

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

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**NOVEMBER 27, 2006**

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Prayer  
Pledge of Allegiance  
Meeting Called to Order  
Roll Call - DW, CS, DE, DK, DM, BC, BF  
Minutes – November 13<sup>th</sup>

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

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Audience Participation – Agenda Items Only (3 minute limit)

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**PRESENTATION** – City Hall Redevelopment Proposal by Meacham & Apel/CEG

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**PRESENTATION** – Sandusky Bay Pathway

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**PUBLIC HEARING** – 2006 Update to the City-Wide Sandusky Bay Pathway Master Plan

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**PUBLIC HEARING** – U.S.E.P.A. Assessment Grant Application

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**CURRENT BUSINESS**

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**ITEM#1 - Communication from Mike Pisarsky, Superintendent of Horticultural Services.**

**ORDINANCE NO.** \_\_\_\_\_ Declaring a 1984 Toro Groundmaster 223-D, Model #30784, Serial #90131 and a 1990 Toro Groundmaster 345-D, Model #30789. Serial #10362 as unnecessary and unfit for City use pursuant to Section 25 of the City Charter; authorizing and directing the City Manager to purchase two (2) Ferris Z-turn Mowers Model IS3100ZLKAV2661 from Tuffman-Equipment & Supply of Norwalk, Ohio, through the State of Ohio Cooperative Purchasing Program in an amount of \$18,064.88. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM#2 - Communication submitted by Jane Cullen, Engineering Technician.**

**ORDINANCE NO.** \_\_\_\_\_ Approve the First and Final Change Order for work being performed for the Putnam Street Storm Sewer Project in the amount of \$5,234.66 to be paid to Top Notch Excavating of Sandusky, Ohio. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM#3 - Communication submitted by Joshua R. Snyder, P.E. Traffic Engineer.**

**ORDINANCE NO.** \_\_\_\_\_ Approve First and Final Change Order for work being performed by Erie Blacktop, Inc. of Sandusky, Ohio, for the 2006 Resurfacing Program and to deduct the contract amount by \$8,079.53. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM#4 - Communication submitted by Kathryn K. McKillips, Director of Engineering Services.**

**RESOLUTION NO.** \_\_\_\_\_ A Resolution adopted pursuant to Section 1506.11 of the Ohio Revised Code finding and determining that based upon the representations and application filed by Cynthia A. & Ronald E. Oney and Norma J. & David A. Jesse for property located at 1107 Cedar Point Road, the use and development of the territory so described, a submerged lands lease may be entered into by the State's Director of Natural Resources. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM#5 - Communication submitted by Gary Packan, Assistant City Manager.**

**RESOLUTION NO. \_\_\_\_\_** Authorizing and directing the City Manager to file a joint application with Erie Metroparks for Clean Ohio Green Space Conservation Program Grant Funds through the Clean Ohio Fund. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM#6 - Communication submitted by Kathryn K. McKillips, Director of Engineering Services and Gary Packan, Assistant City Manager.**

**RESOLUTION NO. \_\_\_\_\_** A Resolution adopted pursuant to Section 1506.11 of the Ohio Revised Code finding and determining that based upon the representations and application filed by City of Sandusky for property located on the Pier Track at 0 McEwen Street, the use and development of the territory so described, a Submerged Lands Lease may be entered into by the State's Director of Natural Resources. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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City Manager's Report

Old Business – Tabled – 9/25/06 Code EMS Charges – Re-tabled 10/10/06

New Business

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

Press Question/Answers

Executive Session

Adjournment

**THE DECEMBER 27<sup>TH</sup> MEETING WILL BE MOVED UP AND HELD ON THURSDAY, DECEMBER 21, 2006 AT 5:00 P.M.**

TO: Michael J. Will, City Manager  
FROM: Mike Pisarsky, Superintendent of Horticultural Services  
DATE: November 13, 2006  
RE: Item for Commission Agenda, Mower Purchases

**ITEM FOR CONSIDERATION:** Ordinance authorizing the purchase of two (2) Ferris Z-Turn mowers Model IS3100ZLKAV2661 per the State of Ohio Cooperative Purchasing Program Schedule Number 777515A from Tuffman - Equipment & Supply of Norwalk, Ohio.

**BACKGROUND INFORMATION:** The Horticultural Services staff organized a demonstration of potential mowers to purchase in which five (5) different vendors participated. After the demonstration it was agreed by everyone involved that the Ferris Z-Turn mower Model IS3100ZLKAV2661 best fits our needs, is the highest quality and has the best warrantee. The Mechanics Division also checked the mowers and agreed mechanically that this mower seems to be the most durable. This mower was listed in the State of Ohio Cooperative Purchasing Program (see attached) and was available at the State price from Tuffman - Equipment & Supply of Norwalk, Ohio, who participated in the demonstration.

The mowers are to replace a seven year old mower at Cemetery & a twelve year old mower for grounds maintenance which have outlived their useful life and will be placed in the City auction.

**BUDGET IMPACT:** The cost for each mower is \$8,847.21 plus \$185.23 for the mulch kit (\$9,032.44 ea.) resulting in a total cost of \$18,064.88 One mower is to be purchased from the Oakland Cemetery Equipment Replacement Endowment Fund and the second mower will be purchased from the Nuisance Abatement Fund. There will be no impact to the City's General Fund.

**ACTION REQUESTED:** It is requested that an ordinance authorizing the purchase of two (2) Ferris Z-Turn mowers Model IS3100ZLKAV2661 per the State of Ohio Cooperative Purchasing Program Schedule Number 777515A from Tuffman - Equipment & Supply of Norwalk, Ohio, be approved and passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to expedite the ordering process to be able to use the mowers before the fall leaf mulching season is over.

Approved by:

I concur with this recommendation:

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Gary Packan  
Assistant City Manager

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Michael J. Will  
City Manager

cc: Joyce Brown  
Don Icsman

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DECLARING A 1984 TORO GROUNDMASTER 223-D, MODEL #30784, SERIAL #90131 AND A 1990 TORO GROUNDMASTER 345-D, MODEL #30789, SERIAL #10362 AS UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE TWO (2) FERRIS Z-TURN MOWERS MODEL IS3100ZLKAV2661 FROM TUFFMAN - EQUIPMENT & SUPPLY OF NORWALK, OHIO, THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Horticultural Services staff reevaluated mowers from five (5) different vendors to replace two (2) existing mowers that are no longer fit for City use and will be placed in the City auction; and

**WHEREAS**, it has been recommended by the Horticultural Services staff and the Mechanics Division that the Ferris Z-Turn Mower Model IS3100ZLKAV2661 has the highest quality, best warranty and best fits the needs of the Horticultural Service Department; and

**WHEREAS**, the Ferris Z-Turn Mower Model IS3100ZLKAV2661 from Tuffman - Equipment & Supply of Norwalk, Ohio, is available through the State of Ohio Cooperative Purchasing Program, thereby, allowing local political subdivisions to purchase items that have been competitively bid from the successful state vendor giving the City the benefit of the State's negotiated price and eliminating the necessity of formal bidding; and

**WHEREAS**, the total cost for two (2) mowers with mulch kits is \$18,064.88 which one (1) mower with mulch kit will be paid from the Oakland Cemetery Equipment Replacement Endowment Fund at \$9,032.44 and one (1) mower with mulch kit will be paid from the Nuisance Abatement Fund at \$9,032.44; 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 expedite the ordering process to be able to use them before the fall leaf mulching season is over; and

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

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

Section 1. This City Commission finds that the 1984 Toro Groundmaster 223-D, Model #30784, Serial #90131 and the 1990 Toro Groundmaster 345-D, Model #30789, Serial #10362 are unnecessary and unfit for City use pursuant to Section 25 of the City Charter and the City Manager is authorized and directed to dispose of this personal property no longer needed for City purposes by auctioning them at the City Auction.

Section 2. The City Manager is authorized and directed to purchase two (2) Ferris Z-Turn Mowers Model IS3100ZLKAV2661 from Tuffman - Equipment & Supply of

Norwalk, Ohio, at an amount **not to exceed** Eighteen Thousand Sixty Four and 88/100 Dollars (\$18,064.88).

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

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

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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: Jane E. Cullen, Engineering Technician  
DATE: November 8, 2006  
SUBJECT: Commission Agenda Item

**Item for Consideration:** First and Final Change Order for the Putnam Street Storm Sewer Project. The construction costs for the work performed by Top Notch Excavating, Sandusky, Ohio, came in over the contract amount by \$5,234.66. The main reason for the result of the increases in the contract cost is relocating a portion of the storm sewer from a grassy area into an asphalt pavement area due to conflicts with existing utilities.

**STRATEGIC PLAN:** This item complies with the City's Strategic Plan. The approval of this proposed change is in line with the General Goals of Development of Housing and Promotion of the City of Sandusky as a place to live through improved storm sewer drainage and separation.

**Budgetary Information:** This change order is a \$5,234.66 addition to the original contract amount. The final construction contract cost is \$164,709.78. The Distress Grant Fund will provide \$115,000.00, a Community Development Block Grant will provide \$7,300.00 and the remaining amount of \$42,409.78 will be funded by the City's Sewer Fund.

**Action Requested:** It is requested that the First and Final change order in the amount of \$5,234.66 to be added to the contract with Top Notch Excavating of Sandusky, Ohio for the Putnam Storm Sewer Project be approved and that the necessary legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter for work already completed and to close out the project.

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Jane E. Cullen  
Engineering Technician

I concur with this recommendation:

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Michael J. Will  
City Manager

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

JEC

cc: 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 PUTNAM STREET STORM SEWER PROJECT IN THE AMOUNT OF \$5,234.66 TO BE PAID TO TOP NOTCH EXCAVATING OF SANDUSKY, 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 Putnam Street Storm Sewer Project by passage of Resolution No. 016-06R on March 27, 2006; and

**WHEREAS**, this City Commission previously approved the awarding of the contract for work being performed for the Putnam Street Storm Sewer Project by Ordinance No. 06-056, passed on June 26, 2006; and

**WHEREAS**, this First & Final Change Order reflects the additional costs of relocating a portion of the storm sewer into an asphalt pavement area due to conflicts with existing utilities; and

**WHEREAS**, the original contract with Top Notch Excavating was \$159,475.12 and with the addition of this First & Final Change Order the final contract cost is \$164,709.78; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order 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 being performed for the Putnam Street Storm Sewer Project in the amount of \$5,234.66 resulting in the final contract cost of One Hundred Sixty Four Thousand Seven Hundred Nine and 78/100 Dollars (\$164,709.78) with Top Notch Excavating of Sandusky, Ohio.

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

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

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

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

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DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

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B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

Passed:

To: Michael J. Will, City Manager  
 From: Joshua R. Snyder, P.E., Traffic Engineer  
 Date: November 15, 2006  
 Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** First and Final Work Order for the 2006 City of Sandusky Resurfacing Program. The final construction costs were below the original contract amount with Erie Blacktop, Inc., Sandusky, Ohio by \$8,079.53 due to actual quantities used in the field and non-performance of partial depth repairs. This change was due in part to the City performing the partial-depth pavement repairs and to actual quantities, saving money on the contract.

1. Non-performance of 50 square yards of partial depth pavement repairs.	DEDUCT	\$2,250.00
2. Non-performance of one water valve box adjustment	DEDUCT	\$ 70.00
2. Non-performance of the application of 53 gallons of Tack coat	DEDUCT	\$ 61.18
3. Non-performance of 619 square yards of pavement planning	DEDUCT	\$1,392.75
4. Paving an additional 6.2 cubic yards of Surface Course asphalt	ADD	\$ 694.40
6. Non-performance of Contingency work	<u>DEDUCT</u>	<u>\$5,000.00</u>
	TOTAL DEDUCT	\$8,079.53

**BUDGETARY INFORMATION:** The Final Construction Cost of the 2006 City of Sandusky Resurfacing Program is \$68,843.25. The Sewer Fund will contribute \$3,025.00. and \$5 License Fee Fund \$ 65,818.25. These amounts are results of an overall deduct from the original contract.

**ACTION REQUESTED:** It is requested that the First and Final Work Order for the 2006 City of Sandusky Resurfacing Program with Erie Blacktop, Inc., Sandusky, Ohio in the amount of **\$8,079.53, to be deducted from the contract** be approved and that the necessary legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter for work already completed and to close out the Project.

Approved:	<hr/> Joshua R. Snyder, P.E. Traffic Engineer I concur with this recommendation:
<hr/> Kathryn K. McKillips, P. E., Director Department of Engineering Services cc.: Don Icsman, Law Director Joyce Brown, Clerk of City Commission Ed Widman, Finance Director	<hr/> Michael J. Will City Manager

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK BEING PERFORMED BY ERIE BLACKTOP, INC., OF SANDUSKY, OHIO, FOR THE 2006 RESURFACING PROGRAM AND TO DEDUCT THE CONTRACT AMOUNT BY \$8,079.53 IN RELATION THERETO; 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 2006 Resurfacing Program by passage of Resolution No. 037-06R on July 24, 2006; and

**WHEREAS**, this City Commission previously approved the awarding of the contract for work being performed for the 2006 Resurfacing Program by Ordinance No. 06-086, passed on September 11, 2006; and

**WHEREAS**, this First & Final Change Order reflects actual quantities used in the field and non-performance of partial depth repairs by the contractor that were performed by City saving money on the contract; and

**WHEREAS**, the original contract with Erie Blacktop Inc., was \$76,922.78 and the final project cost is \$68,843.25 resulting in a balance of \$8,079.53 to be **DEDUCTED** from the contract; 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 being performed for the 2006 Resurfacing Program and to **deduct** from the contract amount the sum of Eight Thousand Seventy Nine and 53/100 Dollars (\$8,079.53) resulting in the final contract cost of Sixty Eight Thousand Eight Hundred Forty Three and 25/100 Dollars (\$68,843.25) with Erie Blacktop Inc., of Sandusky, Ohio.

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

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

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

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DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

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B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

Passed:

To: Michael J. Will, City Manager  
From: Kathryn K. McKillips, Director of Engineering Services  
Date: November 16, 2006  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Resolution authorizing and consenting the following property owners to receive a submerged land lease from the State of Ohio.

Cynthia A. & Ronald E. Oney and  
Norma J. & David A. Jesse  
1107 Cedar Point Road

The property owners will install a 30' long and 4' wide aluminum dock and ramp along the Sandusky Bay side of the property. The dock will be removed during the winter season and reinstalled in the spring.

**BUDGETARY INFORMATION:** The City will receive 50% of the payment for the finalized lease each year.

**ACTION REQUESTED:** It is requested that a resolution authorizing and consenting to a submerged land lease to be issued by the State of Ohio to Cynthia A. & Ronald E. Oney and Norma J. & Davis A. Jesse, 1107 Cedar Point Road, Sandusky, Ohio, be approved under suspension of the rules and in accordance with Section 14 of the City Charter in order to expedite the lengthy permit process. Work is anticipated to begin in the Spring 2007.

I concur with this recommendation:

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Michael J. Will, City Manager

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Kathryn K. McKillips,  
Director of Engineering Services

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

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ADOPTED PURSUANT TO SECTION 1506.11 OF THE OHIO REVISED CODE FINDING AND DETERMINING THAT BASED UPON THE REPRESENTATIONS AND APPLICATION FILED BY CYNTHIA A. & RONALD E. ONEY AND NORMA J. & DAVID A. JESSE FOR PROPERTY LOCATED AT 1107 CEDAR POINT ROAD, THE USE AND DEVELOPMENT OF THE TERRITORY SO DESCRIBED, A SUBMERGED LANDS LEASE MAY BE ENTERED INTO BY THE STATE'S DIRECTOR OF NATURAL RESOURCES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, Cynthia A. & Ronald E. Oney and Norma J. & David A. Jesse are the upland property owners of land located at 1107 Cedar Point Road, in the City of Sandusky; and

**WHEREAS**, the upland property owners have made certain representations and filed an original application and site plan consistent therewith, with the State Director of Natural Resources, a copy of which is attached marked "Exhibit A" and incorporated herein, indicating a desire to use and develop a part of the territory as specified in their application and site plan without impairment of the public's right of navigation, water commerce and fishery; and

**WHEREAS**, this City Commission determines that based upon the upland property owners representations, the territory as described in their application and site plan filed by the upland property owners is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky, of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce; and

**WHEREAS**, this Sandusky City Commission determines that based upon the upland property owners representations the land uses specified in the application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan and Comprehensive Land Use Plan; and

**WHEREAS**, this legislation should be passed as an emergency measure and in accordance with Section 14 of the City Charter in order to insure that the administrative review process can continue in a timely manner and allow the work to commence in the Spring of 2007 as anticipated by the property owners; 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 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 finds and determines that based upon the upland property owner's representations as contained in attached "Exhibit A" the territory as described in their application and site plan is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce.

Section 2. This City Commission finds and determines that based upon the upland property owners representations contained in attached "Exhibit A" the land uses specified in the application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan and Comprehensive Land Use Plan.

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

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

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

\_\_\_\_\_  
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: Gary Packan, Assistant City Manager

DATE: November 18, 2006

RE: Item for Commission Agenda (Clean Ohio Green Space Conservation Grant)

**ITEM FOR CONSIDERATION:** A '*Resolution of Authorization*' to apply for a Clean Ohio Green Space Conservation Program grant for the purchase of property and easements to preserve waterfront property and eventual expansion of the Sandusky Bay Pathway (SBP). This application will be submitted by Erie MetroParks (EMP) in partnership with the city on December 1, 2006.

**BACKGROUND INFORMATION:** Staff is recommending the city participate in a grant application be submitted for the purchase of land and easements for the continued conservation of waterfront property and expansion of the SBP on the east side of town connecting the pathway to Erie MetroParks, East Sandusky Bay Preserve MetroPark. This particular phase is shown in the SBP Master Plan (Exhibit A).

In October, the City Commission approved a grant application for funding to purchase land and easements for a portion of the MHD Corporation parcel located on Cleveland Road. This proposed grant application will include this parcel along with two additional parcels as one larger project connecting the SBP to the East Sandusky Bay Preserve MetroPark.

The City and EMP have been working with Griffing Airport to acquire some land and/or easements along the waterfront through the marshes on the north side of the airport property. Approximately 15-20 acres consisting of a combination of marsh, upland and submerged land will be acquired through this grant at \$8,900 per acre for marsh land, \$950 per acre for submerged land and \$115,000 per acre for upland property. Easement cost is 70% of the appraised value.

The City and EMP are also partnering with the Trust for Public Land (TPL) to purchase the Seitz property, locally known as the Sandusky Drive-in Theater. Currently, TPL has an option to purchase the Seitz property for \$456,000. TPL plans to transfer the 13.5 acre site to the City/EMP once all grant funding is in place.

The City and EMP recently conducted a *concept* master plan for the Seitz property, aka Gateway Preserve (Exhibit C) and that is enclosed for your review. This parcel is *proposed* to serve as a future 'Welcome Center' for the SBP as well as for the EMP East Bay Preserve MetroPark.

The approximate total of all parcels, from all sellers, that will be preserved as public waterfront and natural areas via fee simple and easements is 186.25 acres.

This grant application will explain in detail the following

**Property Costs**

Fee Simple

Seitz Property (Drive-in Theater) – Fee Simple

\$456,000

Griffing Airport – Easement and/or Fee Simple

\$250,000

MHD Corporation

\$360,900

Easement

MHD Corporation

\$80,200

City of Sandusky Contribution (Surveys, Appraisals, Closing, Title)

\$30,000

Erie MetroParks Contribution

\$7,500

**TOTAL**

**\$1,184,600**

**Revenue / Grant commitments to serve as a match for Clean Ohio**

ODNR CMAG Grant for MHD Purchase (Grant to the City) - FEDERAL

\$150,000

NOAA CELCP Grant for East Sandusky Bay; Seitz & Griffing Purchase

(Grant to Erie MetroParks)- FEDERAL

\$358,000

**TOTAL**

**\$508,000**

**The Clean Ohio grant application will be submitted for \$448,000.** A final copy of the grant application will be on file with the Assistant City Manager's office.

The City of Sandusky has been working with the Erie MetroParks (EMP) on the overall development of the SBP. The EMP has a great deal of experience in developing paths of this nature and has been a great resource to staff throughout the planning process for the waterfront linear park.

It is intended for the City to have fee simple title to the property with a conservation easement held by the EMP to preserve this land in perpetuity for public access on property acquired. Any easement that is acquired will be held jointly between the City and EMP.

**BUDGET IMPACT:** This project will not impact the City's budget other than the cost of surveys, appraisals, title work and closing costs estimated at approximately \$30,000. Approximately \$11,000 has already been committed via

the MHD property acquisition project approved by the City Commission in October of 2006.

**ACTION REQUESTED:** Approval of the *Resolution of Authorization* under suspension of the rules as an emergency measure and in accordance with Section 14 of the City Charter allowing for submittal of the grant application to the Clean Ohio Fund via the Clean Ohio Green Space Conservation Program on December 1, 2006 in partnership with Erie MetroParks and authorization to purchase property and easements as described in the grant application following the award of the grant.

I concur with this recommendation.

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Michael J. Will  
City Manager

Attachments  
Exhibit A – SBP Master Plan Phase  
Exhibit B – MHD Property  
Exhibit C – Seitz Property

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE A JOINT APPLICATION WITH ERIE METROPARKS FOR CLEAN OHIO GREEN SPACE CONSERVATION PROGRAM GRANT FUNDS THROUGH THE CLEAN OHIO FUND; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this grant is for the purchase of property and conservation easements located on Cleveland Road at MHD Corporation, Griffing Airport and the Sandusky Drive-In Theater to preserve waterfront property and expand the Sandusky Bay Pathway (SBP); and

**WHEREAS**, this City Commission approved a grant application for funding to purchase land and conservation easements for a portion of the MDH Corporation located on Cleveland Road by Resolution No. 048-06R, passed October 23, 2006, and this proposed grant application will also include this parcel together with property at Griffing Airport and at Sandusky Drive-In Theatre as one project connecting the SBP to the East Sandusky Bay Preserve MetroPark; and

**WHEREAS**, the City and Erie MetroParks (EMP) have been working with Griffing Airport on the airport property and partnering with the Trust for Public Land (TPL) on the Seitz property, locally known as the Sandusky Drive-In Theater for the overall development of the SBP; 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 allow the City and Erie MetroParks to submit a joint application for Clean Ohio Green Space Conservation Program Grant funds through the Clean Ohio Fund on or before December 1, 2006; 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. The City Manager hereby is authorized and directed to file a joint application with Erie MetroParks for Clean Ohio Green Space Conservation Program Grant funds through the Clean Ohio Fund on behalf of the citizens of the City of Sandusky, Ohio and if awarded to enter into an appropriate agreement to receive those funds to cover costs for the purchase of property and conservation easements for the expansion of the Sandusky Bay Pathway.

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: Kathy McKillips, Director of Engineering Services  
Gary Packan, Assistant City Manager

DATE: November 20, 2006

RE: Commission Agenda Item (Application for Submerged Land Lease for the Pier Track)

**ITEM FOR CONSIDERATION:** The City has been working with the Ohio Department of Natural Resource Division of Coastal Management to secure "Submerged Land Leases" on all parcels of public land subject to state land lease regulations. Two of these parcels are located on the Pier Track at 0 McEwen Street. As part of the lease process, the City of Sandusky must pass a resolution authorizing and consenting the City of Sandusky, itself, to receive a submerged land lease from the State of Ohio. The City has submitted the application for the submerged land lease to the ODNR.

**BUDGET INFORMATION:** At this time since the City of Sandusky is approving the application for a submerged land lease for City owned property, no negative budgetary impact will occur at this time.

**STRATEGIC PLAN IMPACT: Development of Relationships with Local Businesses** – The City and ODNR have been working together to secure Submerged Land Leases on all city owned bayfront property.

**Development of the Sandusky Bay Pathway** – This submerged land lease will provide the groundwork for the eventual construction of a path called the Sandusky Bay Pathway. This pathway will eventually span the entire width of the city. The path will also connect to the Erie Metro Parks properties to the east. This route will serve as a corridor connecting redevelopment opportunities for exercise, transportation and general recreation.

**ACTION REQUESTED:** Request a resolution authorizing and consenting to a submerged land lease to be issued by the State of Ohio to the City of Sandusky for a portion of the property commonly called, the Pier Track, 0 McEwen Street, Sandusky, OH 44870. In order to insure that the review process of the City's application by ODNR can continue in a timely manner and to expedite potential grant opportunities, I am requesting that this be approved under suspension of the rules and in accordance with Section 14 of the City Charter.

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Gary Packan  
Assistant City Manager

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

**I concur with this recommendation:**

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Michael J. Will  
City Manager

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

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTED PURSUANT TO SECTION 1506.11 OF THE OHIO REVISED CODE FINDING AND DETERMINING THAT BASED UPON THE REPRESENTATIONS AND APPLICATION FILED BY CITY OF SANDUSKY FOR PROPERTY LOCATED ON THE PIER TRACK AT 0 MCEWEN STREET, THE USE AND DEVELOPMENT OF THE TERRITORY SO DESCRIBED, A SUBMERGED LANDS LEASE MAY BE ENTERED INTO BY THE STATE'S DIRECTOR OF NATURAL RESOURCES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, the City of Sandusky is the upland property owner of land located on the Pier Track at 0 McEwen Street, parcel numbers 56093483088000 and 57114104025000, and has been working with the Ohio Department of Natural Resources Division of Coastal Management to secure "Submerged Land Leases" on all parcels of public land subject to state land lease regulations from the State of Ohio; and

**WHEREAS**, this submerged land lease will provide the groundwork for the construction of the Sandusky Bay Pathway which will eventually span the entire width of the city connecting the Erie Metro Parks properties to the east and serving as a corridor connecting redevelopment opportunities for exercise, transportation and general recreation; and

**WHEREAS**, the City of Sandusky has made certain representations and filed an original application and site plan consistent therewith, with the State Director of Natural Resources, a copy of which is attached marked "Exhibit A" and incorporated herein, indicating a desire to use and develop a part of the territory as specified in their application and site plan without impairment of the public's right of navigation, water commerce and fishery; and

**WHEREAS**, this City Commission determines that based upon the City's representations, the territory as described in their application and site plan filed by the City of Sandusky is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky, of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce; and

**WHEREAS**, this City Commission determines that based upon the City's representations the land uses specified in the City's application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan and Comprehensive Land Use Plan; and

**WHEREAS**, this City Commission determines that this legislation should be passed as an emergency measure and in accordance with Section 14 of the City Charter in order to insure that the administrative review process of the City's application can continue in a timely manner and expedite possible grant opportunities; and

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

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

Section 1. This City Commission finds and determines that based upon the

City's representations, as contained in attached "Exhibit A", the territory as described in the application and site plan is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce.

Section 2. This City Commission finds and determines that based upon the City's representations contained in attached "Exhibit A" the land uses specified in the City's application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan and Comprehensive Land Use Plan.

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

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

Passed: