOVEMBER 24, 2008

Invocation
Pledge of Allegiance
Meeting Called to Order
Roll Call – CS, DM, BF, JF, BW, DW, DK
Minutes – November 10th

CHARTER OFFICERS

- Matthew Kline, City Manager
 - Don Icsman, Law Director
 - Edward Widman, Finance Director
 - B. Joyce Brown, Clerk of the City Commission
-

Audience Participation – Agenda Items Listed Below Only (3 minute limit)

PREVIOUS BUSINESS

ITEM #1 – This item was passed at first reading on November 10TH

ORDINANCE NO._____ Amending Part Nine – Streets, Utilities and Public Services Code, Title Five – Other Public Services, by the amendment of Chapter 955 – Solid Waste Disposal, in the manner and way specifically set forth hereinbelow.

CURRENT BUSINESS

ITEM #2 – Communication – Michael R. Meinzer, Fire Chief

BUDGETARY INFORMATION: All proceeds from the sale of the 1990 Sutphen Fire Pumper will be placed into the Fire Department's Equipment Replacement Fund.

ORDINANCE NO._____ Dispose of the 1990 Sutphen Fire Pumper as being unnecessary and unfit for City use pursuant to Section 25 of the City Charter and authorizing the sale of the 1990 Sutphen Fire Pumper through competitive bidding. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #3 – Communication – Charlie Sams, Interim Chief of Police

BUDGETARY INFORMATION: The Community Police Station Lease is for \$1.00 a year and will come from the department's budget. Funds will be expended from 110-1010-53000.

ORDINANCE NO._____ Enter into a Lease Agreement with Foxborough Commons to establish a Community Oriented Police Station at 2012 Fox Run Trail, Apt. #10, Sandusky, Ohio. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #4 – Communication – Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: Funds for this licensing fee are routinely included in the Wastewater Treatment Plant Operating Budget each year.

ORDINANCE NO._____ Payment to the State of Ohio Environmental Protection Agency for the Annual Discharge Fee for NPDES Permit Number 2PF00001 for the Wastewater Treatment Plant for the Calendar Year 2009. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #5 – Communication – Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: Funds for the purchase of Bulk Rock Salt are routinely included in the Traffic Services Operating Budget each year. The 2009 Street Budget reflects the same expenditure for 2009 that was spent in 2008 for Road Salt. However, with the increase in unit price, the same budget amount will only provide 1,340 tons for Calendar Year 2009.

ORDINANCE NO._____ Purchase Bulk Highway Deicing Rock Salt for the Division of Traffic to be used in the Calendar Year 2009 from Morton International, Inc., Morton Salt Division of Chicago, Illinois. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #6 – Communication – Jane E. Cullen, EIT

BUDGETARY INFORMATION: The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$1,460,302.45. Federal Funds through the Erie County Metropolitan Planning Organization (MPO) will fund \$860,318.30 (80% of eligible costs) with the City's share of the project coming from the Sewer Fund in the amount of \$277,005.87 and the Water Fund in the amount of \$322,978.28.

ORDINANCE NO._____ Enter into a contract with Erie Blacktop, Inc. of Sandusky, Ohio, for the Mills Street Reconstruction Project. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #7 – Communication – Carrie R. Handy, Chief Planner

BUDGETARY INFORMATION: If the grant application is awarded, the City of Sandusky will receive \$2,500.00 to promote and offer a Tire Recycling Drop Off Day for its residents. There is an inkind match of \$2,752.00 which represents City Staff's personal wages, community volunteers, donations of recycling flyers from the Erie County Waste Management District and use of the Service Department's dump truck.

RESOLUTION NO._____ Approving and ratifying the grant application submitted to the Ohio Department of Natural Resources, Division of Recycling & Litter Prevention for funding to promote and offer a Tire Recycling Day and if awarded, authorizing the City Manager to execute any required agreements. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #8– Communication – Ruth S. Haag

BUDGETARY INFORMATION: No impact to the General Fund is anticipated. The total estimated project cost including inspection, advertising, Brownfields/BLRA oversight, and miscellaneous expenses is \$1,311,691.25. Based upon a discussion with the City Manager on 14-Nov-08, it is presently planned that the project will be budgeted through the City's Capital Projects account, based upon notes to be issued by the City and retired with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominium.

RESOLUTION NO._____ Repealing Resolution No. 041-06R and declaring the necessity for the City of Sandusky, Ohio, to proceed with the proposed Paper District Public Waterfront Improvements Project as part of the Bayfront Paper District Redevelopment Project; approving the revised specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

City Manager's Report

Old Business

New Business

Audience Participation – open discussion on any item (5 minute limit)

Press Question/Answers

Executive Session

Adjournment

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE, TITLE FIVE - OTHER PUBLIC SERVICES, BY THE AMENDMENT OF CHAPTER 955 - SOLID WASTE DISPOSAL, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, this City Commission received information concerning enforcement problems regarding the time within which solid waste may be collected, conveyed and disposed of from a commercial establishment and as a result modifications to Chapter 955 are recommended for adoption; 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; and NOW, THEREFORE,

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

Section 1. Part Nine - Streets, Utilities and Public Services Code, Title Five - Other Public Services, Chapter 955 - Solid Waste Disposal, be amended as follows:

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

955.09 COLLECTION.

Except as otherwise specifically provided herein, all garbage and other refuse, accumulated within the City of Sandusky, Ohio, shall be collected, conveyed and disposed of by persons licensed for said purpose or purposes by the Board of Health of jurisdiction within the City, and under the supervision and oversight of the Health Commissioner, in full accordance with the law and regulations of the State of Ohio, the rules and regulations of said Board of Health, and the Codified Ordinances of the City of Sandusky, Ohio, as the same are applicable to said activity and processes. No person who is not so licensed shall collect, convey and/or dispose of any garbage or other refuse which has been accumulated within the City.

- (a) This section shall not prohibit the actual producers of garbage or other refuse, or the owners and/or occupants of premises wherein or whereupon it has been produced, from personally collecting, conveying and/or disposing of the same so long as said persons comply fully in said activity with the laws and regulations of the State of Ohio, the rules and regulations of said Board of Health, and the Code of Ordinances of the City of Sandusky, Ohio, as the same are applicable to said activities and processes.
- (b) Garbage and other refuse produced and/or accumulated in connection with the use or occupation of a residence shall be collected and conveyed therefrom at least once each week. Except as otherwise specifically set forth herein such collections and conveyances shall be effected between the hours of 6:00 a.m. and 7:00 p.m., Mondays through Fridays. Garbage and other refuse produced and/or accumulated in connection with the use or occupation of a commercial establishment shall be collected, conveyed and disposed of at such frequency as the Health Commissioner or City Manager may determine, except as set forth in subsection (b)(1) hereof.
 - (1) No person, business, firm or corporation engaged in the business of hauling or disposing of solid waste shall collect, haul and dispose of business, commercial or industrial solid waste at anytime other than between the hours of ~~6:00~~ **5:00** a.m. and 7:00 p.m., ~~where~~ **unless** such business, industrial or commercial establishment is located within 150 yards of any residence, residential duplex, apartment or complex.
- (c) Commercial haulers shall be permitted to effect the collection, conveyance and/or disposal of garbage and other refuse produced and/or accumulated in

connection with the use or occupation of a residence on Saturdays, between 6:00 a.m. and 7:00 p.m. if the occurrence of a legally recognized holiday, mechanical failure or other verifiable circumstances make collection on a weekday from Monday through Friday impracticable or impossible, on the condition that prior to such Saturday collection, the Police Department is notified of the intent of each commercial hauler to effect such collection, conveyance and disposal on a specific Saturday, the identity of such hauler, and the geographic area within which such process or activity will be effected. Commercial haulers shall not collect, convey and dispose of garbage or other refuse within the City on any Sunday.

Commercial haulers shall be permitted to effect the removal, collection, conveyance and/or disposal of garbage and other refuse or discarded material created or produced as a result of or in conjunction with commercial or industrial uses, especially in the area popularly known as the downtown business district, on any day of the week, subject to the limitations imposed in subsection (b)(1) above.

- (d) All motor vehicles utilized by commercial haulers in the collection, transportation and hauling within the City of bulky waste items, compostible materials, garbage, refuse, other refuse, recyclables and/or solid waste at all times during the course of any such activity shall be clearly marked on no fewer than two sides of the same with the name of the commercial hauler utilizing such vehicle, and with a number assigned thereto by the Director of Health or the City Manager, so that the identity of the commercial hauler is readily evident.
- (e) The Board of Health of jurisdiction within the City through its Health Commissioner, and the City Manager shall have and enjoy separate and concurrent jurisdiction to require that commercial haulers operating within the City periodically provide to either such official or the designee thereof, under the terms and conditions directed thereby, such information and data as either official deems appropriate and necessary to fully evaluate the success and progress of the recycling programs and the recycling services required by this chapter.
(Ord. 07-043. Passed 7-23-97.)

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 shall take effect at the earliest time permitted by law.

DENNIS E. MURRAY, JR.

PAGE 3 - ORDINANCE NO. _____

PRESIDENT OF THE CITY COMMISSION

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

Passed:

November 10, 2008

M E M O R A N D U M

TO: Matthew D. Kline, City Manager
FROM: Michael R. Meinzer, Fire Chief
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation declaring the 1990 Sutphen Fire Pumper as being unnecessary and unfit for City use and authorizing the sale of this 1990 Sutphen Fire Pumper through the competitive bidding process to obtain the maximum return to the City.

BACKGROUND INFORMATION: The City Commission authorized the purchase of a 2008 Pierce Class "A" Triple Combination Fire Pumping Engine, Ordinance No. 08-036 passed on April 28, 2008, to replace the 1990 Sutphen Fire Pumper. The delivery of the new engine allows for the sale of our 1990 Sutphen Fire Pumper that has been used as our back pumper. We will then replace our 1990 Sutphen Fire Pumper with our 1996 Ferrara Fire Pumper to be used as our backup pumper.

It has been determined by the City Manager and the Fire Chief that this vehicle has exceeded its serviceable life and is no longer of any value to the city.

BUDGETARY INFORMATION: All proceeds from the sale of the 1990 Sutphen Fire Pumper will be placed into the Fire Department's Equipment Replacement Fund.

ACTION REQUESTED: It is requested that the proper legislation be prepared finding and determining that the 1990 Sutphen Fire Pumper is unnecessary and unfit for City use and authorizing the sale of the pumper through the competitive bidding process. It is further requested that this legislation take effect immediately in accordance with Section 14 of the City Charter in order to begin the process of competitive bidding as soon as possible as our new truck will be delivered on November 21, 2008, and there will be no space available to store the 1990 Sutphen Fire Pumper.

Approved:

I Concur with this recommendation:

Michael R. Meinzer, Fire Chief Matthew D. Kline, City Manager

Cc: Edward Widman, Finance Director
Don Icsman, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF THE 1990 SUTPHEN FIRE PUMPER AS BEING UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER AND AUTHORIZING THE SALE OF THE 1990 SUTPHEN FIRE PUMPER THROUGH COMPETITIVE BIDDING; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the purchase of a new Pierce Class "A" Triple Combination Fire Pumping Engine from Pierce Manufacturing, Inc. by Ordinance No. 08-036 passed on April 28, 2008, to replace the 1990 Sutphen Fire Pumper; and

WHEREAS, Section 25 of the City Charter authorizes the City Manager to sell personal property that the City Commission may authorize to be sold as having become unnecessary and unfit for City use; and

WHEREAS, the City Manager and the Fire Chief have determined that the 1990 Sutphen Fire Pumper has exceeded its serviceable life and is no longer of any value to the City and it is the desire of the Fire Chief to obtain the maximum return to the City for the sale of the 1990 Sutphen Fire Pumper through the process of competitive bidding; and

WHEREAS, the proceeds from the sale of the 1990 Sutphen Fire Pumper will be placed into the Fire Department's Equipment Replacement Fund; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to begin the competitive bidding process as soon as possible as the new truck will be delivered on November 21, 2008, and there will be no space available to store the 1990 Sutphen Fire Pumper; 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 Fire Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission finds and determines that the 1990 Sutphen Fire Pumper is unnecessary and unfit for the City use pursuant to Section 25 of the City Charter and authorizes and directs the City Manager to proceed with the sale of the 1990 Sutphen Fire Pumper through the process of competitive bidding with the proceeds received to be placed in the Fire Department's Equipment Replacement Fund.

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

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

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

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed:



SANDUSKY POLICE DEPARTMENT

CHARLIE SAMS, INTERIM POLICE CHIEF

222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5870
FAX: 419.627.5862

www.ci.sandusky.oh.us

TO: Matthew D. Kline, City Manager
FROM: Charlie Sams, Interim Chief of Police
DATE: November 13, 2008
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: An ordinance authorizing the Sandusky City Manager to enter into a Lease Agreement with Foxborough Commons to establish a Community Oriented Police Station at 2012 Fox Run Trail Apt#10 for the Sandusky Police Department.

BACKGROUND INFORMATION: The Sandusky Police Department maintained three Community Oriented Police Stations in the past that provided for better communication with our citizens and a reduction of crime in those areas. The department has had a lot of requests from citizens to bring back the Community Oriented Police Station and we see a great need to do so. We have worked to reorganize our manpower from our marine patrol, so that we can reestablish a Community Oriented Police Station. We have talked with Mr. Robert Waldock about Foxborough Commons and believe the Community Oriented Police Station will be an asset to that area.

BUDGETARY INFORMATION: The Community Police Station lease is for \$1 a year and will come from the department's budget. Funds will be expended from 110-1010-53000.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow the City Manager to enter into an agreement with Foxborough Commons for a Community Oriented Police Station for the Sandusky Police Department. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to establish this Community Oriented Police Station at the Foxborough Commons as soon as possible to provide a safer and secure neighborhood for our citizens by having an officer stationed in this area.

Approved:

I concur with this recommendation:

Charlie Sams, Interim Police Chief

Matthew D. Kline, City Manager

Cc: Ed Widman, Finance Director
Don Icsman, Law Director

SANDUSKY, OHIO – HOME OF 'AMERICA'S ROLLER COAST'®

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH FOXBOROUGH COMMONS TO ESTABLISH A COMMUNITY ORIENTED POLICE STATION AT 2012 FOX RUN TRAIL, APT. #10, SANDUSKY, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in the past the Sandusky Police Department maintained three Community Oriented Police stations that provided for better communication with our citizens and a reduction of crime in those areas and based upon requests from citizens and the need for these stations, the Sandusky Police Department desires to re-establish a Community Oriented Police Station at the Foxborough Commons; and

WHEREAS, in order to provide for the manpower of this Community Oriented Police station, the Sandusky Police Department has reorganized manpower from the marine patrol to accommodate for this Community Oriented Police station at the Foxborough Commons; and

WHEREAS, the cost for the Community Oriented Police station lease is \$1.00 a year and will be paid from the Police Department's budget; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the Lease Agreement to be fully executed as soon as possible to re-establish the Community Oriented Police station which will provide a safer and secure neighborhood for the citizens in the Foxborough Commons area; 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. The City Manager is authorized and directed to enter into a Lease Agreement with the Foxborough Commons for a Community Oriented Police Station at 2012 Fox Run Trail Apt. #10, Sandusky, Ohio, substantially in the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

Section 2. 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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed:

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, Director of Engineering Services
Date: November 12, 2008
Subject: Commission Agenda Item

Item for Consideration: Legislation to make payment to the Treasurer of the State of Ohio, on behalf of the Ohio EPA, for the annual discharge fee for the year 2009, for NPDES Permit Number 2PF00001 for the City's Wastewater Treatment Plant.

Annually, the City of Sandusky pays a discharge fee to for the operation of the Wastewater Treatment Plant. The charge to the City of Sandusky for 2009 is \$10,350.00. We are in receipt of the invoice for this license, and payment is due by January 31, 2009.

Budgetary Information: Funds for this licensing fee are routinely included in the Wastewater Treatment Plant operating budget each year.

Action Requested: It is requested that the proper legislation be prepared to pay the annual discharge fee of \$10,350 and annually including increases as stipulated by the Ohio EPA for the City's Wastewater Treatment Plant. Further, it is requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow for payment of the invoice in the City's possession prior to January 31, 2009.

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

I concur with this recommendation:

Matthew D. Kline, City Manager

KKM/cal

cc: Ed Widman, Finance Director
Joyce Brown, Clerk of City Commission

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE ANNUAL DISCHARGE FEE FOR NPDES PERMIT NUMBER 2PF00001 FOR THE WASTEWATER TREATMENT PLANT FOR THE CY 2009; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

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

WHEREAS, funds for this discharge fee are routinely included in the Wastewater Treatment Plant's operating budget; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow payment to be made to the Ohio EPA prior to the due date of January 31, 2009; 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 hereby authorizes and directs the City Manager and/or Finance Director to make payment to the Treasurer of the State of Ohio as required by the Ohio EPA on behalf of the City of Sandusky in an amount **not to exceed** Ten Thousand Three Hundred Fifty and 00/100 Dollars (\$10,350.00) for the annual discharge fee for NPDES Permit Number 2PF00001 for the Wastewater Treatment Plant for the CY 2009.

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed:

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, P.E., Director
Date: November 10, 2008
Subject: Commission Agenda Item

Item for Consideration: Legislation to make payment for bulk rock salt for the calendar year 2009.

Background Information: Again this year, the City of Sandusky was included in Erie County's bulk rock salt bidding procedure. The City has been included in this process since 1998. The County's bid included 15 political subdivisions/County departments of which the City of Sandusky's salt requirements are 22% of the total bid quantity.

Erie County received only one bid and awarded the salt contract for the calendar year 2009 to Morton Salt Division of Chicago, Illinois, at a rate of \$69.00 per ton for pick-up. This contract price reflects an 86.49% increase over that rate that is in effect until December 31, 2008 of \$37.00 per ton. Salt prices and supply are very volatile at this time. Due to the supply issue, Morton Salt added a stipulation that they would only supply Erie County with 8,500 tons total. The amount requested in the bid documents was 11,400 tons. All participating jurisdictions' requested amounts are reduced by approximately 25%. The City has routinely requested 2,500 tons for a calendar year. The City's allocated amount for 2009 is 1,872 tons.

Should the City use its total allocated quantity (1,872 tons) of salt, the budget impact would be \$129,168.00. The budget of the street department will not support this size of expenditure, however, the safety of our residents and visitors must be considered.

Because of the increase in the unit price for road salt, City staff will put forth an effort to find alternatives. City crews began pretreating the Milan Road overpass last winter. Staff will consider expanding this practice to pretreat roads, like intersections for example. To date during 2008, the City has purchased 2,500 tons of salt for use last winter in early 2008 and stockpiling for use this coming winter (2008-2009).

Budgetary Information: Funds for the purchase of bulk rock salt are routinely included in the Traffic Services operating budget each year. The 2009 street budget reflects the same expenditure for 2009 that was spent in 2008 for road salt. However, with the increase in unit price, the same budget amount will only provide 1,340 tons for calendar year 2009.

Action Requested: It is requested that the proper legislation be prepared to pay Morton Salt Division of Chicago, Illinois, an amount not to exceed \$92,460.00 for the purchase of bulk rock salt for the calendar year 2009. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to authorize the purchase for the CY 2009 as soon as possible to allow for salt application as the weather dictates.

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

KKM/cal
I concur with this recommendation:

Matthew D. Kline, City Manager

cc: Joyce B. Brown, Commission Clerk
Ed Widman, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE BULK HIGHWAY DEICING ROCK SALT FOR THE DIVISION OF TRAFFIC TO BE USED IN THE CY 2009 FROM MORTON INTERNATIONAL, INC., MORTON SALT DIVISION OF CHICAGO, ILLINOIS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, since 1998, the City of Sandusky has been included in the bidding procedure utilized by Erie County to obtain bulk highway deicing rock salt; and

WHEREAS, Erie County received only one bid and awarded the salt contract for CY 2009 to Morton Salt Division of Chicago, Illinois at a rate of \$69.00 per ton which reflects an 86.49% increase over the rate that is in effect until December 31, 2008 of \$37.00 per ton; and

WHEREAS, the bid submitted to the Erie County Commissioners included 7 townships, 3 villages, the City of Sandusky, City of Huron, and 3 separate Erie County departments for a total of 8,500 tons and the City's allocation of 1,872 tons is 22% of the total bid quantity; and

WHEREAS, a minimum of 11,400 tons was requested by Erie County (2,500 tons requested by the City of Sandusky) but the bidder submitted the bid with the stipulation that Morton Salt Division would only supply a maximum of 8,500 tons based on Erie County's nine (9) year average which resulted in a reduction of 25% from the originally requested quantity and if additional salt is needed, Morton Salt Division will review based upon availability and cost to supply; and

WHEREAS, should the City use its total estimated quantity (1,872 tons) of highway deicing rock salt the budget impact would be \$129,168.00; and

WHEREAS, to date during 2008 the City has purchased 2,500 tons of highway deicing rock salt for use in early 2008 and stockpiling for this coming winter season; and

WHEREAS, funds for the purchase of this item are routinely included in the Traffic Services operating budget each year; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to authorize the purchase for the CY 2009 as soon as possible to allow for salt application as the weather dictates; 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. The City Manager is authorized and directed to purchase from Morton International, Inc., Morton Salt Division of Chicago, Illinois, One Thousand Three Hundred Forty (1,340) tons, more or less, of bulk highway deicing rock salt for use by the Division of Traffic Services during CY 2009, at a cost **not to exceed** Ninety Two

Thousand Four Hundred Sixty and 00/100 Dollars (\$92,460.00). Said highway deicing rock salt shall be provided in accordance with the proposal of the said Morton International, Inc., Morton Salt Division of Chicago, Illinois on file with the Erie County Purchasing Department, and the bid specifications in relation thereto.

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

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

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

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed:

TO: Matthew D. Kline, City Manager

FROM: Jane E. Cullen, EIT

DATE: November 12, 2008

SUBJECT: Commission Agenda Item

ITEM FOR CONSIDERATION: An Ordinance awarding a contract to Erie Blacktop, Inc., Sandusky, Ohio, for the Mills Street Reconstruction Project. This project is located from Perkins Avenue north to the Norfolk and Southern Railroad tracks. This project involves reconstruction of the existing asphalt roadway with a new stone base, asphalt driving surface, concrete curb and gutter and concrete sidewalks. This project also involves installation of new storm sewer, watermain and the replacement of a section of the existing sanitary sewer.

Twelve bids were received on November 4, 2008 from the following companies:

Erie Blacktop, Inc.	Sandusky, Ohio	Bid: \$1,327,547.68
Ropper Construction	Willard, Ohio	Bid: \$1,354,500.72
Fechko Excavating	Medina, Ohio	Bid: \$1,359,570.00
Speer Brothers	Sandusky, Ohio	Bid: \$1,376,555.00
Underground Utilities	Monroeville, Ohio	Bid: \$1,439,795.44
Elite Excavating	Mansfield, Ohio	Bid: \$1,496,707.97
Rietschlin Construction	Crestline, Ohio	Bid: \$1,516,341.96
A.J. Riley	Norwalk, Ohio	Bid: \$1,517,078.83
Fabrizi Trucking	Valley City, Ohio	Bid: \$1,520,809.14
Mosser Construction	Fremont, Ohio	Bid: \$1,535,999.70
Anderzack-Pitzen	Metamora, Ohio	Bid: \$1,649,250.00
Crestline Construction	Toledo, Ohio	Bid: \$1,667,313.84

The project involves Federal Highway Funds, therefore, the Local Preference Ordinance (Chapter 149) could not be applied.

The bid from Erie Blacktop, Inc. is recommended to be the lowest and best bid.

BUDGETARY INFORMATION: The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$1,460,302.45. Federal Funds through the Erie County Metropolitan Planning Organization (MPO) will fund \$860,318.30 (80% of eligible costs) with the City's share of the project coming from the Sewer Fund in the amount of \$277,005.87 and the Water Fund in the amount of \$322,978.28.

ACTION REQUESTED: It is recommended that the Ordinance awarding a contract to Erie Blacktop, Inc., of Sandusky, Ohio for the Mills Street Reconstruction Project, in the amount of \$1,327,547.68 be approved. It is requested that the legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter thereby allowing the contractor sufficient time to complete this project before the estimated project deadline of July 31, 2009.

Jane E. Cullen, EIT

I concur with this recommendation:

Matthew D. Kline
City Manager

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

JEC/cal

cc: Don Icsman, Law Director
Joyce Brown, Clerk of City Commission
Ed Widman, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ERIE BLACKTOP, INC., OF SANDUSKY, OHIO, FOR THE MILLS STREET RECONSTRUCTION PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized an LPA Federal Project Agreement between the City and the Ohio Department of Transportation for the Mills Street Reconstruction Project by Resolution No. 031-07R, passed on November 13, 2007; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the Mills Street Reconstruction Project by Resolution No. 027-08R passed on September 22, 2008; and

WHEREAS, this project provides for the reconstruction of Mills Street between Perkins Avenue north to the Norfolk and Southern Railroad tracks and involves reconstruction of the existing asphalt roadway with a new stone base, asphalt driving surface, concrete curb & gutter and concrete sidewalks and the installation of a new storm sewer, watermain and replacement of a section of the existing sanitary sewer; and

WHEREAS, upon public competitive bidding as required by law twelve (12) appropriate bids were received and the bid from Erie Blacktop, Inc., of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the revised total cost of this project based on bids including engineering, inspection, advertising and miscellaneous expenses is \$1,460,302.45 of which \$860,318.30 (80% of eligible costs) is to be funded by the Erie County Metropolitan Planning Organization through ODOT, \$277,005.87 will be paid with Sewer Funds and the remaining \$322,978.28 will be paid with Water Funds; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the contractor sufficient time to complete this project before the estimated completion deadline of July 31, 2009; 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 authorized and directed to enter into a contract with Erie Blacktop, Inc., of Sandusky, Ohio, for the Mills Street Reconstruction Project in an amount **not to exceed** One Million Three Hundred Twenty Seven Thousand Five Hundred Forty Seven and 68/100 Dollars (\$1,327,547.68) consistent with the bid submitted by Erie Blacktop, Inc., of Sandusky, Ohio, currently on file in the office of the Director of Engineering Services.

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed:



**City of Sandusky
Department of Development**

TO: Matthew D. Kline
City Manager

FROM: Carrie Handy Sharon Evanich
Chief Planner Grants Administrator

DATE: November 12, 2008

SUBJECT: Commission Agenda Item – Ohio Department of Natural Resources: Division of Recycling & Litter Prevention Grant to offer a free tire recycle drop off for the residents of Sandusky on Saturday, April 25, 2009.

ITEMS FOR CONSIDERATION:

Legislation for the approval and ratification of the submission of a grant application to the Ohio Department of Natural Resources: Division of Recycling & Litter Prevention on November 11, 2008. The grant will provide free tire recycle drop off for the residents of Sandusky on Saturday, April 25, 2009. The tire recycling drop off day will be in conjunction with the “Go Green Sandusky!” event which will include the Sandusky Greenhouse Open House and the Arbor Day Celebration.

BUDGETARY INFORMATION:

If the grant application is awarded, the City of Sandusky will receive \$2,500 to promote and offer a tire recycling drop off day for its residents. There is an in-kind match of \$2,752.00 which represents City Staff's personnel wages, community volunteers, donation of recycling flyers from the Erie County Waste Management district and use of the Service Department's dump truck.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to allow for the approval and ratification of the submission of the grant application to the Ohio Department of Natural Resources, Division of Recycling & Litter Prevention and if awarded, to execute any required agreement and expend funds consistent to the agreement. It is further requested that this be passed in accordance with Section 14 of the City Charter to ratify the submission of the application to ODNR which was due on November 17, 2008, and to accept any awarded funds at the earliest opportunity.

Carrie R. Handy
Chief Planner

Sharon Evanich
Grants Administrator

I concur with this recommendation:

Matthew D. Kline, City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING AND RATIFYING THE GRANT APPLICATION SUBMITTED TO THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF RECYCLING & LITTER PREVENTION FOR FUNDING TO PROMOTE AND OFFER A TIRE RECYCLING DAY AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, an application was submitted on November 11, 2008, to the Ohio Department of Natural Resources, Division of Recycling for funding to promote and provide a free tire recycle drop off for the residents of Sandusky on April 25, 2009, in conjunction with the "Go Green Sandusky!" event which will include the Sandusky Greenhouse Open House and the Arbor Day Celebration.

WHEREAS, "Go Green Sandusky!" is a movement to encourage the residents of Sandusky to recycle and become more aware and conscientious of the condition of their neighborhoods and in the early 2000's the City of Sandusky successfully completed several tire recycling drop off events through grant funding and this grant will offer another opportunity for residents and volunteers to participate and recycle the abundance of used tire in the City; and

WHEREAS, this legislation 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 application to the Ohio Department of Natural Resources, Division of Recycling & Litter Prevention which was due on November 17, 2008, and to accept any awarded funds at the earliest opportunity; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments 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 and ratifies the submission of the grant application to the Ohio Department of Natural Resources, Division of Recycling & Litter Prevention, a copy of which is attached to this Resolution and marked Exhibit "A", for funding to promote and offer a tire recycling day to the residents of Sandusky and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds should they be awarded.

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

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

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

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed:

To: Daniel Kaman, Sandusky City Commission, Chair of Brownfields Committee



From: _____

Ruth S. Haag
Operating the Brownfields Local Redevelopment Authority (BLRA)
Under contract to the Sandusky City Commission

Date: November 17, 2008

Re: Item for Commission Agenda – Chesapeake Walkway Bidding

ITEM FOR CONSIDERATION: Legislation repealing Resolution of Necessity No. 041-06R, and replacing it with a new Resolution of Necessity to proceed with the Paper District Public Waterfront Improvements Project as part of the Bayfront Paper District Redevelopment Project. These waterfront improvements are also known informally as the “Chesapeake Walkway.”

This project will result in a lighted concrete public walkway around two sides of the Chesapeake building, at 401 West Shoreline Drive. This will be a new addition to the Sandusky Bay Pathway. This new addition will follow the water’s edge around the outside of the east and north sides of the Chesapeake Lofts property. The walkway will not return to Shoreline Drive along the west side of the Chesapeake Building parking lot. However, the City should be able to create a gravel extension of this part of the walkway using its own resources, when the adjacent Tricor area is re-graded.

In order to construct the new pathway, sheet piling will be installed to stabilize the shoreline east of the Chesapeake Building. Additional breakwater protection will be installed along the north edge of the Chesapeake Building, supplementing emergency breakwater protection that has already been installed. A 42-inch-diameter concrete sewer pipe will be extended and covered. A concrete walkway will be installed along the water’s edge. This walkway will remain public access to the waterfront.

BACKGROUND INFORMATION: The Chesapeake Walkway and associated work, including sheet piling, armor stone, a concrete pipe, sidewalks and lighting, together comprise a part of Phase I of the City of Sandusky’s Paper District Brownfields Project. An expanded version of this project was previously approved, on August 28, 2006, via Resolution No, 041-06R. That expanded project was competitively bid, with an indication to bidders that all bids would be rejected if funding should not be finalized. The lowest and best bidder agreed to hold their prices for two months beyond the original 60-day timeframe allowed for awarding of the contracts; however, an increase in steel prices prevented the contractor from continuing to hold their prices, and the bids were rejected in March of 2007. The proposed re-bidding of this project will carry that same indication to the bidders.

This project is funded in part by a \$3 million Clean Ohio Revitalization Fund (CORF) grant from the Ohio Department of Development (ODOD). One aspect of the City's grant agreement with ODOD is the involvement of a development partner, which is composed of several companies within the "Davis organization" of Dublin, Ohio. One of those companies is named Mid-States Bayfront Development, LLC, and the development partner is generally referred to as "Mid-States." The development agreement between the City and Mid-States generally calls for Mid-States to convert the former Chesapeake building into a privately-owned condominium building. The development agreement also describes mechanisms by which Mid-States and the City are to participate in funding the rest of the Paper District project, including the Walkway portion.

The Walkway is part of the environmental remediation of the Chesapeake site. The CORF grant funds about 42% of necessary environmental remediation work on the Chesapeake, Tricor, and Keller properties. The City arranged for Mid-States to fund the balance of the necessary environmental remediation work. The City had planned to make no up-front, direct outlay to contribute to the funds required for this part of the Chesapeake work. Instead, funding of the Walkway was to be by the following steps: (1) The City was to issue bonds to pay for the Walkway construction, (2) Mid-States was to purchase the bonds, and (3) the City was to pay off the bonds with the proceeds from a Tax Increment Financing (TIF) arrangement imposed on the Chesapeake Lofts Condominium. The City Manager is presently proposing some alternatives to this original funding plan.

At the time of this writing, Mid-States is seeking to conclude its role in the development agreement, and the City has consulted ODOD on associated changes to the CORF grant agreement. Simultaneously, the City is seeking to complete the Walkway for the benefit of its citizens, with a desired Chesapeake Walkway completion by June of 2009.

In a BLRA status presentation in the City Commission meeting on 10-Nov-08, HaagEnviro advised the Commission that the Chesapeake Walkway could only be constructed by June of 2009 if Commission were to authorize bidding in its next regular meeting, on 24-Nov-08.

BUDGETARY INFORMATION: No impact to the General Fund is anticipated. The total estimated project cost including inspection, advertising, Brownfields/BLRA oversight, and miscellaneous expenses is \$1,311,691.25. Based upon a discussion with the City Manager on 14-Nov-08, it is presently planned that the project will be budgeted through the City's Capital Projects account, based upon notes to be issued by the City and retired with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominium.

ACTION REQUESTED: It is recommended that Resolution No. 041-06R be repealed, and the necessary legislation for the new version of the project be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order to proceed with competitive bidding. This will allow the City to make every effort to complete the Chesapeake Walkway project by June of 2009.

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 041-06R AND DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE PROPOSED PAPER DISTRICT PUBLIC WATERFRONT IMPROVEMENTS PROJECT AS PART OF THE BAYFRONT PAPER DISTRICT REDEVELOPMENT PROJECT; APPROVING THE REVISED SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity for the City to proceed with the Paper District Public Waterfront Improvements Project as part of the Bayfront Paper District Redevelopment Project for a walkway to be constructed to follow the water's edge around the Chesapeake Lofts property and a proposed marina located on the former Tricor property by Resolution No. 041-06R, passed on August 28, 2006; and

WHEREAS, this modified project, which is part of the Bayfront Paper District Redevelopment Project and also known as the "Chesapeake Walkway Project", involves construction of a lighted concrete public walkway around three sides of the Chesapeake Building as a new addition to the Sandusky Bay Pathway and includes the installation of sheet piling to stabilize the shoreline and additional breakwater protection along the north edge of the Chesapeake Building and extending and covering a 42 inch diameter concrete sewer pipe; and

WHEREAS, the "Chesapeake Walkway" and associate work, together comprise a part of Phase I of the City's Paper District Brownfields Project and contributes toward the development of the Sandusky Bath Pathway; and

WHEREAS, this project will be bid with an indication to bidders that all bids would be rejected should funding not be finalized; and

WHEREAS, the total revised estimated cost of the project including inspection, advertising, Brownsfields / BLRA oversight and miscellaneous costs is \$1,311,691.25, and will be budgeted through the City's Capital Projects account, based upon notes to be issued by the City and retired with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominium; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to proceed with competitive bidding allowing the City to make every effort to complete the Chesapeake Walkway project by June of 2009; 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 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 repeals Resolution No. 041-06R, passed on August 28, 2006.

Section 2. The revised specifications and estimates of cost as prepared by the Director of Engineering Services and submitted to this City Commission, and which are now on file with the Clerk of the City Commission, and the office of the Director of

Engineering Services, for the proposed Paper District Public Waterfront Improvements Project, be and the same hereby are approved by this City Commission.

Section 3. This City Commission hereby declares it necessary to proceed with said project at the earliest possible time.

Section 4. The City Manager of the City of Sandusky, Ohio, be and hereby is authorized and directed to advertise for and to receive bids in relation to said project as required by law.

Section 5. 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 6. 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 7. 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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: