

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

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MARCH 13, 2006

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Prayer – Mr. Murray
Pledge of Allegiance
Meeting Called to Order
Roll Call - DM, BC, BF, DW, CS, DE, DK
Minutes – February 27th

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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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PUBLIC HEARING – Fiscal Year 2006 Community Housing Improvement Program

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PUBLIC HEARING – General Appropriations for the Fiscal Year 2006

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CURRENT BUSINESS

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ITEM#1

Angela Byington, AICP Chief Planner, approved by Charlene Mockensturm, Community Development Director, and Michael J. Will, City Manager, requesting approval for the City of Sandusky to apply for Clean Ohio Assistance Fund (COAF) monies if awarded, execute a grant agreement and expend monies. The amount that is being requested will be up to \$150,000 and would be utilized for a Phase II Environmental Assessment of Sandusky Cabinets, Inc. The COAF is part of the \$400 million Clean Ohio Fund through the Ohio Department of Development Office of Urban Development. (COAF applications are accepted year-round, however due to depleting funds, applications must be in by the end of March to be considered.)

RESOLUTION NO. _____ File an application for Clean Ohio Assistance Funds with the State of Ohio. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#2

Michael J. Will, City Manager, recommend making the General Appropriations for the Fiscal Year 2006 for the City of Sandusky.

ORDINANCE NO. _____ Making General Appropriations for the Fiscal Year 2006. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#3

Rosanne Bodner, Public Transit Administrator, approved by Angie Byington, AICP Planner, and Michael J. Will, City Manager, recommend entering into a contract up to the amount of \$18,605 with Signature Control Systems, LLC of Twinsburg, Ohio, the successful bidder of the request to furnish a Pay Parking Station on the Jackson Street Pier. (The station will collect and process parking fees resulting from the public use of designated long-term parking spaces on the pier.)

ORDINANCE NO. _____ Enter into a contract with Signature Control Systems, LLC of Twinsburg, Ohio, for a Pay Parking Station on the Jackson Street Pier. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#4

Margaret C. Rudolph, Director of Administrative Services, approved by Michael J. Will, City Manager, recommending amendment of Part Three – Traffic Code, Title Seven – Parking, Chapter 351.

ORDINANCE NO. _____ Amending Part Three – Traffic Code, Title Seven – Parking, Chapter 351 Parking Generally, in the manner and way specifically set fourth. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#5

Ed Widman, Finance Director, requesting approval of an amendment to the costs for 2005-2006 renewal for Property, Casualty and Liability Insurance Pool Membership with Buckeye Ohio Risk Management Association (BORMA) due to the formation of Public Entity Risk Consortium (PERC) in an amount of \$190,472.

ORDINANCE NO. _____ Make payment to Buckeye Ohio Risk Management Association (BORMA), Inc. for the 2005-2006 renewal for Property, Casualty and Liability Insurance. **Request passed under**

suspension of rules in full accordance of **Section 14** of the City Charter.

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ITEM#6

Michael R. Meinzer, Fire Chief, approved by Michael J. Will, City Manager, recommend entering into an agreement with Firelands Regional Medical Center (FRMC) for restocking ambulances with required supplies and pharmaceuticals in an amount of \$15,000.

ORDINANCE NO. _____ Enter into an agreement with Firelands Regional Medical Center for restocking City Ambulances with supplies and pharmaceuticals. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#7

Michael R. Meinzer, Fire Chief, approved by Michael J. Will, City Manager, recommending the purchase of one (1) International 2006 Diamond SPEC 7400 SBA 4x2 (SA625) Cabin Chassis through the Ohio Department of Transportation Cooperative Purchasing Program, Contract #023-06 from Mansfield Truck Sales and Service, Inc., 85 E. Longview Street, Mansfield, Ohio 44905. (This program is similar to the State of Ohio's Cooperative Purchasing Program, which is operated by the State Department of Administrative Services. The City's participation in this program was authorized February 13, 2006 by the passage of Ordinance No. 06-015. The Director of Transportation notified the City on February 22, 2006 that they would mail a letter to the awarded vendor that the City has been authorized to participate in the program to purchase the Single & Tandem Axle Cab & Chassis Unit in an amount of \$57,445.)

ORDINANCE NO. _____ Purchase one (1) International 2006 Diamond SPEC 7400 SBA 4x2 (SA625) Cabin Chassis through the Ohio Department of Transportation Cooperative Purchasing Program. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#8

Charlene Mockensturm, Community Development Director, and Michael J. Will, City Manager, recommend entering into a contract with Gregory E. Sherman to act as the City's consultant to carry out certain activities required by the City's operation of the Revolving Loan Fund Program and the Enterprise Zone Program, as well as other designated projects for the Department of Community Development and the City. This contract will

allow the City of Sandusky to meet the State of Ohio Department of Development and HUD requirements pertaining to the above regulated economic development programs. (Mr. Sherman has performed these activities for the City for a number of years and is well qualified to do so.)

ORDINANCE NO. _____ Enter into a Consulting Contract with Gregory E. Sherman for Calendar Year 2006. **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
- New Business
- Audience Participation – Open discussion on any item (5 minute limit)
- Press Question/Answers
- Executive Session
- Adjournment

TO: Michael J. Will
City Manager

FROM: Angela Byington, AICP Chief Planner

DATE: March 1, 2006

SUBJECT: Commission Agenda Item for the March 13, 2006 City Commission Meeting

Item for Consideration: Resolution authorizing the City of Sandusky to apply for Clean Ohio Assistance Fund (COAF) monies and if awarded, execute a grant agreement and expend monies. The amount that is being requested will be up to \$150,000 and would be utilized for a phase II environmental assessment of Sandusky Cabinet property located at 430 East Market Street, 513 East Washington Street and 0 Warren Street owned by Mack Iron. The COAF is part of the \$400 million Clean Ohio Fund through the Ohio Department of Development Office of Urban Development. COAF applications are accepted year-round, however due to depleting funds, applications must be in by the end of March to be considered. Projects funded under the COAF may be awarded up to \$300,000 for phase II environmental assessment activities.

Budgetary Information: The cost associated with preparing this application will be a lump sum, not to exceed, \$4,500 and will be paid for with strategic plan funds. The City is contracting with Malcolm Pirnie, Inc. for the preparation of the application due to the technical expertise required for the preparation. Further, the grant specialist Ms. Betsy Bowe, with Malcolm Pirnie, has written successful grant applications for the City in the past. Ms. Bowe's qualifications are attached. Ms. Bowe is responsible for the following grant awards to the City:

\$155,000	2000	Clean Ohio Assistance	Keller and Tricor properties
\$3,000,000	2003	Clean Ohio Revitalization	Chesapeake, Keller and Tricor properties
\$116,000	2004	Clean Ohio Assistance	Geo Gradel property
\$400,000	2004	EPA Assessment	Citywide

Total: \$3,671,000

There is no match with this grant.

Strategic Plan: This action is consistent and necessary in order for the City to be successful Brownfield Development.

Supporting Documentation: Assistant City Manager – As Sandusky enters the renaissance of the community, the redevelopment of the historic neighborhood called the Kilbourne Plat District is a key feature in the success of the enhancement process. The City has determined three areas in Sandusky as high priority brownfield development sectors. These sectors are: (1) Downtown Waterfront / Paper District, (2) Sandusky Cabinet Area, and (3) First Street / East Bay Entertainment District. The success of the City will be greatly impacted by the success of these brownfield areas.

Action Requested: It is requested that the City Commission approve a resolution authorizing the City Manager to file an application for Clean Ohio Assistance Funds with the Ohio Department of Development, and if awarded, execute a grant agreement and expend monies. It is requested that this approval be passed as an emergency under Section 14 of the City Charter due to the time constraints of the grant application process.

Submitted by:

Angela Byington, AICP
Chief Planner

Reviewed by:

Charlene Mockensturm
Director of Community Development

I concur with this recommendation:

Michael J. Will
City Manager

One (1) attachment

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

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO FILE AN APPLICATION FOR CLEAN OHIO ASSISTANCE FUNDS WITH THE STATE OF OHIO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, if the grant is approved and the City receives funding from the Clean Ohio Assistance Program, the grant of up to \$150,000.00, would be utilized for a Phase II Environmental Assessment of Sandusky Cabinets, Inc. property located at 430 East Market Street, 513 East Washington Street and 0 Warren Street ; and

WHEREAS, the Clean Ohio Assistance Fund (COAF) is part of the \$400,000,000 Clean Ohio Fund made available through the Ohio Department of Development Office of Urban Development with applications due by the end of March, 2006, in order to be considered; and

WHEREAS, the cost of preparing this application will not exceed \$4,500.00 and will be paid for with Strategic Plan Funds and the City will contract with Malcolm Pirnie, Inc. for the preparation of this application due to their technical expertise and demonstrated success both for the City of Sandusky and other public entities; 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 submit the application for consideration before the end of March, 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 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 ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is hereby authorized and directed to file an application for Clean Ohio Assistance funds on behalf of the citizens of the City of Sandusky, Ohio and if awarded enter into a grant agreement and expend monies.

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.

PAGE 2, RESOLUTION NO. _____

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

MEMO

TO: City Commission
FROM: Michael J. Will, City Manager
DATE: March 3, 2006
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

This is a proposed ordinance for making the General Appropriations for the fiscal year 2006 for the City of Sandusky.

GENERAL INFORMATION:

An ordinance approving the General Appropriations for 2006 is submitted to the City Commission for approval. Total appropriations for all budgeted funds are more than 2005 actual amounts by less than 1%. Total General Fund appropriations are more than 2005 actual amounts by 1.8%. It should be further noted that according to collective bargaining agreements and administrative ordinance, salaries increased two percent in 2006 along with a modest increase in health care costs around 15%. Public Employees Retirement System of Ohio is increasing employers' contribution to the retirement system from 13.55% to 13.70% as of December 29, 2005. This will result in an increase for three of the four payroll quarters. Employee's share is increasing from 8.50% to 9.00% at the same time.

The Finance Committee reviewed and approved the budget packet at its February 23, 2006, meeting.

ACTION REQUESTED:

It is requested the City Commission approve the attached ordinance in accordance with Section 14 of the City Charter under suspension of the rules. Charter Section 14 states that "Ordinances appropriating money may be passed as emergency measures..."

If there are any questions, please contact either the City Manager or the Finance Director.

Attachment

CC03132006

cc: Law Director

ORDINANCE NO. _____

AN ORDINANCE MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2006; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in accordance with Section 14 of the City Charter, an ordinance appropriating money may be passed as an emergency; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to comply with State Law, which requires that the 2006 Calendar Year Operating Budget be passed by the City Commission no later than March 31, 2006; and

WHEREAS, it is deemed necessary in order to provide for the usual daily operation of the Municipal Departments of the City of Sandusky, Ohio, and to provide for the immediate safety and welfare of the citizens of the City of Sandusky, Ohio; the City Commission finds that an emergency now exists and that it is advisable to declare this Ordinance an emergency measure in accordance with Section 14 of the City Charter which shall take immediate effect upon its adoption; and NOW, THEREFORE,

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

Section 1. That there shall be and hereby are appropriated out of any funds now in the treasury and any accruing revenues of the City available for said purposes, the values set forth in column marked 'appropriations' for the payment of all expenses and obligations of the City during fiscal year 2006, for the various purposes hereinafter specified.

Section 2. That the amounts appropriated for the various purposes hereinafter set forth shall, in no event, be exceeded unless the City Commission shall by ordinance authorize a transfer from one appropriation account to another, or shall appropriate additional unappropriated funds:

General Fund	Appropriations
Police	\$4,820,629
Fire	4,300,460
Street Lighting	115,484
Community Development	483,695
City Manager	147,613
Assistant City Manager	1,433,592
Administrative Services	938,612
Finance	480,224
Law	278,353
City Commission/Clerk	108,148
Municipal Court	848,455
Engineering	676,640
Administrative Support	<u>407,765</u>

ORDINANCE NO. _____

Sub-Total	\$15,039,670
Transfers	\$1,339,625
Total General Fund	<u>\$16,379,295</u>
Street Fund	\$1,514,115
State Highway Fund	20,886
Public Transit Fund	1,141,583
Parks & Recreation Fund	531,928
Fire Pension Fund	737,866
Police Pension Fund	561,061
Capital Projects Fund	4,440,330
Special Assessment Fund	3,541,423
General Bond & Note Retirement Fund	1,311,049
Special Assessment Bond Retirement Fund	353,615
Water Fund	5,053,060
Sewer Fund	8,119,025
General Trusts Fund	81,435
Park Endowed Trusts Fund	1,000
Oakland Cemetery Endowed Trusts Fund	72,649
Trust & Agency Funds	40,000
Total Appropriations	<u>\$43,900,320</u>

Section 3. The Finance Director is authorized to draw warrants upon the city treasury for funds appropriated in this ordinance upon presentation of properly approved vouchers and when in conformity with the charter and general laws of the state of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in city funds provided said transfers are included in the general appropriations.

Section 4. 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 5. 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 of this City Commission and any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

ORDINANCE NO. _____

Section 6. That for those reasons set forth in the preamble hereto, this ordinance 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 City Commission.

COMMISSION

DANIEL J. KAMAN OF THE CITY
VICE-PRESIDENT

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

PASSED:

TO: Michael J. Will, City Manager
FROM: Rosanne Bodner, Public Transit Administrator
DATE: February 22, 2006
RE: **Ordinance to enter into contract with Signature Control Systems, LLC, the successful bidder of Pay Parking Station project on Jackson Pier.**

ITEM FOR CONSIDERATION: Legislation for approval to enter into a contract up to the amount of \$18,605 with Signature Control Systems, LLC, the successful bidder of the request to furnish a Pay Parking Station on Jackson Pier. The station will collect and process parking fees resulting from the public use of designated long-term parking spaces on the pier.

BACKGROUND INFORMATION: In May of 2005 the Put-In-Bay Boatline (PIBB) company began daily ferry service to Put-in-Bay for the general public. As Put-in-Bay is a popular tourist and vacation attraction, many visitors elect to stay for several days. Hence, 40 parking spaces on the Jackson Pier were designated as paid long-term spaces. PIBB agreed to process and collect the parking fees for the City of Sandusky in the initial year. City of Sandusky agreed to take over the collection of the parking fees for subsequent years beyond the initial year, as the City of Sandusky receives the revenues.

The Pay Parking Station will be a user-friendly device where the public can pay for long-term parking by cash or credit card. The customer will then receive a receipt to be displayed in the vehicle. While the long-term spaces are expected to be utilized mainly by visitors boarding the Jet Express III, the spaces are for any person wishing to park their vehicle for more than 24Hrs. The parking station will be a weatherproof and vandal resistant unit capable of handling several hundred transactions between collection times. Collections will be at least twice weekly.

STRATEGIC PLANNING IMPACT: This project promotes the City of Sandusky Strategic Plan in at least two ways. Long term parking fees will be a revenue source contributing to the maintenance and improvement of the Downtown area. An efficient method of collecting the parking revenues will make visitors stays in Sandusky more pleasant and enhance the goal of a permanent ferry operation to the Erie Islands.

BUDGET IMPACT: The project is being paid for with long term parking revenues from 2005 in the amount of \$7,315.50. The remainder of the project will be funded from the 2006 Strategic Plan fund

ACTION REQUESTED: It is therefore requested that legislation be adopted allowing the City Manager to enter into a contract up to the amount of \$18,605 with Signature Control Systems, LLC. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow the contractor to commence the project in order to meet the May 25th project completion deadline.

Approved: _____ I concur with this recommendation.

Charlene Mockensturm,
Community Development, Director

Michael J. Will, City Manager

CC: Donald C. Icsman, Law Director
Edward A. Widman, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SIGNATURE CONTROL SYSTEMS, LLC, OF TWINSBURG, OHIO, FOR A PAY PARKING STATION ON JACKSON STREET PIER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, upon public, competitive bidding as required by law for the Pay Parking Station, three (3) bid packets were received of which one bid (Autogate) was considered unresponsive because it did not meet the criteria, with the other two (2) being reviewed and the bid of Signature Control Systems, LLC of Twinsburg, Ohio, was accepted as the lowest and best bid; and

WHEREAS, in May 2005, Put-In-Bay Boat Line (PIBB) began daily ferry service to Put-In-Bay for the general public and forty (40) parking spaces on the Jackson Street Pier were designated as paid long-term spaces where visitors can park their vehicle for more than 24 hours; and

WHEREAS, the pay parking station will be user-friendly where the public can pay for long term parking by cash or credit card and will be a revenue source contributing to the maintenance and improvement of the downtown area; and

WHEREAS, the parking station will be weatherproof and vandal resistant capable of handling several hundred transactions between collection times, which will be at least twice weekly; and

WHEREAS, the construction cost based on bids is \$18,605.00 with \$7,315.50 being funded from parking revenues in 2005 and the remainder of the project being funded from the 2006 Strategic Plan fund; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to execute the contract and proceed with the construction which has a scheduled completion date of May 25, 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 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,

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 Signature Control Systems, LLC, of Twinsburg, Ohio, for the construction of a pay parking station on Jackson Street Pier at an amount **not to exceed** Eighteen Thousand Six Hundred Five and 00/100 Dollars (\$18,605.00).

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

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

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

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: _____
Margaret C. Rudolph, Director of Administrative Services

DATE: February 23, 2006

RE: Item for Commission Agenda

ITEM FOR CONSIDERATION: Legislation to amend Part Three – Traffic Code, Title Seven – Parking, Chapter 351.

BACKGROUND INFORMATION: The ADA Advisory Board is a seven-member board which assists with self-evaluation of the services, programs, facilities, policies and procedures of the City to ensure non-discrimination on the basis of disability. The board works with me as ADA Coordinator, to make recommendations for corrective measures regarding accessibility issues. On December 21, 2004, Governor Robert Taft signed House Bill 30 which increased the minimum and maximum amounts that may be fined for violations of the parking ordinance, specifically those violations of handicapped parking. HB 30 went into effect on March 23, 2005, and after extensive review and discussion, the ADA Advisory Board voted unanimously on February 21, 2006, to recommend to the City Commission to amend Chapter 351.04 to reflect the new, current State law.

BUDGET IMPACT: There is positive budget impact from this action. Under the new language (351.04(j)(2)(B), "the political subdivision may use up to fifty per cent of each fine it receives to pay the costs of education, advocacy, support and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities." The City of Sandusky ADA Advisory Board currently participates in the Stars and Stripes Celebration in which many educational materials are made available to the public. The costs incurred by preparing and purchasing these materials could be offset by these increased fines. Additionally, we are currently inventorying the City's handicapped parking facilities to ensure that the spaces comply with the Ohio Manual on Uniform Traffic Control Devices (OMUTCD) and when appropriate the Americans with Disabilities Act Accessibility Guidelines (ADAAG). These additional fines could assist with offsetting additional costs the City may incur in making necessary improvements.

STRATEGIC PLAN IMPACT: This action directly impacts the City's action plan to promote Sandusky as a destination as well as becoming more customer-focused. We want the City of Sandusky to be an attractive destination to all persons, regardless of their ability levels. Furthermore, it is imperative that when the City is planning recreational, cultural or community activities every effort is made to ensure equal accessibility.

ACTION REQUESTED: It is requested that the proper legislation be prepared to modify the language to reflect the current state law. **It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter upon its adoption so violations may be enforced with the new fines.**

I concur with this recommendation.

Michael J. Will
City Manager

CC: Donald C. Icsman, Law Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART THREE - TRAFFIC CODE, TITLE FIVE - VEHICLES, CHAPTER 339 - COMMERCIAL AND HEAVY VEHICLES, SECTION 339.02 - USE OF LOCAL STREETS, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission desires to amend current Section 339.02 – Use of Local Streets in order to adopt the most current Heavy Truck Route Schedule prepared by the Department of Engineering Services for the City and to provide for a biannual review of the Heavy Truck Route Schedule; and

WHEREAS, 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, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists and that it is advisable that this Ordinance be declared an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and, NOW, THEREFORE,

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

Section 1. That Part Three – Traffic Code, Title Five – Vehicles, Chapter 339 – Commercial and Heavy Vehicles, Section 339.02 – Use of Local Streets, of the Codified Ordinances of the City is hereby amended as follows:

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

339.02 USE OF LOCAL STREETS.

(a) (1) Except as provided in this section, no person shall drive any truck or commercial tractor or semi-trailer upon any of the streets not listed in the Heavy Truck Route Schedule on file in the office of the Director of Engineering Services and the Clerk of the City Commission.

(2) Such vehicles may be driven upon any such street or part of a street for the shortest possible distance to load or unload merchandise, freight or material at a place contiguous to such street or part thereof, provided there is not other means of ingress to or egress from such place.

(3) Such vehicles may be driven across any such street or part of a street at an intersection.

(4) The provision of subsection (a)(1) hereof does not apply to vehicles with a certified gross vehicle weight for the specific vehicle of less than 15,000 pounds, and the vehicles owned or operated by this City.

(b) All trucks, trailers and semi-trailers having a gross weight of over 15,000 pounds operating into, out of or through the City shall follow state and federal routes;

except when truck routes are designated by the City Commission and are properly marked, then such vehicles shall follow such truck routes. Any such truck, trailer or semi-trailer, operating into, out of or inside the City for the purpose of local delivery shall travel only upon the streets described in the **current** Heavy Truck Route Schedule on file in the office of the Director of Engineering Services and the Clerk of the City Commission office; except that such truck, trailer, or semi-trailer may be driven upon any connecting or destining street for the shortest possible distance to load or unload merchandise, freight, or material, or for storage or garage purposes on destining streets.

~~(c) A proposed Heavy Truck Route Schedule shall be drawn up by the City Manager, based on the recommendations of the Chief of Police, Fire Chief, Director of Engineering Services and the Director of Community Development. The City Commission shall then make final approval of the proposed schedule upon resolution and approval by a majority of the Commission. (Ord. 95-075. Passed 4-24-95).~~

(c) The Heavy Truck Route Schedule shall be reviewed and modified, if necessary, by the Department of Engineering Services biennially and if modified approved by the City Commission.

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.

PAGE 3, ORDINANCE NO. _____

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

MEMO

TO: City Commission
FROM: Ed Widman, Finance Director
DATE: February 27, 2006
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

An ordinance approving an amendment to the costs for 2005-2006 renewal for property, casualty and liability insurance pool membership with Buckeye Ohio Risk Management Association (BORMA) due to the formation of Public Entity Risk Consortium (PERC). The City Commission received a presentation on November 14, 2005 from Mr. Jim Howell who will be available on March 13, 2006.

BUDGETARY INFORMATION:

The city has participated in this insurance program since 1987. The annual cost has become part of the annual operating budget. Based on the formula to calculate pool membership Sandusky's cost for 2005-2006 was originally approved for \$378,155. The cost for 2004-2005 was \$461,136. This expense is shared with the utility funds based on exposures. The City Commission approved an initial payment of \$246,155 and three subsequent payments of \$44,000 each over the next nine months. The City Commission needs to authorize an additional \$190,472 for the remainder of 2006. There will not be an additional request for funding until 2007. A work sheet is attached to demonstrate the historical costs for BORMA and now BORMA with PERC. As stated in previous presentations, this program change has both short term and long term benefits.

ACTION REQUESTED:

The City Commission is requested to approve legislation to authorize additional funds for the BORMA/PERC insurance package for 2005-2006. The legislation required is an ordinance to pay BORMA \$190,472. The Finance Committee reviewed and approved this package at its February 23, 2006. The committee will continue to look at the cost/benefits of the city's insurance program.

If there are any questions, please contact the Finance Director.

Attachments

CC022706PERC.wpf

cc: Michael J. Will
Don C. Icsman

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR THE FINANCE DIRECTOR, TO MAKE PAYMENT TO BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION (BORMA), INC., FOR THE 2005-2006 RENEWAL FOR PROPERTY, CASUALTY AND LIABILITY INSURANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the renewal for property, casualty, and liability insurance with BORMA, Inc. by Ordinance No. 05-167, passed on November 28, 2005; and

WHEREAS, in addition to the cost previously approved by Ordinance No. 05-167 due to the formation of a Public Entity Risk Consortium (PERC) it is necessary to authorize an additional \$190,472.00 for the remainder of CY 2006; and

WHEREAS, the City's Audit/Finance Committee has reviewed and recommended approval at its February 23, 2006 meeting; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to avoid any lapses in insurance coverage and to make timely payment as required; and

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

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

Section 1. The City Manager and/or Finance Director, are authorized and directed to make payment to BORMA, in the sum of One Hundred Ninety Thousand Four Hundred Seventy-Two and 00/100 (\$190,472.00) for insurance coverage for the remainder of CY 2006.

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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

February 24, 2006

M E M O R A N D U M

TO: Michael J. Will, City Manager

FROM: Michael R. Meinzer, Fire Chief

RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation authorizing the City Manager to enter into an agreement with Firelands Regional Medical Center (FRMC) for restocking ambulances with required supplies and pharmaceuticals.

BACKGROUND INFORMATION: In the past F.R.M.C. did not bill or charge back for required supplies that City EMS Personnel used and were required to be restocked in City ambulances. F.M.R.C. recently informed the City that in order to comply with new Federal Law (Ambulance Restocking and the Anti-Kickback Statute, Section 112B(6) of the Social Security Act, U.S.C. 1320a-7b(b) F.R.M.C. will now be required to charge back for any supplies and pharmaceuticals needed to restock City ambulances.

The City does not have alternative source for these supplies and F.R. M. C. only charges their cost for the supplies. F.R.M.C. proposes to send a monthly itemized statement to the Fire Chief indicating the supplies used to restock City ambulances during the prior month. F.R.M.C. has forwarded a proposed agreement which has an effective date of January 1, 2006.

COMPLIANCE WITH STRATEGIC PLAN: With this agreement in place it will enable the Sandusky Fire Dept to fully stock the ambulances and be prepared to better serve our community.

BUDGETARY INFORMATION: Funds for the payment of this service will impact our operating budget which was presented to the Commission in a 2006 draft presentation as an **obligation** line item #54057 for ambulance supplies in the amount of \$15,000.00.

ACTION REQUESTED: It is requested that the proper legislation be prepared authorizing the City Manager to enter into an agreement with Firelands Regional Medical Center for restocking City ambulances with required supplies and pharmaceuticals. The proposed agreement submitted by F.R.M.C. is for a period of one year (January 1, 2006 to December 31, 2006) and automatically renews for additional one year terms unless terminated earlier by either the City or F.R. M.C. pursuant to the contract.

It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to immediately sign the proposed agreement received from F.R.M.C. to allow this service to continue uninterrupted to better serve the Citizens of Sandusky.

Approved:

City Commission:

I concur with this recommendation

Michael R. Meinzer

Michael J. Will

Cc: Donald C. Icsman, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH FIRELANDS REGIONAL MEDICAL CENTER FOR RESTOCKING CITY AMBULANCES WITH SUPPLIES AND PHARMACEUTICALS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Firelands Regional Medical Center (F.R.M.C.) recently informed the City's Fire Chief that in order to comply with new Federal Law and Regulations of the Department of Health and Human Services, Ambulance Restocking or General Replenishing Arrangement Regulations (42 C.F.R. 1001.952,66 Fed. Register 62979) and applicable Healthcare Program Payments, coverage, rules and regulations, it is necessary that an ambulance restocking agreement be executed between F.R.M.C. and the City; and

WHEREAS, the City does not have an alternative source for these supplies and pharmaceuticals and F.R.M.C. only charges the City their cost which will be sent on an itemized monthly statement to the Fire Chief indicating the supplies and pharmaceuticals used to restock city ambulances during the prior month; 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 immediately sign the agreement with F.R.M.C. to allow this service to continue uninterrupted to the Citizens of the City; 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 **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:

Section 1. The City Manager is authorized and directed to enter into an agreement with the Firelands Regional Medical Center for restocking city ambulances with supplies and pharmaceuticals, substantially in the same form as Exhibit "A", attached to this Ordinance and specifically incorporated as if fully rewritten herein.

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

February 28, 2006

TO: Mike Will, City Manager

FROM: Mike Meinzer, Fire Chief

RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation to purchase one (1) International 2006 Diamond SPEC 7400 SBA 4x2 (SA625) cabin chassis through the Ohio Department of Transportation's Cooperative Purchasing Program, contract #023-06 from Mansfield Truck Sales and Service, Inc. 85 E. Longview Street, Mansfield, Ohio 44905. This program is similar to the State of Ohio's Cooperative Purchasing Program which is operated by the State Department of Administrative Services. The City's participation in this program was authorized February 13, 2006 by the passage of Ord. No. 06-015. The Director of Transportation notified the City on February 22, 2006 that they would mail a letter to the awarded vendor that the City has been authorized to participate in the program to purchase the Single & Tandem Axle Cab & Chassis Unit.

BACKGROUND INFORMATION: The need to replace Sandusky Fire Department's (SFD) 1990 Ford L800 Rescue Truck has been determined by the Fire Chief for the following reasons, a more cost effective approach has been identified for response to Technical Rescues and SFD's need to stay on schedule with it's 10 year vehicle replacement plan. The cost-effective approach to technical rescue incidents is to utilize a regional response team that is made up of personnel from SFD and the surrounding mutual aid departments. The vehicle will pull a Rescue Trailer, purchased by Erie County, which will be utilized for labor intensive responses to Hazardous Materials, High Angle Rescue, Trench Rescue, Collapse Structure Rescue, and Confined Space Rescues. As an added benefit the current county trailer that is stored and manned at Sandusky Fire Headquarters and is used for Hazardous Material responses will be changed into a Dive Rescue Trailer. This cooperative agreement will enhance the emergency response and effectiveness of all the jurisdictions that participate.

BUDGETARY INFORMATION: This purchase will **not** negatively impact the General Fund. The funding for the purchase of (1) International 2006 Diamond SPEC 7400 SBA 4x2 (SA625) cabin chassis in the amount of \$57,445.00 is available from revenue generated by ambulance transport fees. This funding is dedicated for Fire Department apparatus replacement and the current balance of this fund is sufficient to cover the entire cost of this purchase.

To replace the current Rescue Body Vehicle with a similar new vehicle would cost in excess of \$200,000.00. The above listed vehicle is available through the Ohio Department of Transportation's Cooperative Purchasing Program at a cost of \$57,445.00. The Ohio Department of Transportation, under contract #023-06, is providing us the opportunity to purchase an International Cabin Chassis at a substantial savings.

COMPLIANCE WITH THE STRATEGIC PLAN: The implementation of this plan will lead to the Sandusky Fire Department becoming a cost effective producer of services and will support the creation of strategic relationships.

ACTION REQUESTED: It is requested that the proper legislation be prepared to purchase one (1) International 2006 Diamond SPEC 7400 SBA 4x2 (SA625) cabin chassis complete with all accessories, equipment, and supplies from Mansfield Truck Sales and Service, Inc., of Mansfield, Ohio through the Ohio Department of Transportation's Cooperative Purchasing Program, contract #023-06 in an amount not to exceed \$57,445.00. Delivery time will be approximately 90 days from the signing of the agreement, therefore it is requested that this resolution take effect immediately in accordance with Section 14 of the City Charter.

Approved:

I concur with this commendation.

Michael R. Meinzer, Fire Chief

Michael J. Will, City Manager

CC: Donald Icsman, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE ONE (1) INTERNATIONAL 2006 DIAMOND SPEC 7400 SBA 4X2 (SA625) CABIN CHASSIS THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION'S COOPERATIVE PURCHASING PROGRAM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City's participation in the Ohio Department of Transportation's Cooperative Purchasing Program was authorized by Ordinance No. 06-015 passed on February 13, 2006 and thereafter a letter of authorization was received from the Director of Transportation by the City authorizing the City to purchase through O.D.O.T.'s contract; and

WHEREAS, the need to replace the 1990 Ford L800 Rescue Truck has been determined by the Fire Chief for, reasons including, a more cost effective approach for response to Technical Rescues and to stay on schedule with its 10 year vehicle replacement plan; and

WHEREAS, to replace the current rescue body vehicle with a similar new vehicle would cost in excess of \$200,000.00 but through O.D.O.T.'s program, the City can purchase the 2006 Cabin Chassis in the amount of \$57,445.00 under contract #023-06 from Mansfield Truck Sales and Service, Inc. of Mansfield, Ohio, the successful State Contract Vendor; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow for the earliest possible delivery, which is approximately 90 days from signing the agreement; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of 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 one (1) International 2006 Diamond SPEC 7400 SBA 4x2 (SA625) Cabin Chassis from Mansfield Truck Sales and Service, Inc. of Mansfield, Ohio in an amount **not to exceed** Fifty-Seven Thousand Four Hundred Forty-Five and 00/100 (\$57,445.00)

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct,

and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: _____, 2006.

DATE: February 28, 2006

TO: Michael Will
City Manager

FROM: Charlene Mockensturm
Community Development Director

SUBJECT: COMMISSION AGENDA ITEM

ITEM FOR CONSIDERATION: Consideration is being requested to enter into a contract with Gregory E. Sherman to act as the City's consultant to carry out certain activities required by the City's operation of the Revolving Loan Fund Program and the Enterprise Zone Program as well as other designated projects for the Department of Community Development and the City. This contract will allow the City of Sandusky to meet the State of Ohio Department of Development and HUD requirements pertaining to the above regulated economic development programs. Mr. Sherman has performed these activities for the City for a number of years and is well qualified to do so.

STRATEGIC PLAN IMPACT: The continuation of this contract will assist the Department of Community Development and the Assistant City Manager's office in the development of businesses.

BUDGETARY INFORMATION: The cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program. A portion of the cost of the contract is also covered by administrative dollars received in conjunction with the Community Development Block Grant (CDBG) Economic Development Grant/Loan funding. There will be no impact on the general fund.

ACTION REQUESTED: Approval of the subject contract by the passage of the attached enabling legislation under Section 14 of the City Charter since the current agreement expired on December 31, 2005, and so as not to interrupt the necessary service to the City of Sandusky.

I concur with this recommendation:

Michael J. Will, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF SANDUSKY, OHIO, TO ENTER INTO A CONSULTING CONTRACT WITH GREGORY E. SHERMAN FOR CY 2006, A COPY OF WHICH IS INCORPORATED HEREIN, AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City desires to continue to utilize the services of Gregory E. Sherman to carry out certain activities required by the City's operation of the Revolving Loan Fund Program and Enterprise Zone Program and other designated projects for the Department of Community Development and the City; and

WHEREAS, this contract will allow the City of Sandusky to comply with the State of Ohio Department of Development requirements pertaining to the above-referenced state regulated economic development programs; and

WHEREAS, Gregory E. Sherman has performed these services for the City for a number of years and is currently certified to do so; and

WHEREAS, the cost of this contract is covered by administrative dollars allocated in the Revolving Loan Fund Program and monitoring fees collected by the Enterprise Zone Program, together with administrative dollars received in conjunction with the Community Development Block Grant Economic Development Grant/Loan funding; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter because the current agreement expired on December 31, 2005 and immediate passage will insure that there will be no interruption of any of the necessary services Mr. Sherman provides to the City; and

WHEREAS, it is deemed necessary in order to provide for the usual daily operation of the Municipal Departments of the City of Sandusky, Ohio, and to provide for the immediate safety and welfare of the citizens of the City of Sandusky, Ohio; the City Commission finds that an emergency now exists and that it is advisable to declare this Ordinance to be an emergency measure which shall take effect immediately upon its adoption; and **NOW THEREFORE**,

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

Section 1. That the City Manager of the City of Sandusky, Ohio, be and hereby is authorized and directed to enter into a Consulting Contract with Gregory E. Sherman for CY 2006 in the following form:

AGREEMENT FOR SERVICES OF CONSULTANT

This Agreement made on and entered into on this _____ day of _____, 2006, between the City of Sandusky, Ohio, a Municipal Corporation of the State of Ohio, located in the County of Erie, herein referred to as "City," and Gregory E. Sherman herein referred to as "Consultant."

PAGE 2 – ORDINANCE NO. _____

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

I. RECITALS

The City desires to contract with the Consultant to provide financial underwriting services and other forms of professional assistance with economic development programs in order to assist the Director of Community Development.

The Consultant acknowledges that he currently has the necessary education and experience to provide the services required by this agreement.

II. SCOPE OF SERVICES/NON-ASSIGNMENT

The Consultant agrees to personally furnish professional assistance at the request of the City's Director of Community Development, which includes but is not limited to the following:

a. The City of Sandusky Revolving Loan Program and the State of Ohio CDBG ED Loan Program:

Consultant shall provide an underwriting review of financial documents and project budgets for applications to the City of Sandusky Revolving Loan (RLF) Program, prepare legally binding documents for RLF Loans and CDBG ED Loans, receive Law Director's approval of such, oversee execution of loan documents, and file documents as required under the Revolving Loan Fund (RLF) Program and as required by the State of Ohio, Department of Development.

Consultant shall also review invoices for payment eligibility under the RLF and CDBG ED Loan Programs, and assist the City with the filing of State of Ohio, Department of Development Status Reports.

b. City of Sandusky Enterprise Zone Program:

Consultant shall develop spreadsheets detailing both real estate and personal property tax projections under multiple assumptions for applications to the City of Sandusky's Enterprise Zone Program, prepare and oversee execution of Enterprise Zone Agreements, and monitor Enterprise Zone Agreements on an annual basis as required by the State of Ohio, Department of Development.

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

III. INDEPENDENT CONTRACTOR

Consultant acknowledges that he is an independent contractor while performing the services required in this agreement. The City is contracting with Consultant for the services described within the body of

PAGE 3 – ORDINANCE NO. _____

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

IV. INSURANCE

Consultant agrees to indemnify and hold the City harmless from any and all claims arising from any negligent act or omission committed by the Consultant during the performance of the services required by this agreement. Consultant agrees to maintain a business liability insurance policy.

V. CONFIDENTIALITY

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

VI. COMPENSATION

Consultant shall be paid at the rate of Thirty-Nine and 00/100 Dollars (\$39.00) per hour for work performed in accordance with this agreement.

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

VII. TERM AND TERMINATION

This agreement will begin January 1, 2006 and will terminate December 31, 2006. Either party may terminate this agreement by giving 30 days written notice to the other party by certified mail, return receipt requested, to Consultant at 3105 James Avenue, Huron, Ohio 44839 and to the City at 222 Meigs Street, Sandusky, Ohio 44870-2632, Attention: City Manager.

The notice of termination is deemed to be effective upon receipt by the other party. Upon termination of this agreement, Consultant shall have no further obligation to provide services to the City and the City shall have no further obligation to pay compensation beyond that for services rendered before the notice of termination is received or December 31, 2006 whichever occurs first.

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VIII. PARTIES BOUND

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

IX. ENTIRE AGREEMENT

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

X. SEVERABILITY

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

XI. AMENDMENTS

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

WITNESSES:

CITY OF SANDUSKY:

Michael J. Will
City Manager

WITNESSES:

Gregory E. Sherman

Approved as to Form:

Donald C. Icsman
Law Director

PAGE 5 – ORDINANCE NO. _____

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2006 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Date

Edward Widman
Finance Director

Account Number

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 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.

PAGE 6, ORDINANCE NO. _____

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: