

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

MARCH 27, 2006

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

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

Audience Participation – Agenda Items Only (3 minute limit)

PRESENTATION – Coach Jude Roth/Saint Mary’s Central Catholic High School Wrestling Team

PROCLAMATION – Boys & Girls Club Week (April 2, 2006 through April 8, 2006).

PUBLIC HEARING - Community Development Block Grant FY 2006 Action Plan

PUBLIC HEARING – Fiscal Year 2006 Community Housing Improvement Program

PUBLIC HEARING – Application for amendment to the Zoning Map for parcel # 5701314000 (0 Arthur Street) and # 5701313000 (2002 Campbell Street) from "R1-40" Single Family Residential to "CS" Commercial Service. The purpose of this rezoning is to allow for an office addition and storage of equipment and building materials.

PREVIOUS BUSINESS

ITEM#1 This item was read at first reading on March 13th.

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 at second reading under suspension of rules in full accordance of Section 14 of the City Charter.**

CURRENT BUSINESS

ITEM#2

Angela Byington, AICP Chief Planner, approved by Charlene Mockensturm, Community Development Director, and Michael J. Will, City Manager, recommending amendment to the Zoning Map for parcel # 5701314000 (0 Arthur Street) and # 5701313000 (2002 Campbell Street) from "R1-40" Single Family Residential to "CS" Commercial Service. The purpose of this rezoning is to allow an office addition and storage of equipment and building materials.

ORDINANCE NO. _____ Amending the Official Zone Map of the City of Sandusky to rezone two (2) parcels, one located on Arthur Street and one located on Campbell Street, from “R1-40”, Single Family Residential to “CS” Commercial Service. **Request passed under suspension of rules in full accordance of Section 13 of the City Charter.**

ITEM#3

Gary M. Lyons, Assistant Chief of Police, approved by Michael J. Will, City Manager, recommending participation in the 2006 Marine Patrol Assistance Program with the State of Ohio, Division of Watercraft.

RESOLUTION NO. _____ Approving and authorizing the City Manager to execute a Calendar Year 2006 Marine Patrol Assistance Agreement with the Ohio Department of Natural Resources, Division of Watercraft. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM#4

Gary M. Lyons, Assistant Chief of Police, approved by Michael J. Will, City Manager, recommending the purchase of fourteen (14) In-Car Cruiser Video Cameras and Voice Recorders from L3 Communications of Boonton, New Jersey, through the State of Ohio Cooperative Purchasing Program in an amount of \$117,805.00.

ORDINANCE NO. _____ Purchase fourteen (14) In-Car Cruiser Video Cameras and Voice Recorders from L3 Communications of Boonton, New Jersey, through the State of Ohio Cooperative Purchasing Program in an amount of \$117,805.00. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#5

Mary Bird, Program Administrator, approved by Charlene Mockensturm, Community Development Director, and Michael J. Will, City Manager, requesting approval to file an application for Financial Assistance FY 2006 Community Housing Improvement Program with the Ohio Department of Developments Office of Housing and Community Partnerships and if awarded for the City Manager to execute the grant and all agreements and to authorize program expenditures. The total amount of the grant application will be \$500,000.00.

RESOLUTION NO. _____ File an application for Financial Assistance in the amount of \$500,000.00 from the FY 2006 Community Housing Improvement Program through the Ohio Department of Development’s Office of Housing and Community Partnerships. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#6

Charlene Mockensturm, Community Development Director, approved by Michael J. Will, City Manager, recommend approving a \$75,000.00 loan from the City of Sandusky’s Revolving Loan Fund for Decko Products, Inc. The RFL Committee recommends a 7-year, 7% loan for \$75,000.00. The company is purchasing a new piece of equipment that will allow them to product a new product line. This loan is part of a \$641,000.00 financing package for the equipment purchase. The city will have a lien on the equipment purchased and a subordinated lien on all other assets of the company plus the personnel guarantee of the company’s owner supporting this loan.

ORDINANCE NO. _____ Approving an Economic Development Loan in the amount of \$75,000.00 to Decko Products, Inc in an amount of \$75,000.00. **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, requesting approval for the Vehicle Exhaust System Installation Project. This project will install Vehicle Exhaust Systems in all three Sandusky Fire Stations. (The project includes the installation of Vehicle Exhaust Systems in the fire stations. It will provide 100% point source capture of Vehicle Exhaust and Particulates as required by NFPA 1500, “Standard on Fire Department Occupational Safety and Health Program.” This NFPA safety and health performance standard is reference in the grant application as approved by FEMA and DHS.) (The estimated project cost including inspection, advertising, and miscellaneous cost is \$144,121.00.) The project with be paid with funds received from the Fire Department’s 2005 AFG Program award of \$129,709.00, with the remaining \$14,412.00 to be paid from the Department’s EMS Transport Billing Fund.

RESOLUTION NO. _____ Declaring the Necessity to proceed with the Sandusky Fire Department’s Vehicle Exhaust System Installation Project; approving the specifications and estimate of cost; directing the City Manager to advertise for and receive bids. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#8

Kathryn K. McKillips, Director of Engineering Services, approved by Michael J. Will, City Manager, recommending adoption of the revised Heavy Truck Route Schedule. The Chief of Police, Fire Chief, Director of Engineering Services and the Director of Community Development met to discuss the proposed Heavy Truck Route Schedule as required by the current Codified Ordinance 339.02. (The new map denotes truck routes and no through truck streets as currently approved through journal entries.

ORDINANCE NO. _____ Amending Part Three – Traffic Code, Title Five – Vehicles, Chapter 339 – Commercial and Heavy Vehicles, section 339.02 – Use of Local Streets. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#9

Jane E. Cullen, Engineering Technician, approved by Kathryn K. McKillips, Director of Engineering Services and approved by Michael J. Will, City Manager, recommend awarding a contract for the East Bay Channel Dredging Project to Shoreline Contractors, of Westlake, Ohio, in an amount of \$595,137.45. (The East Bay Channel is a public channel and has not been dredged for several years. Sediment and silt has built up over the years in the channel making it hard to navigate. The proposed East Bay Channel Dredging Project consists of dredging the East Bay Channel from the bridge at Cedar Point Drive and extending to the mouth of Pipe Creek.)

RESOLUTION NO. _____ Declaring the Necessity to proceed with the proposed East Bay Channel Dredging Project; approving the specifications and engineer’s estimate of cost thereof; and directing the City Manager to advertise for and receive bids. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#10

Jane E. Cullen, Engineering Technician, approved by Kathryn K. McKillips, Director of Engineering Services and approved by Michael J. Will, City Manager, recommend awarding a contract for the Cove Channel Dredging Project to Huffman Equipment Rental and Contracting, Inc., of Eastlake, Ohio, in an amount of \$98,477.41. The Cove Channel is a public channel and has not been dredged for several years. Sediment and silt has built up over the years in the channel making it hard to navigate. The proposed Cove Channel Dredging Project consists of dredging the entrance and main channel of the Cove Channel.

RESOLUTION NO. _____ Declaring the Necessity to proceed with the proposed Cove Channel Dredging Project; approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#11

Jane E. Cullen, Engineering Technician, approved by Kathryn K. McKillips, Director of Engineering Services and approved by Michael J. Will, City Manager, requesting approval for the proposed Putnam Street Storm Sewer Project. This project will provide for a new storm sewer to be installed in Putnam Street from Buchanan Street north to the railroad tracks. There will also be some additional storm sewer separation by picking up the drainage from existing catch basins that currently drain into the combined sewers. (The total estimated project cost including advertising and miscellaneous expenses is \$185,472.40.) (The Engineer's Estimate of the Total Construction Contract Cost is \$159,890.00.) The Distress Grant Fund will provide \$115,000.00 a Community Development Block Grant will provide \$7,300.00 and the remaining amount of \$63,172.40 will be funded by the City's Sewer Fund.

RESOLUTION NO. _____ Declaring the Necessity to proceed with the proposed Putnam Street Storm Sewer Project; approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids. **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

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: Angela Byington, AICP Chief Planner

DATE: March 13, 2006

SUBJECT: Commission Agenda Item for the March 27, 2006 City Commission Meeting

Item for Consideration: Application for amendment to the Zoning Map for parcel # 5701314000 (0 Arthur Street) and # 5701313000 (2002 Campbell Street) from "R1-40" Single Family Residential to "CS" Commercial Service.

Purpose: To allow an office addition and storage of equipment and building materials.

Background Information: The proposed zoning map amendment was approved at the January 25, 2006 Planning Commission meeting. The property consists of approximately 0.88 acres (38,440 s.f.). It is currently zoned "R1-40" Single Family Residential and has large commercial structures located on the property. It appears that the land has been used in a nonconforming commercial manner for some time. Residential land is located north and west of the property. However, Spoerr Precast Concrete is located to the east, a small wood shop to the west and Kiddie Korral to the south. The request for rezoning has been made with the intent of constructing a 1,100 s.f. office addition and to provide equipment and building material storage. A conceptual plan has been attached which shows two buildings and off-street parking. The business that will be located on the property is Hermes-Parker Concrete. The business is currently located outside of the City limits and would be relocating to this property. The applicant has stated that there will not be large amounts of block stored at the property and that they bring the concrete to another business for crushing and disposal. Therefore, this property will not become an eyesore to the neighborhood. A specific requirement of the Commercial Service zoning district that will help to ensure this is:

" All service and manufacturing operations shall be conducted wholly within an enclosed structure, and all raw materials, fuel, machinery, and equipment, including trucks, used in the operations shall be enclosed within a structure or screened by a substantially solid wall or fence of such nature and height as to conceal all operations and materials therein from the view of any observer standing at the grade level at the nearest residential district line or a public street".

The City's Comprehensive Plan calls for this land to remain medium density residential, however the property to the east is proposed to remain utilized for commercial use. The property should be rezoned for the following reasons:

1. The property has been utilized by nonconforming commercial uses for a long period of time.
2. The property is adjacent to nonresidential uses on two sides of the property.
3. The Comprehensive Plan states that commercial development is recommended to continue in those areas where it is already present.

If the proposed zoning map amendment is approved, the Planning Commission recommends the following conditions:

1. Site Plan / Off-Street Parking approval must be obtained from the Planning Commission. During this approval safeguards may be required to protect adjacent properties, such as fencing and landscaping.

Correlation to the Strategic Plan

General Goal: Development of Business. The rezoning will allow business creation, which will increase taxes and jobs.

Action Requested: Approval of the proposed zoning map amendment rezoning parcel #5701313000 (2002 Campbell Street) and # 5701314000 (0 Arthur Street) from R1-40 (Single Family Residential) to CS (Commercial Service). It is requested that this ordinance take effect under Section 13 of the City Charter.

Submitted by:

Angela Byington, AICP Chief Planner

Reviewed by:

I have reviewed the attached:

Charlene Mockensturm
Director of Community Development

Michael J. Will
City Manager

Six (6) attachments

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF SANDUSKY TO REZONE TWO (2) PARCELS, ONE LOCATED ON ARTHUR STREET AND ONE LOCATED ON CAMPBELL STREET, FROM "R1-40", SINGLE FAMILY RESIDENTIAL TO "CS", COMMERCIAL SERVICE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, a request is being made on behalf of HERMES-PARKER CONCRETE for an amendment to the Zone Map NO. 96-01 as Codified in Section 1121.03 of the Codified Ordinances of the City for two (2) parcels one located at 0 Arthur Street (#5701314000) and one located at 2002 Campbell Street (#5701313000) from "R1-40" (Single Family Residential) to "CS" (Commercial Service) as more fully described herein and in Exhibit "A" which is attached to this Ordinance and specifically incorporated as if fully rewritten herein; and

WHEREAS, the change in zoning being requested for the two (2) parcels will allow Hermes-Parker Concrete to relocate their business within the City limits with the intent of constructing an office addition and to provide equipment and building material storage, which will allow business creation and thereby increase taxes and jobs within the City; and

WHEREAS, this request was heard by the Planning Commission at their January 25, 2006, meeting resulting in the Planning Commission's recommendation to **approve** the requested Zone Map Amendment with the following condition:

1. Site Plan / Off-Street Parking approval must be obtained from the Planning Commission and during this approval safeguards may be required to protect adjacent properties, such as fencing and landscaping; and

WHEREAS, this Ordinance should be passed under suspension of the rules in accordance with Section 13 of the City Charter approving the Amendment to the Zone Map 96-01 as Codified in Section 1121.03 of the Codified Ordinances for two (2) parcels one located at 0 Arthur Street (#5701314000) and one located at 2002 Campbell Street (#5701313000) from "R1-40" (Single Family Residential) to "CS" (Commercial Service); 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 and, NOW, THEREFORE,

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

Section 1. This City Commission approves the requested rezoning and the Zone Map 96-01, as codified in Section 1121.03 of the Codified Ordinances of the City is hereby amended to effect the rezoning of two (2) parcels one located at 0 Arthur Street (#5701314000) and one located at 2002 Campbell Street (#5701313000) as more fully described as follows:

Situated in the State of Ohio, County of Erie, City of Sandusky known as being Sublots 2, 4, 6, 8, 54 and 56 in Wm. Schneider's Subdivision of Outlots 41, 42 and 43, South of Southwark, as shown by the recorded plat in Volume 4 of Maps, Page 7, of Erie County Records;

and in Exhibit "A" which is attached to this Ordinance and specifically incorporated herein, from "R1-40" (Single Family Residential) to "CS" (Commercial Service).

Section 2. The City Planner is directed to make the change on the original Zoning Map on file in the Office of the City's Director of Community Development.

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

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

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect under suspension of the rules as provided in Section 13 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: _____
JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

TO: Michael Will, City Manager
From: Gary M. Lyons Assistant Chief of Police
Date: February 28, 2006
Re: Commission Agenda Item

ITEM FOR CONSIDERATION:

A resolution approving participation in the 2006 Marine Patrol Assistance program with the State of Ohio, Division of Watercraft.

Each year as part of the Marine Patrol Assistance Grant, the City Commission must pass a resolution approving the City's participation in the program. This is part of the agreement between the State and the City. The agreement has remained substantially the same each year.

No expenses chargeable against the grant can be incurred until both the State and City have signed the agreement. The State reviews all grant applications, determines the amount to be awarded, and then sends two copies of the agreement to the City. These are then reviewed and signed by the City Manager and Finance Director. They are then returned to the State with the Resolution approving participation in the program. State Officials then sign and return one original agreement to the City.

In anticipation of taking part in the program for 2006, I request that the City Commission pass a resolution authorizing our participation.

BUDGETARY INFORMATION:

Funds for the Marine Patrol are budgeted and will be available in the police department budget. The State grant provides up to \$31,680 or 75% of the operating costs for covered items, which ever is least.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to allow participation in the 2006 Marine Patrol Assistance program with the State of Ohio, Division of Watercraft under suspension of the rules as provided for in Section 14 of the City Charter.

City Manager: Michael Will
I concur with this recommendation.

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CY 2006 MARINE PATROL ASSISTANCE AGREEMENT WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WATERCRAFT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Chief of the Division of Watercraft with the consent and approval of the Director of Natural Resources is authorized pursuant to the Ohio Revised Code §1547.67 to expend funds for the purpose of assisting political subdivisions such as Sandusky for the purpose of establishing and/or maintaining and operating a Marine Patrol Program; and

WHEREAS, the City of Sandusky has a Marine Patrol on Sandusky Bay to enforce the watercraft laws of Ohio as set forth in Chapters 1547 and 1548 of the Ohio Revised Code and to enforce those rules, regulations and Ordinances promulgated by state and local authorities which pertain to the operation of watercraft and to provide emergency response to boating accidents on the water; and

WHEREAS, the Marine Patrol Assistance Grant will provide a maximum of \$35,000 per Calendar Year and for CY 2006 will provide \$31,680 or 75% of costs (whichever is the least) including the purchase, maintenance and operation of vessels and marine equipment, educational materials, and personnel salaries that are necessary for the enforcement of Chapters 1547 and 1548 of the Ohio Revised Code and rules adopted under them to provide emergency response to boating accidents on the water; and

WHEREAS, this Resolution is necessary to evidence the City Commission's approval of the City of Sandusky's participation in the program for CY 2006 and is included in the grant application; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to submit the grant application as soon as possible since no expenses chargeable to the grant can be incurred until the agreement is signed by both the State and the City and any delay in the process prevents the Marine Patrol from being available and in the water for boating season; and

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

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

Section 1. This City Commission approves the City of Sandusky's participation in the Marine Patrol Assistance Program for the CY 2006 and the City Manager and Finance Director are authorized and directed to execute the 2006 Marine Patrol Assistance Agreement, substantially in the same form as attached to this Resolution and marked Exhibit "1" and incorporated herein.

Section 2. The Clerk of this City Commission is authorized and directed to prepare a certified copy of this Resolution to be utilized in the submission of the grant application.

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 Will, City Manager
From: Gary M. Lyons Assistant Chief of Police
Date: March 15, 2006
Re: Commission Agenda Item

ITEM FOR CONSIDERATION:

Legislation to purchase fourteen (14) in-car Cruiser video cameras and voice recorders from L3 Communications.

BACKGROUND INFORMATION:

Based on the recommendations from the Human Relations Commission, the Police Department has been searching for police a cruiser-recording device that fulfils a criteria of reliability and ease of use as well as affordability. After an exhaustive search, the police department feels that the product furnished by L3 Communications meets those requirements.

The Ohio Cooperative Purchasing Program was created in 1985 and is administered by the State Department of Administrative Services. It allows local political subdivisions to purchase items (in this case cruiser video recording equipment) that have been competitively bid from the successful state vendor thereby giving the City the benefit of the State's competitively bid price and eliminating the necessity of formal bidding by the City.

BUDGET IMPACT:

The money for this purchase is available through the department's trust fund accounts and will have no impact on this year's budget. It is anticipated that this equipment will last approximately 3-5 years, which is the normal life span of most electronic equipment that is subject to the harsh environment of a police cruiser. Money for future purchases will need to be budgeted at that time as it is doubtful the trust fund will be replenished enough to purchase all replacement equipment

If ordered now, this equipment is available and will start arriving within four weeks so that they can be installed on the newly purchased Impala cruisers.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to purchase fourteen (14) In-Car Video recording devices and its accompanying equipment from L3 Communications 90 Fanny Road, Boonton, New Jersey in an amount not to exceed \$117,805.00.

It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter.

Gary M. Lyons
Assistant Chief of Police

City Commission:
I concur with this recommendation.

Michael Will
City Manager

Copy:
Donald Icman, Law Director
B. Joyce Brown, Commission Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE FOURTEEN (14) IN-CAR CRUISER VIDEO CAMERAS AND VOICE RECORDERS FROM L3 COMMUNICATIONS OF BOONTON, NJ, 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, based on the recommendations from the Human Relations Commission, the Police Department has been searching for police a cruiser-recording device that fulfils a criteria of reliability and ease of use as well as affordability and now feels that the product furnished by L3 Communications meets those requirements; and

WHEREAS, the L3 Communications in-car cruiser video cameras and voice recorders are available through the State of Ohio's Cooperative Purchasing Program, thereby, obviating the necessity for competitive bidding; and

WHEREAS, funds for the purchase of this equipment are available through the department's trust fund accounts and will have no impact on this year's budget and the anticipated life span of most electronic equipment that is subject to the environment of a police cruiser is approximately 3-5 years; and

WHEREAS, money for future purchases will need to be budgeted at that time as the trust fund accounts may not be replenished sufficiently to purchase all replacement equipment; 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 and installation of this equipment on the newly purchased Impala cruisers; and

WHEREAS, it is deemed necessary in order to provide for the immediate safety and welfare of the citizens of the City of Sandusky, Ohio and for the usual daily operation of the Municipal Departments of the City of Sandusky, 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 immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

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

Section 1. The City Manager be authorized and directed to purchase fourteen (14) in-car Cruiser Video Cameras and Voice Recorders from L3 Communications of Boonton, NJ, at an amount **not to exceed** One Hundred Seventeen Thousand, Eight Hundred Five and 00/100 Dollars (\$117,805.00)through the State of Ohio Cooperative Purchasing Program, Ohio State Contract #776845F/Index #STS845.

PAGE 2 – ORDINANCE NO. _____

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: _____, 2006.

TO: Michael J. Will, City Manager
FROM: Mary Bird, Program Administrator
DATE: March 7,2006
**SUBJECT: Item for March 27, 2006 City Commission Agenda
Community Housing Improvement Program**

ITEM FOR CONSIDERATION: A Resolution approving the filing of an application for financial assistance FY 2006 Community Housing Improvement Program with the Ohio Department of Developments Office of Housing and Community Partnerships and if awarded for the City Manager to execute the grant and all agreements and to authorize program expenditures. The total amount of the grant application will be \$500,000.

BACKGROUND INFORMATION: The Community Housing Improvement Program (CHIP) provides grants to eligible communities interested in undertaking housing-related activities. The grants are awarded competitively and encourage a flexible, community-wide approach to the improvement and provision of affordable housing for low- and moderate-income persons, and help to develop local administrative capacity.

Proposed activities to be funded FY 2006 are consistent with the housing needs and goals described in the CHIS strategies to address affordable housing and community development. Based on both citizen input and local official's assessment of the City's needs, the City is proposing to undertake the following activities using the FY 2006 HOME/CHIP funding: Owner Occupied Housing Rehabilitation, Implementation and Grant Administration. Program contracts are awarded by owners through federal procurement regulations.

STATEGIC PLAN IMPACT: Proposed activities meet the City of Sandusky's Strategic Plan's goal of housing development by impacting the quality of housing available in the City.

BUDGET IMPACT: There is no impact on the City's General Fund. All projects in the program will be paid for through the CHIP grant funds.

ACTION REQUESTED: A Resolution approving the filing of an application for financial assistance FY 2006 Community Housing Improvement Program with the Ohio Department of Developments Office of Housing and Community Partnerships and if awarded for the City Manager to execute the grant and all agreements and to authorize program expenditures. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to meet the April 7, 2006 deadline to submit the 2006 Community Housing Improvement Program application.

I concur with this recommendation:

Michael J. Will
City Manager

Charlene Mockensturm
Community Development Director

cc: Donald Icsman, Law Director
Joyce Brown, Commission Clerk

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF SANDUSKY, OHIO, TO FILE AN APPLICATION FOR FINANCIAL ASSISTANCE, IN THE AMOUNT OF \$500,000.00, FROM THE FY 2006 COMMUNITY HOUSING IMPROVEMENT PROGRAM THROUGH THE OHIO DEPARTMENT OF DEVELOPMENT'S OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS, SUBSTANTIALLY IN THE SAME FORM AS ATTACHED HERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Community Housing Improvement Program (CHIP) provides grants to eligible communities interested in undertaking housing-related activities; and

WHEREAS, the grants are awarded competitively and encourage a flexible, community wide approach to the improvement and provision of affordable housing for low to moderate income persons and help to develop local administrative capacity; and

WHEREAS, based upon citizen input and local official's assessment of the City's needs, the City is proposing to undertake the following activities to be funded in FY 2006: 1. Owner Occupied Housing Rehabilitation, 2. Grant Administration and Implementation; and

WHEREAS, these activities are consistent with the housing needs and goals described in the Community Housing Improvement Strategy and the 2004-2008 Policies and Procedures Manual that was adopted by the City Commission by Resolution No. 014-04R on April 12, 2004; and

WHEREAS, this legislation should be passed as an emergency measure in accordance with Section 14 of the City Charter in order to meet the April 7, 2006 deadline to submit the 2006 Community Housing Improvement Program application; and

WHEREAS, it is deemed necessary in order to provide for the usual operation of the Municipal Departments of the City of Sandusky, Ohio, and to provide for the 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 **Resolution** to be an emergency measure which shall 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:

Section 1. That the City Manager of the City of Sandusky, Ohio, is authorized and directed, on behalf of the City of Sandusky, Ohio, and the citizens of the City of Sandusky to file an application for financial assistance in the form of a Community Housing Improvement Program with the Ohio Department of Developments Office of Housing and Community Partnerships in the amount of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for Fiscal Year 2006 and to administer program expenditures and to execute any contracts or agreements on behalf of the City should the grant be awarded.

PAGE 2 – RESOLUTION NO. _____

Section 2. That the City Manager is authorized on behalf of the City Commission

and the citizens of the City of Sandusky, Ohio, to provide the assurances and certifications as required by Title I of the Housing and Community Development Act of 1974, as amended, and the Omnibus Budget Reconciliation Act of 1981.

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 shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

TO: City Commission

FROM: [Charlene Mockensturm](#), Community Development Director

DATE: March 13, 2006

RE: Commission Agenda Item (Decko Products, Inc.)

ITEM FOR CONSIDERATION: A Resolution approving a \$75,000 loan from the City's of Sandusky's Revolving Loan Fund for Decko Products, Inc. The RLF Committee recommends a 7-year, 7% loan for \$75,000.00. The company is purchasing a new piece of equipment that will allow them to produce a new product line. This loan is part of a \$641,000 financing package for the equipment purchase. The city will have a lien on the equipment purchased and a subordinated lien on all other assets of the company plus the personal guarantee of the company's owner supporting this loan.

BACKGROUND INFORMATION: In 1923 Decko Products began by making handmade cake decorations for the F.W. Woolworth stores. Today the company still produces some handmade decorations, but production of most items is automated. The company manufactures a wide variety of edible cake top decorations, packaged icings and decorative gels for the food service industry and the consumer market. You will find the company's cake decorating products in a most retail stores under a variety of brand names.

Today, the company is moving away from the cake top character business and moving further into prepackaged icings. The new equipment will allow for high-speed packaging of two-color icing products.

BUDGETARY INFORMATION:

This action will not impact the City operating budget. The loan funds are restricted in use and this loan is within the guidelines of the program.

STRATEGIC PLAN IMPACT:

Development of Business – Decko Products has been a stalwart of the business community. A small manufacturer that has reinvented itself several times in its history continues to work hard and survive in a difficult manufacturing environment.

SUPPORTING COMMENTS: Decko Products has a current loan with the city granted in 2003 for

\$90,000. The current balance on this loan is approximately \$50,000 and there has been no delinquency. The Revolving Loan Fund was originally envisioned as a program to help small manufacturers like Decko. Decko now faces a series of challenges but, as in the past, the company has reinvented itself and adapted its product lines in order to survive. This time, Decko is teaming with the Nestle' company and Laguna Cookie (a division Stauffer/ConAgra) to produce new product lines. Should these projects be as successful as envisioned, Decko could emerge a much larger company than they are today.

ACTION REQUESTED:

It is requested that the City Commission enact the attached legislation under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter. The company must have the money to purchase the new equipment which is now ready to be shipped to the plant

I concur with this recommendation:

Michael J. Will, City Manager

ges 3/12/06

PROMISSORY NOTE
(COGNOVIT)
CITY OF SANDUSKY, OHIO REVOLVING LOAN FUND

\$75,000.00

March____, 2006

FOR VALUE RECEIVED, the undersigned DECKO PRODUCTS, INC., an Ohio Corporation, with offices at 2105 Superior Street, Sandusky, Ohio (hereinafter called "Borrower") promises to pay to the order of the **CITY OF SANDUSKY, OHIO**, a Commission-Manager form of government with its main offices at 222 Meigs Street, Sandusky, Ohio 44870 (hereinafter called "Lender"), the principal sum of Seventy Five Thousand Dollars (\$75,000.00) or such lesser sum as may be owed to Lender pursuant to the terms of a certain Economic Development Agreement and Loan Agreement dated March _____, 2006 between Borrower and Lender, to which reference is made for additional terms of the loan evidenced by this Promissory Note, together with interest as hereinafter provided.

SECTION I - DISBURSEMENT

Proceeds of the loan shall be disbursed on a pro-rata basis with other funding, public and private and upon presentment of bills of sale for the machinery and equipment purchased by Borrower and proof of other costs incurred by Borrower. Such costs will be verified and approved by Lender prior to disbursement.

SECTION II - INTEREST

During Disbursal: Interest shall accrue on the unpaid principal balance from the first disbursal date, estimated to be on or before April 1, 2006 through approximately March 31, 2007 at the rate of **Seven Percent (7%)** per annum calculated on a 365/365 day basis with monthly payments of interest only billed to Borrower at the end of each month and payment due to Lender by the 15th of the following month.

During Amortization: Interest shall accrue on the unpaid principal balance at the rate of **Seven Percent (7%)** per annum calculated on a 360/360 day basis from April 1, 2007 for the remaining term of the loan.

SECTION II - REPAYMENT

Repayment. Interest Only Payments: Payments of interest only on the amount disbursed will be billed to Borrower at the end of each month during the disbursal period with payment due Lender by the 15th of the following month.

Repayment. Amortization: Commencing May 1, 2007 and continuing on the first day of each month thereafter through April 1, 2014, Borrower shall pay Lender One Thousand One Hundred Thirty-One Dollars and Ninety Five Cents (\$1,131.95) in principal and interest per month, in accordance with an amortization schedule calculated to fully amortize the principal balance of the loan within eighty-four (84) months. Payment adjustments will be made if all funds are not disbursed. All payments shall be made to the City of Sandusky, Ohio.

SECTION III - LATE PAYMENT FEE

A late payment fee of twenty-five dollars (\$25.00) shall be due and payable for each and every installment of interest or principal and interest when such installments remain unpaid for a period of ten (10) days after any such installment may have become due and payable.

SECTION IV - PREPAYMENT

Prepayment of any principal sum of this loan may occur in whole, or in part, at any time, or times, without penalty. All such prepayments shall be applied to the payment of principal installments due hereon in the inverse order of

their maturity.

SECTION V – SECURITY INTEREST

To secure payment of this Note or any extensions or renewals of this Note, Borrower grants and pledges to Lender a security interest in the property listed below, and in after-acquired property of such description, replacements, substitutions, additions, accessions, products and the proceeds of all the foregoing and wherever such property is or may be located as follows:

1. The collateral acquired with the proceeds of this loan.
2. Accounts receivable, accounts chattel paper, documents, contract rights, instruments, general intangibles, and all right, title and interest in sold, leased, or furnished goods giving rise thereto (including, without limitation, all rights (a) of stoppage in transit, (b) of reclamation, and (c) in returned or repossessed goods).
3. Inventory (including, without limitation, all goods, that are (a) raw materials, (b) Work in process, (c) materials used or consumed in the ordinary course of Borrower's business, or (d) in the ordinary course of Debtor's business, held for sale or lease or furnished or to be furnished under contracts of service, all substitutes and replacements thereof, and all parts, accessories, additions, attachments, and accessions thereto and insurance proceeds from insurance of any of the above.
4. Proceeds, products, profit, and rents of and from all of the foregoing.
5. All ledger sheets, books, records and documents concerning any of the Collateral, including all computer records, programs, storage media and computer software useful or required in connection therewith.
6. All equipment, machinery, furniture and fixtures now owned and/or hereafter acquired.
7. In addition, the repayment of this loan is secured by the personal guarantee of F. William Niggemyer.

SECTION VI - UPON RELOCATION

The entire balance of the outstanding principal and all accrued interest and charges shall, at the option of the Lender, become immediately due and payable upon the relocation of Borrowers' primary facility to any location outside the corporate limits of the City of Sandusky, Ohio.

SECTION VII - DEFAULT/REMEDIES

All liabilities created by this instrument shall, at the option of Lender, accelerate, mature and become due and payable without demand or notice, which are hereby waived, if any maker, endorser, or guarantor of this Note shall:

- 1) suspend business;
- 2) become insolvent;
- 3) offer settlement to any creditors;
- 4) commit an act of bankruptcy;
- 5) file for, or have filed against it, any petition in bankruptcy or in any proceeding under any law relating to the relief of debtors, or for the appointment of a receiver of its property;
- 6) make any bulk sale of its property;
- 7) make any assignment for the benefit of creditors;
- 8) mortgage, pledge, or transfer any accounts receivable or otherwise impair the collateral or other property, in trust or otherwise; collateral or other property, in trust or otherwise without the prior consent of Lender;
- 9) make any false representation;
- 10) fail to furnish information or permit inspection of books or records on demand of the holder;

- 11) fail to pay any obligation when due;
- 12) have a warrant of attachment or execution issued against any of its property;
- 13) have any judgment entered against it;
- 14) be dissolved or have its capital impaired;
- 15) if the Sandusky, Ohio facility is relocated beyond the corporate limits of Sandusky, Ohio.

All liabilities created by this instrument shall, at option of Lender, accelerate, mature and become due and payable without demand or notice, which are hereby waived, if for any other cause, the protection of the Lender so requires.

Any event of default under any mortgage or other lien affecting the various security interests shall constitute an event of default hereunder, at Lender's option.

The Borrower waives presentment, protest and demand, notice of protest, notice of demand and dishonor and nonpayment of this Note, and expressly agree that this Note or any payment thereunder may be extended from time to time without in any way affecting the liability of the Borrower.

The rights and remedies of the Lender, as provided herein, shall be cumulative and concurrent and may be pursued singly, successively or together at the sole discretion of the Lender and may be exercised as often as the occasion shall occur, and the failure to exercise any such right or remedy shall in no event be construed as a waiver or release of the same.

Any notice may be delivered personally or sent via regular or Certified Mail to Borrower at the following address: 2105 Superior Street, Sandusky, Ohio 44870.

SECTION VIII - MISCELLANEOUS

- (a) Severability - If any provision of this Promissory Note or the application of any provision to any party or circumstance shall, to any extent, be adjudged invalid or unenforceable, the application of such provision to other parties or circumstances and the application of the remainder of this Agreement shall not be affected thereby. Each provision in this Agreement shall be valid and enforceable to the fullest extent of the law.
- (b) Headings - The headings contained in this Promissory Note have been inserted for convenience and reference only and are not to be used for interpretive purposes.
- (c) Governing Law-The parties agree that this Promissory Note shall be governed by and interpreted in accordance with the laws of the state of Ohio, and the parties submit to its jurisdiction for such purposes.
- (d) Non-Waiver-The failure of either party to insist or enforce in any instance strict performance of any of the terms of this Promissory Note or to exercise any rights hereunder conferred, shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights on any future occasion.
- (e) Amendments-This Promissory Note shall be amended only in a writing duly executed by the properly authorized representatives of both parties.
- (f) Assignment-Neither party may assign this Promissory Note or any part hereof without prior written consent of the other party hereto.

WARNING - BY THE SIGNING OF THIS PAPER YOU GIVE UP YOUR RIGHT TO NOTICE AND COURT TRIAL. IF YOU DO NOT PAY ON TIME A COURT JUDGEMENT MAY BE TAKEN AGAINST YOU WITHOUT YOUR PRIOR KNOWLEDGE AND THE POWERS OF A COURT CAN BE USED TO COLLECT FROM YOU REGARDLESS OF ANY CLAIMS YOU MAY HAVE AGAINST THE CREDITOR WHETHER FOR RETURNED GOODS, FAULTY GOODS, FAILURE ON HIS PART TO COMPLY WITH THE AGREEMENT OR ANY OTHER CAUSE.

IN WITNESS WHEREOF, this Note has been duly executed by the undersigned acting on behalf Decko Products, Inc. on the day and year written above.

WITNESS OR ATTEST: DECKO PRODUCTS INCORPORATED

_____ By: _____
F. William Niggemyer, President

GUARANTEE

The undersigned endorse, guarantee and promise to pay the above note (and all taxes and insurance premiums and any other sums that may become due and payable under and by virtue of the provisions of any mortgage or security instrument securing that note).

WAIVERS

The undersigned waives the following:

- (a) Presentment, demand, protest, notice of protest, notice of dishonor and notice of non-payment;
- (b) The right, if any, to the benefit of, or to direct the application of, any security hypothecated to the holder until all indebtedness of the maker to the holder, regardless of its source, has been paid; and
- (c) The right to require the holder to proceed against the maker, or to pursue any other remedy in the holder's power.

RIGHT OF DIRECT ACTION

The undersigned further agree that the holder may proceed against the undersigned directly and independently of the maker and that the cessation of the liability of the maker for any reason other than full payment, or any extension, renewal, forbearance, change of rate of interest or acceptance, release or substitution of security, or any impairment or suspension of the holder's remedies or rights against the maker, shall not in any way affect the liability of the undersigned.

RENEWALS AND EXTENSIONS

The undersigned further agree to all renewals and extensions of this Note for whatever period or periods. The undersigned further agree to all renewals and extensions of this Note for whatever period or periods. Any such renewals and extensions may be made without notice to or the further consent of the undersigned. executed at Sandusky, Ohio on March_____, 2006.

WITNESS OR ATTEST:

GUARANTOR:

F. William Niggemyer

Approved as to form:

Accepted by the City Commission of Sandusky, Ohio

By: _____

Donald Icsman
Law Director

By: _____

Michael J. Will
City Manager

Decko Products/Note.036
ges 3/12/06

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING AN ECONOMIC DEVELOPMENT LOAN IN THE AMOUNT OF \$75,000.00 TO DECKO PRODUCTS, INC.; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Decko Products, Inc., 2105 Superior Street, Sandusky, Ohio, submitted an application to the City of Sandusky's Revolving Loan Fund Committee for partial funding of the purchase of new equipment that will allow them to produce a new product line; and

WHEREAS, in 1923 Decko Products began by making handmade cake decorations for the F.W.Woolworth stores and still produces some handmade decorations, but production of most items is automated and with the purchase of this new equipment the company can move further into the business of high-speed packaging of two-color icing; and

WHEREAS, the RLF Committee is recommending a \$75,000.00 loan at 7.0% interest with the City having a lien on the equipment purchased and a subordinated lien on all other assets of the promissory note, a copy of which is attached to this Ordinance as Exhibit "A"; and

WHEREAS, this loan will not impact the City's operating budget, the loan is restricted in use and is within the RLF guidelines and shall be monitored on an annual basis by the Department of Community Development; 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 the company to close on the loans to have the money to purchase the new equipment which is now ready to be shipped to them; 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 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 shall take immediate effect in accordance with Section 14 of the City Charter upon its adoption; NOW, THEREFORE,

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

Section 1. The Finance Director is authorized and directed to deliver to Decko Products, Inc. a draft in the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) from the Revolving Loan Fund of the City of Sandusky pursuant to and in accordance with the terms of the promissory note, dated and executed by Decko Products, Inc., 2105 Superior Street, Sandusky, Ohio, a copy of which is attached to this Ordinance, marked Exhibit "A" and specifically incorporated as if fully rewritten herein.

PAGE 2, ORDINANCE NO _____

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's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements;

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 and be in full force from and after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

To: Michael J. Will, City Manager
From: Michael R. Meinzer, Fire Chief
Date: March 13, 2006
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Resolution of Necessity for the Vehicle Exhaust System Installation Project. This project will install vehicle exhaust systems in all three Sandusky Fire Stations.

The project includes the installation of vehicle exhaust systems in the fire stations. It will provide 100% point source capture of vehicle exhaust and particulates as required by NFPA 1500, "Standard on Fire Department Occupational Safety and Health Program." This NFPA safety and health performance standard is referenced in the grant application as approved by FEMA and DHS.

BACKGROUND INFORMATION: Since 2001, the Sandusky Fire Department has annually applied for funding from the Assistance to Firefighters Grant (AFG) Program, a program administered by the Federal Emergency Management Agency (FEMA) through the Department of Homeland Security (DHS). Funds from this program are earmarked for firefighter safety, health and wellness projects and programs. The AFG program is designed to assist fire departments in their purchase of personal protective equipment, station modifications and other health and safety items/projects that provide a direct benefit to firefighters in the performance of their duties.

BUDGETARY INFORMATION: The estimated project cost including inspection, advertising, and miscellaneous costs is \$144, 121.00. The project will be paid with funds received from the Fire Department's 2005 AFG Program award of \$129,709.00, with the remaining \$14,412.00 to be paid from the Department's EMS Transport Billing Fund.

ACTION REQUESTED: It is requested that the Vehicle Exhaust System Installation Project be approved and that the necessary legislation be passed in full accordance with Section 14 of the City Chapter in order to bid the project as soon as possible, thereby adhering to the performance period of the grant as designated by FEMA and DHS.

Approved:

I concur with this recommendation

Michael R. Meinzer, Fire Chief

Michael J. Will, City Manager

cc: Ed Widman, Finance Director

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE PROPOSED SANDUSKY FIRE DEPARTMENT'S VEHICLE EXHAUST SYSTEM INSTALLATION PROJECT; APPROVING THE SPECIFICATIONS AND ESTIMATE OF COST; DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this project includes the installation of vehicle exhaust systems in all three fire stations and will provide 100 percent point source capture of vehicle exhaust and particulates as required by NFPA 1500, "Standard on Fire Department Occupational Safety and Health Program"; and

WHEREAS, the Sandusky Fire Department has since 2001 annually applied for grant funding from the Assistance to Firefighters Grant (AFG) Program which is administered by the Federal Emergency Management Agency (FEMA) through the Department of Homeland Security (DHS) which are designed to assist Fire Departments in the purchase of protective equipment, station modifications and other health and safety projects that provide a direct benefit to firefighters in the performance of their duties; and

WHEREAS, the estimate cost of the Sandusky Fire Department's Vehicle Exhaust Installation Project including inspection, advertising and miscellaneous costs is \$144,121.00, to be paid with funds received from the Fire Department's 2005 AFG Program award of \$129,709.00, and the balance of \$14,412.00, to be paid from the Fire Department's EMS Transport Billing Fund; and

WHEREAS, this legislation should be passed under suspension of the rules and as an emergency measure in accordance with Section 14 of the City Charter in order to obtain competitive bids as soon as possible thereby insuring that the project proceeds in a timely manner consistent with the grant requirements as designated by FEMA and DHS; 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:

Section 1. That the specifications and estimates of cost which are now on file with the Clerk of this City Commission and the Fire Chief for the proposed Sandusky Fire Department's Vehicle Exhaust System Installation Project are hereby approved by this City Commission.

Section 2. That this City Commission hereby declares it necessary to proceed with the project at the earliest possible time.

Section 3. That the City Manager be and hereby is authorized and directed to advertise for and to receive bids in relation to said project as required by law and

specifically Ohio Revised Code §729.01.

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

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

Section 6. That for the reasons set forth in the preamble hereto, this Resolution 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: Kathryn K. McKillips, Director of Engineering Services
Date: February 28, 2006
Subject: Commission Agenda Item

Item for Consideration: Adoption of the revised Heavy Truck Route Map. The Chief of Police, Fire Chief, Director of Engineering Services and the Director of Community Development met to discuss the proposed Heavy Truck Route Schedule as required by the current Codified Ordinance 339.02.

The new map denotes truck routes and no through truck streets as currently approved through journal entries.

Budgetary Information: No funding is required for this item.

Action Requested: It is recommended that a Resolution adopting the most current version of the Heavy Truck Route Map be approved by the City Commission in order to comply with City Ordinance. It is requested that this Resolution be enacted so as to take effect immediately in accordance with Section 14 of the City Charter.

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:

To: Michael J. Will, City Manager
From: Jane E. Cullen, Engineering Technician
Date: March 11, 2006
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Ordinance awarding a contract for the East Bay Dredging Project to Shoreline Contractors, Westlake, Ohio. The East Bay Channel is a public channel and has not been dredged for several years. Sediment and silt has built up over the years in the channel making it hard to navigate. The proposed East Bay Channel Dredging Project consists of dredging the East Bay Channel from the bridge at Cedar Point Drive and extending the mouth of Pipe Creek.

The City Commission passed a resolution on March 28, 2005 approving the submittal of the grant application to the Ohio Department of Natural Resources, Recreational Harbors Evaluation Grant Program. The City was approved for the funding and received the agreement for the grant in December 2005.

Five bids were received and opened and read publicly on February 21, 2006:

- | | | |
|----|--|--|
| 1. | Shoreline Contractors, Inc.
Westlake, OH | Total Bid: \$595,137.45
100% Bid Bond |
| 2. | Geo. Gradel Co.
Toledo, OH | Total Bid: \$638,951.25
100% Bid Bond |
| 3. | Huffman Equipment Rental &
Contracting Eastlake, OH | Total Bid: \$645,036.50
100% Bid Bond |
| 4. | MCM Marine, Inc.
Sault Ste. Marie, MI | Total Bid: \$1,034,492.50
100% Bid Bond |
| 5. | Brooks Contracting, Inc.
Perrysburg, OH | Total Bid: \$295,986.56
100% Bid Bond |

Brooks Contracting, Inc. withdrew their bid due to errors on their bid estimate.

BUGETARY INFORMATION: The cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs is \$595,137.45. The Ohio Department of Natural Resources grant will fund up 65% of eligible costs not to exceed \$450,000.00 with the City funding the remaining costs. ODNR would then fund \$386,839.34 and the City would fund \$208,298.11 of the bid amount. The City's costs of the project will be paid out of funds donated by the East Bay Channel Association.

STRATEGIC PLANNING: 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 Business and Promotion of the City of Sandusky as a place to play through tourism and local recreational improvements.

ACTION REQUESTED: It is requested that the Ordinance awarding the contract for the East Bay Dredging Project be awarded to Shoreline Contractors, Inc., Westlake, Ohio in the amount of **\$595,137.45** be approved and that it be passed in full accordance with Section 14 of the City Charter in order to proceed with executing the contract.

Jane E. Cullen
Engineering Technician

I concur with this recommendation:

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

Michael J. Will
City Manager

JEC/cal

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SHORELINE CONTRACTORS, INC., OF WESTLAKE, OHIO FOR THE EAST BAY DREDGING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the City Manager to submit a grant application to the Ohio Department of Natural Resources for the East Bay Channel Dredging Project by Resolution No. 017-05R, passed on March 28, 2005; and

WHEREAS, this City Commission previously declared the necessity for the City to proceed with the East Bay Channel Dredging Project by Resolution No. 004-06R, passed on January 23, 2006; and

WHEREAS, as the result of competitive bidding as required by law the bid of Shoreline Contractors, Inc. of Westlake, Ohio was selected as the lowest and best for the proposed East Bay Channel Dredging Project which consists of dredging the East Bay Channel from the bridge at Cedar Point Drive and extending the mouth of Pipe Creek; and

WHEREAS, the cost of this project based on bids including engineering, inspection, advertising and miscellaneous costs is \$595,137.45 with 65 percent funded through the ODNR Grant (\$386,839.34) and the City's portion which is \$208,298.11 being paid from funds donated by the East Bay Channel Association; 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 execute the contract and allow the contractor to schedule the work; 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 enter into an agreement with Shoreline Contractors, Inc., of Westlake, Ohio, for services for the East Bay Channel Dredging Project in an amount **not to exceed** Five Hundred Ninety Five Thousand One Hundred and Thirty-seven and 45/100 (\$595,137.45). The services shall be provided in accordance with the bid of Shoreline Contractors, Inc., on file in the Department of Engineering Services and the specifications contained therein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purposes.

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

shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

DANIEL J. KAMAN
VICE 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: March 11, 2006
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Ordinance awarding a contract for the Cove Channel Dredging Project to Huffman Equipment Rental and Contracting, Inc., Eastlake, Ohio. The Cove Channel is a public channel and has not been dredged for several years. Sediment and silt has built up over the years in the channel making it hard to navigate. The proposed Cove Channel Dredging Project consists of dredging the entrance and main channel of the Cove Channel.

The City Commission passed a resolution on March 28, 2005 approving the submittal of the grant application to the Ohio Department of Natural Resources, Recreational Harbors Evaluation Grant Program. The City was approved for the funding and received the agreement for the grant in January 2006.

Four bids were received and opened and read publicly on February 21, 2006:

- | | | |
|----|---|--|
| 1. | Huffman Equipment Rental & Contracting, Inc. Eastlake, OH | Total Bid: \$98,477.41
100% Bid Bond |
| 2. | Shoreline Contractors, Inc. Westlake, OH | Total Bid: \$98,948.84
100% Bid Bond |
| 3. | Shepherd's Shoreline Construction Sandusky, OH | Total Bid: \$113,458.55
10% Cashier's check |
| 4. | Brooks Contracting, Inc. Perrysburg, OH | Total Bid: \$70,348.49
100% Bid Bond |

Brooks Contracting, Inc. withdrew their bid due to errors in their bid estimate.

BUGETARY INFORMATION: The cost of the project based on bids, including engineering, inspection, advertising and miscellaneous costs is \$98,477.41. The Ohio Department of Natural Resources grant will fund up to \$48.078% of eligible costs not to exceed \$50,000.00 with the City funding the remaining costs. ODNR would then fund \$47,345.97 with the City funding \$51,131.44 of the bid amount. The City's costs of the project will be paid out of funds donated by the Cove Channel Area Boathouse Owners.

STRATEGIC PLANNING: This project complies with the City's Strategic Plan. The approval of this proposed change is in line with the General Goals of Development of Business and Promotion of the City of Sandusky as a place to play through tourism and local recreational improvements.

ACTION REQUESTED: It is requested that the Ordinance awarding the contract for the Cove channel Dredging Project be awarded to Huffman Equipment Rental and Contracting, Inc., Eastlake, Ohio in the amount of **\$98,477.41** be approved and that it be passed in full accordance with Section 14 of the City Charter in order to proceed with executing the contract.

Jane E. Cullen
Engineering Technician

I concur with this recommendation:

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

Michael J. Will
City Manager

JEC/cal

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HUFFMAN EQUIPMENT RENTAL AND CONTRACTING, INC., OF EASTLAKE, OHIO FOR THE COVE CHANNEL DREDGING PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the City Manager to submit a grant application to the Ohio Department of Natural Resources for the Cove Channel Dredging Project by Resolution No. 013-05R, passed on March 14, 2005; and

WHEREAS, this City Commission previously declared the necessity for the City to proceed with the Cove Channel Dredging Project by Resolution No. 005-06R, passed on January 23, 2006; and

WHEREAS, as the result of competitive bidding as required by law the bid of Huffman Equipment Rental & Contracting, Inc. of Eastlake, Ohio was selected as the lowest and best for the proposed Cove Channel Dredging Project which consists of dredging the entrance and main channel of the Cove Channel; and

WHEREAS, the cost of this project based on bids including engineering, inspection, advertising and miscellaneous costs is \$98,477.71 with 48.078 percent funded through the ODNR Grant (\$47,345.97) and the City's portion which is \$51,131.44 being paid from funds donated by the Cove Channel Area Boathouse Owners; 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 execute the contract and allow the contractor to schedule the work; 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 enter into an agreement with Huffman Equipment Rental and Contracting, Inc., of Eastlake, Ohio, for services for the Cove Channel Dredging Project in an amount **not to exceed** Ninety Eight Thousand Four Hundred and Seventy-seven and 41/100 (\$98,477.41). The services shall be provided in accordance with the bid of Huffman Equipment Rental and Contracting, Inc., on file in the Department of Engineering Services and the specifications contained therein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purposes.

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

shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

DANIEL J. KAMAN
VICE 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: Monday March 13, 2006
SUBJECT: Commission Agenda Item

ITEM FOR CONSIDERATION: Proposed Putnam Street Storm Sewer Project. This project will provide for a new storm sewer to be install in Putnam Street from Buchanan Street north to the railroad tracks. There will also be some additional storm sewer separation by picking up the drainage from existing catch basins that currently drain into the combined sewers.

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: The Total Estimated Project Cost including advertising and miscellaneous expenses is \$185,472.40. The Engineer's Estimate of the Total Construction Contract Cost is \$159,890.00. The Distress Grant Fund will provide \$115,000, a Community Development Block Grant will provide \$7,300 and the remaining amount of \$63,172.40 will be funded by the City's Sewer Fund.

ACTION REQUESTED: It is recommended that the proposed Putnam Street Storm Sewer Project be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid the project and receive competitive prices.

Jane E. Cullen
Engineering Technician

I concur with this recommendation:

Michael J. Will
City Manager

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

JEC/cal

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

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE PROPOSED PUTNAM STREET STORM SEWER PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this project will provide a new storm sewer installed in Putnam Street from Buchanan Street north to the railroad tracks and some additional storm sewer separation by picking up the drainage from existing catch basins that currently drain into the combined sewers; and

WHEREAS, the passage of this Resolution will provide the legislative authority to allow the project to be bid in accordance with the procedure outlined by Section 729 of the Ohio Revised Code; and

WHEREAS, the estimated cost of the project including engineering, inspection, advertising and miscellaneous is \$185,472.40 with the Distress Grant Fund providing \$115,000.00, a Community Development Block Grant providing \$7,300.00 and the remaining amount of \$63,172.40 to be funded by the City's Sewer Fund; and

WHEREAS, this legislation should be passed under suspension of the rules and as an emergency measure in accordance with Section 14 of the City Charter in order to obtain competitive bids as soon as possible thereby insuring that the project proceeds in a timely manner; 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. The specifications and estimates of cost as prepared by the Director of Engineering Services of the City of Sandusky, Ohio, and submitted to the City Commission, and which are now on file with the Clerk of the said City Commission, and the office of the said Director of Engineering Services, for the proposed Putnam Street Storm Sewer Project, be and the same hereby are approved by the City Commission of the City of Sandusky, Ohio.

Section 2. This City Commission hereby declares it necessary to proceed with said project at the earliest possible time.

Section 3. The City Manager of the City of Sandusky, Ohio, be and hereby is

authorized and directed to advertise for and to receive bids in relation to said project as required by law.

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

Section 5. That it is found and determined that all formal actions of the City Commission of the City of Sandusky concerning and relating to the adoption of this Resolution were taken in an open meeting of the City Commission of the City of Sandusky and that all deliberations of this City's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: