

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

=====

MONDAY, APRIL 9, 2007

=====

Prayer
Pledge of Allegiance
Meeting Called to Order
Roll Call - DK, DM, BC, BF, DW, CS, DE
Minutes – March 15th, March 22nd & March 26th

=====

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

=====

Audience Participation – Agenda Items Only (3 minute limit)

=====

PROCLAMATION – April - “Fair Housing Month”

PRESENTATIONS

1. Dr. Eddie Chou – The University of Toledo – Pavement Management System
2. Battalion Chief, Paul Ricci - Certificate of Graduation for Executive Fire Officer Program
3. Gary Packan - Underground Railroad Statue Project

PUBLIC HEARING - Mary Bird - Community Development Block Grant (CDBG) fiscal year 2007 Action Plan

OLD BUSINESS

=====

ITEM# 1 – This item was passed at first reading at the meeting of March 26th.

ORDINANCE NO. _____ Ratifying, accepting and approving a Collective Bargaining Agreement between the City of Sandusky, an Ohio Charter Municipal Corporation, and the International Association of Fire Fighters Local #327, the Collective Bargaining Unit for certain employees of the Sandusky Fire Department, for the period January 1, 2007, through December 31, 2009, a copy of which is attached to this ordinance; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter. **Request passed at second reading under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM# 2 – This item was pulled & removed at the meeting of March 26th meeting.

ORDINANCE NO. _____ Ratifying, accepting and approving a Collective Bargaining Agreement between the City of Sandusky, an Ohio Charter Municipal Corporation, and the American Federation of State, County and Municipal Employees Local #1519, the Collective Bargaining Unit for certain employees of the City of Sandusky, for the period January 1, 2007, through December 31, 2009 , a copy of which is attached to this ordinance; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the City Charter. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM# 3 – Communication submitted by Gary Packan, Assistant City Manager, and Mike Pisarsky, Horticultural Services Superintendent. This item was passed at first reading at the meeting of March 26th.

ORDINANCE NO. _____ Authorizing and directing the City Manager and/or Finance Director to utilize a portion (\$18,000-\$20,000) of the Oakland Cemetery Endowment Fund to pay seasonal employee wages and fringe benefits.

=====

NEW BUSINESS

=====

ITEM# 4 – Communication submitted by Mary Bird, Program Administrator.

ORDINANCE NO. _____ Accept a Consolidated Entitlement Grant in the amount of \$829,616.00 Total Community Development Block Grant Funds for the program year of July 1, 2007, through June 30, 2008 and to submit the United States Department of Housing and Urban Development a FY 2007 One-Year Action Plan. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM# 5 – Communication submitted by John Lippus, Downtown Development Director.

RESOLUTION NO. _____ Approving the Memorandum of Agreement regarding the Bayfront Paper District Redevelopment Project; repealing Resolution No. 039-06R, passed on August 14, 2006. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

ITEM# 6 – This item was ordered in the meeting of March 26th.

RESOLUTION NO. _____ A Resolution in Support of the Local Government Funds provisions of Governor Ted Strickland's Fiscal Years 2008-2009 Executive Budget submitted to the 127th General Assembly in March 2007. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

=====

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

ORDINANCE NO. _____

AN ORDINANCE RATIFYING, ACCEPTING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SANDUSKY, AN OHIO CHARTER MUNICIPAL CORPORATION, AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL #327, THE COLLECTIVE BARGAINING UNIT FOR CERTAIN EMPLOYEES OF THE SANDUSKY FIRE DEPARTMENT, FOR THE PERIOD JANUARY 1, 2007, THROUGH DECEMBER 31, 2009, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the most recent collective bargaining agreement between the City of Sandusky, Ohio, an Ohio Charter Municipal Corporation, and the International Association of Fire Fighters Local #327, the collective bargaining unit for certain employees of the Sandusky Fire Department, expired on December 31, 2006; and

WHEREAS, pursuant to the terms and provisions of Chapter 4117 of the Ohio Revised Code, the City engaged in negotiations with the bargaining unit for the purpose of agreeing upon and entering into a successor agreement to the most recent collective bargaining agreement; and

WHEREAS, representatives of the City and the bargaining unit have negotiated a new agreement, a copy of which is attached to this Ordinance, marked Exhibit "A" and specifically incorporated as if fully rewritten herein; and

WHEREAS, this agreement is subject to the ratification, acceptance, and approval by this City Commission and it is the recommendation of the representatives of the City that the agreement substantially in the same form as reflected in Exhibit "A" be ratified, accepted, and approved by this City Commission; and

WHEREAS this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the new agreement to be ratified, accepted and approved immediately as the predecessor agreement expired on December 31, 2006; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Fire Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists to permit the immediate ratification, acceptance and approval of the collective bargaining agreement with the International Association of Fire Fighters Local #327, 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 agreement between the City of Sandusky, Ohio, and the International Association of Fire Fighters Local #327, by its terms effective from January 1, 2007, through December 31, 2009, substantially in the same form as reflected in Exhibit "A" which is specifically incorporated as if fully rewritten herein is ratified, accepted and approved by this City Commission together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and as being consistent with the purpose of this Ordinance as set forth in the preambles hereto.

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

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

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

Section 4. The City Manager is authorized and directed to forward certified copies of the foregoing Ordinance, together with copies of the agreement appended hereto to the State of Ohio, Employment Relations Board, and to the Association.

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

ORDINANCE NO. _____

AN ORDINANCE RATIFYING, ACCEPTING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SANDUSKY, AN OHIO CHARTER MUNICIPAL CORPORATION, AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES LOCAL #1519, THE COLLECTIVE BARGAINING UNIT FOR CERTAIN EMPLOYEES OF THE CITY OF SANDUSKY, FOR THE PERIOD JANUARY 1, 2007, THROUGH DECEMBER 31, 2009, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the most recent collective bargaining agreement between the City of Sandusky, Ohio, an Ohio Charter Municipal Corporation, and the American Federation of State, County and Municipal Employees Local #1519, the collective bargaining unit for certain employees of the City of Sandusky, expired on December 31, 2006; and

WHEREAS, pursuant to the terms and provisions of Chapter 4117 of the Ohio Revised Code, the City engaged in negotiations with the bargaining unit for the purpose of agreeing upon and entering into a successor agreement to the most recent collective bargaining agreement; and

WHEREAS, representatives of the City and the bargaining unit have negotiated a new agreement, a copy of which is attached to this Ordinance, marked Exhibit "A" and specifically incorporated as if fully rewritten herein; and

WHEREAS, this agreement is subject to the ratification, acceptance, and approval by this City Commission and it is the recommendation of the representatives of the City that the agreement substantially in the same form as reflected in Exhibit "A" be ratified, accepted, and approved by this City Commission; and

WHEREAS this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the new agreement to be ratified, accepted and approved immediately as the predecessor agreement expired on December 31, 2006; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists to permit the immediate ratification, acceptance and approval of the collective bargaining agreement with the American Federation of State, County and Municipal Employees Local #1519, 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 agreement between the City of Sandusky, Ohio, and the American Federation of State, County and Municipal Employees Local #1519, by its terms effective from January 1, 2007, through December 31, 2009, substantially in the same form as reflected in Exhibit "A" which is specifically incorporated as if fully rewritten herein is ratified, accepted and approved by this City Commission together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and as being consistent with the purpose of this Ordinance as set forth in the preambles hereto.

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

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

Section 4. The City Manager is authorized and directed to forward certified copies of the foregoing Ordinance, together with copies of the agreement appended hereto to the State of Ohio, Employment Relations Board, and to the Association.

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

TO: Michael J. Will, City Manager

FROM: Gary Packan, Assistant City Manager
Mike Pisarsky, Horticultural Services Superintendent

DATE: March 14, 2007

RE: Item for Commission Agenda – Utilization of the Oakland Cemetery
Endowment

ITEM FOR CONSIDERATION: This communication is requesting approval to utilize a portion of the Oakland Cemetery Endowment Fund (876-2600) to pay wages and fringe benefits for seasonal employees employed at the Oakland Cemetery on an annual basis.

BACKGROUND INFORMATION: The Oakland Cemetery Endowment Fund was originally set up for the purchase of capital equipment at the cemetery. The current balance of the endowment fund as of December 31, 2006 was \$132,182.64.

The account receives 25% of revenues collected from Lot Sales, Burial Permits and Foundation Permits. The endowment has averaged approximately \$24,000 in deposits annually over the past four years.

This proposed change in the use of a portion of the funds in the Oakland Cemetery Endowment was presented to the Cemetery Board at their January 31, 2007 meeting and was unanimously approved. The Cemetery Board recommended that staff present the changes to the City Commission for approval. A copy of the Board's minutes and their recommendation letter are attached.

BUDGET IMPACT: This will remove a burden of \$18,000 - \$20,000 each year from the general fund budget and still allow for the capital purchase equipment needed to sustain Oakland Cemetery over the long term.

ACTION REQUESTED: It is requested that the proper legislation be prepared to expand the use of the Oakland Cemetery Endowment Fund to include payment of seasonal employee wages and fringes benefits for the care and maintenance of Oakland Cemetery grounds. It is further requested that this legislation take effect in full accordance with the City Charter.

I concur with this recommendation.

Michael J. Will, City Manager

Attachments

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO UTILIZE A PORTION OF THE OAKLAND CEMETERY ENDOWMENT FUND TO PAY SEASONAL EMPLOYEE WAGES AND FRINGE BENEFITS.

WHEREAS, the Oakland Cemetery Endowment was originally created for the purchase of capital equipment and receives 25% of revenues collected from Lot Sales, Burial Permits and Foundation Permits with annual deposits averaging approximately \$24,000 over the last 4 years; and

WHEREAS, it is requested that this City Commission authorize and approve the expenditure of a portion of the Oakland Cemetery Endowment Fund for the purpose of defraying the annual cost of wages and fringe benefits for seasonal employees employed at the Oakland Cemetery which, if approved, is estimated to reduce General Fund expenditures approximately \$18,000 to \$20,000 annually; and

WHEREAS, the Sandusky Cemetery Board met on January 31, 2007, and unanimously approved this proposed additional expenditure from the Oakland Cemetery Endowment Fund and is recommending approval to the City Commission; 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 authorizes and approves the expenditure of a portion of the Oakland Cemetery Endowment Fund for the purpose of defraying the annual cost of wages and fringe benefits for the seasonal employees employed at the Oakland Cemetery.

Section 2. This City Commission authorizes and directs the City Manager and/or Finance Director to take the necessary action to utilize a portion of the Oakland Cemetery Endowment Fund to defray the annual cost of wages and fringe benefits for the seasonal employees employed at the Oakland Cemetery.

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 at the earliest time permitted by law.

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: Mary Bird
Program Administrator

DATE: March 29, 2007

**SUBJECT: Item for the April 9, 2007 City Commission Agenda
One-Year Action Plan - FY 2007**

ITEM FOR CONSIDERATION: Authorizing and directing the City Manager to accept a consolidated entitlement grant in the amount of \$829,616 total Community Development Block Grant for the program year of July 1, 2007 through June 30, 2008; and to submit to the United States Department of Housing and Urban Development a FY 2007 One-Year Action Plan; and to execute all certifications and agreements; and to authorize program expenditures.

BACKGROUND INFORMATION: Prior to 2004, the City of Sandusky has received Community Development Block Grant (CDBG) funds through the State of Ohio Formula Grant Program. As a result of the 2000 Census the City of Sandusky became a direct entitlement city and began receiving CDBG funds directly from the United States department of Housing and Urban Development (HUD). Eight hundred twenty nine thousand, six hundred and sixteen dollars (\$829,616) are available from HUD to fund the City of Sandusky's 4th year Consolidated budget for CDBG eligible activities.

In 2004, as required by HUD, the City of Sandusky undertook the consolidated planning process in order to receive funding from the HUD CDBG program. Sandusky's 5-year Consolidated Plan creates economic opportunity, self-sufficiency and sustains community development through holistic planning and a resource allocation approach. Activities include programs to address affordable housing and community development. Program contracts are awarded by owners through federal procurement regulations.

A One-Year Action Plan must be prepared on an annual basis incorporating any other comments deemed appropriate by the City, and submitted to HUD under the rules and regulations promulgated by it. The One-Year Action Plan for the program year of July 1, 2007 through June 30, 2008 must be submitted to HUD by May 15, 2007. A 30-day public comment period will begin on April 10th, 2007 and is set to expire on May 10, 2007 at 5:00 p.m. The draft FY 2007 Action Plan will be available at the Sandusky Public Library and the City of Sandusky Municipal Building, 222 Meigs Street in the Office of the Commission and in the Department of Community Development. The document can also be access on-line at www.ci.sandusky.oh.us. All additional comments will be incorporated into the final submission.

STRATEGIC PLAN IMPACT: Proposed activities meet the City of Sandusky's Strategic Plan's general goals of housing and business development, The proposed One-Year Action Plan supports the City's Action Plan by providing funding for housing rehabilitation with consideration given to the Kilbourne and South Side Target Areas, development of the Sandusky Bay Pathway and public facilities improvements in the Paper District.

BUDGET/STRATEGIC PLAN IMPACT: There will be no impact to the general fund. Proposed activities will be paid for through the CDBG grant funds.

ACTION REQUESTED: It is requested that the City Commission approve legislation authorizing and directing the City Manager to accept a consolidated entitlement grant in the amount of \$829,616 total Community Development Block Grant for the program year of July 1, 2007 through June 30, 2008; and to submit to the United States Department of Housing and Urban Development a One-Year Action Plan and to execute all certifications and 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 to meet the May 15, 2007 deadline.

I concur with this recommendation:

Michael J. Will
City Manager

Gary Packan
Assistant City Manager

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT A CONSOLIDATED ENTITLEMENT GRANT IN THE AMOUNT OF \$829,616.00 TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROGRAM YEAR OF JULY 1, 2007, THROUGH JUNE 30, 2008 AND TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A FY 2007 ONE-YEAR ACTION PLAN; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, prior to the year 2004 the City of Sandusky received Community Development Block Grant (CDBG) funds through the State of Ohio Formula Grant Program; and

WHEREAS as a result of the 2000 Census the City of Sandusky became a direct entitlement City eligible to receive FY 2007 CDBG funds directly from the U.S. Department of Housing and Urban Development; and

WHEREAS, eight hundred twenty nine thousand six hundred sixteen and 00/100 dollars (\$829,616.00) is available from HUD to fund the City of Sandusky's fourth year consolidated budget for Community Development Block Grant eligible activities; and

WHEREAS, last year this City Commission authorized the submittal of a 5-year Consolidated Plan to the United States Department of Housing and Urban Development by Ordinance No. 06-039, passed on April 10, 2006, that creates economic opportunity, self-sufficiency and sustains community development through holistic planning and a resource allocation approach with activities that include programs to address affordable housing and community development; and

WHEREAS, a One-Year Action Plan must be prepared on an annual basis incorporating other comments deemed appropriate by the City and for the program year of July 1, 2007, through June 30, 2008, must be submitted to HUD by May 15, 2007 and a thirty (30) day public comment period will begin on April 10, 2007 and expire on May 10, 2007 at 5:00 P.M. with all additional comments being incorporated into the final submission; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the 30 day public comment period to begin on this day, April 10, 2007, and to provide for the submission of the One-Year Action Plan to the United States Department of Housing and Urban Development by the May 15, 2007 deadline; and

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

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

Section 1. This City Commission authorizes and directs the City Manager to accept a Consolidated Entitlement Grant in the amount of Eight Hundred Twenty Nine Thousand, Six Hundred Sixteen and 00/100 Dollars (\$829,616.00) for the program year of July 1, 2007 through June 30, 2008, from the U.S. Department of Housing and Urban Development.

Section 2. This City Commission authorizes and directs the City Manager to submit to the U.S. Department of Housing and Urban Development a One-Year Action Plan for \$829,616.00 to execute any required certifications and agreements in relation to the acceptance of the grant and to administer program expenditures consistent with the One-Year Action Plan.

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

TO: Michael J. Will, City Manager

FROM: John Lippus, Downtown Development Manager

DATE: April 4, 2007

RE: Item for Commission Agenda – Memorandum of Agreement with the United State Army Corps of Engineers, Buffalo District (BCOE) regarding the Paper District Project and Keller Building

ITEM FOR CONSIDERATION: A resolution requesting the City of Sandusky to approve the Memorandum of Agreement (MOA) with U.S. Army Corps of Engineers, Buffalo District (BCOE) and Ohio Historical Preservation Office (OHPO) related to the Paper District Project and specifically the Keller building, and authorizing the City Manager to execute the MOA in order to continue to move forward with the shoreline reconstruction as it pertains to the Paper District Transient Marina.

BACKGROUND INFORMATION: In 2005, the City applied to the BCOE for a permit to construct the Paper District Transient marina and complete shoreline reconstruction around the perimeter of the Chesapeake Lofts. In reviewing the permit request, the BCOE determined that the redevelopment of the Chesapeake Building had resulted in adverse effects on a historic property. Section 106 of the National Historic Preservation Act of 1966 requires every Federal agency to "take into account" how its projects will affect historic properties. The BCOE with consultation the Ohio Historical Preservation Office (OHPO), determined that a Section 106 Memorandum of Agreement (MOA) for the Bayfront Paper District Project was required to mitigate the adverse effects and move forward with the process of issuing a permit.

The City of Sandusky, the Ohio Historical Preservation Office (OHPO), the BCOE, and representatives of the Old House Guild and Main Street Association met in September of 2006 to begin preparation of a Section 106 Memorandum of Agreement (MOA) for the Bayfront Paper District Project.

The MOA was completed in accordance with Section 106 of the National Historic Preservation Act (NHPA), and addresses mitigation for impacts to historic resources. This document was developed with input from the U.S. Army Corp of Engineers, Buffalo District (BCOE), the Ohio Historic Preservation Office (OHPO), the City of Sandusky, the Sandusky Old House Guild and Sandusky Main Street Association.

BUDGET IMPACT: At this time there is no budgetary impact other than the amount of staff time necessary to prepare the MOA and necessary annual follow-up reporting. The City anticipates receiving \$100,000.00 from Mid States Development to be used for the tasks included in this MOA. Staff will also continue to pursue the possible use of the Clean Ohio Revitalization Funds, grants and CDBG Funds if needed for the temporary stabilization of the Keller building as well as tasks listed in the MOA.

ACTION REQUESTED: A resolution authorizing the City Manager, or his designee, to sign and submit the Memorandum of Agreement for the Paper District Project to the U.S. Army Corps of Engineers for approval. This is being requested under suspension of the rules in accordance with Section 14 of the City Charter so as to allow the U.S. Army Corps of Engineers to continue to complete the shoreline permitting process as soon as possible, to keep the project moving forward in a timely matter.

I concur with this recommendation.

Michael J. Will
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE MEMORANDUM OF AGREEMENT REGARDING THE BAYFRONT PAPER DISTRICT REDEVELOPMENT PROJECT; REPEALING RESOLUTION NO. 039-06R, PASSED ON AUGUST 14, 2006; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the U.S. Army Corps of Engineers, Buffalo District (BCOE) has regulatory authority pertaining to navigable waters of the United States under Federal law and has determined that the Bayfront Paper District Redevelopment Project (or undertaking) will have an adverse effect in the Area of Potential Effect (APE) as described in the Memorandum of Agreement (MOA); and

WHEREAS, the City recognized the need for coordination and together with the Ohio Historic Preservation Office (OHPO), the U.S. Army Corps of Engineers (BCOE), the Old House Guild, and the Sandusky Main Street Association have engaged in consultation regarding the effects on historic properties, including the Keller Building, within the Area of Potential Effect and the Memorandum of Agreement (MOA) is the product of this consultation and cooperation; and

WHEREAS, as a result of the actions to be taken as delineated in the Memorandum of Agreement (MOA) and specifically those actions related to the Keller Building, 409 Water Street, Resolution No. 039-06R, passed August 14, 2006, should be repealed; 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 to allow the MOA to be signed and forwarded to the U.S. Army Corps of Engineers, Buffalo District (BCOE), for approval which will facilitate the permitting process (by BCOE) for a new marina to be constructed at 401 West Shoreline Drive; and

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

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

Section 1. This City Commission approves the form of the Memorandum of Agreement (MOA) a copy of which is marked Exhibit "A", attached to this Resolution and specifically incorporated as if fully rewritten herein and authorizes and directs the City Manager to sign the MOA substantially in the same form together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and as being consistent with the purpose of this Resolution as set forth in the preambles hereto.

Section 2. Resolution No. 039-06R, passed on August 14, 2006, is hereby repealed.

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:

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF THE LOCAL GOVERNMENT FUNDS PROVISIONS OF GOVERNOR TED STRICKLAND'S FISCAL YEARS 2008-2009 EXECUTIVE BUDGET SUBMITTED TO THE 127TH GENERAL ASSEMBLY IN MARCH, 2007; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, for over seventy (70) years the Local Government Funds have represented an extraordinary partnership between the State and Local governments to share in revenues and assure an adequate level of community services thereby providing a revenue sharing mechanism by which all local governments and libraries share fairly in the cumulative resources of the State; and

WHEREAS, recent State budgets have not provided the Local Government Funds with the stable, predictable and sustainable funding source to be able to provide critical services to local communities (Amended Substitute House Bill 94, Amended Substitute House Bill 95, and Amended Substitute House Bill 66 temporarily suspended the statutory method for the Local Government Fund (LGF), the Local Government Revenue Assistance Fund (LGRAF) and the Library and Local Government Support Fund (LLGSF) over the fiscal years 2002 through 2007 and a "freeze" was imposed by these bills in lieu of the statutory funding method and allocation formulas); and

WHEREAS, Governor Ted Strickland's Executive Budget Recommendations would continue the "freeze" for CY 2007 ensuring that each county and municipality receives the same amount that it received in 2006 and the permanent law changes would be effective January 1, 2008 and will:

- Provide a dependable source of support for local governments and libraries by committing a set percentage of all tax revenues deposited into the General Revenue Fund.
- Combine the Local Government and Local Government Revenue Assistance Funds and develop a new system to allocate these funds based upon population growth.
- Revenue growth for local government funds above fiscal year 2007 levels will be distributed on a per capita basis. Under the new system, beginning in January 2008 the following will occur:
 - Local Governments will receive 3.65 percent of total GRF tax revenues annually;
 - Local Libraries will receive 2.20 percent of total GRF tax revenues annually;
 - As GRF revenues increase, local governments will share in the growth;
 - No entity receives less under the new framework than they did under the freeze in place since fiscal year 2002;
 - Entities will receive an increase of \$16.8 million during the biennium; 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 provide a copy of this Resolution to Ohio legislators supporting the Governor's Local Government Funds provisions as contained in his proposed biennial budget for 2008-2009 which is now being considered by the Ohio Legislature; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of

Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission declares its support of the Local Government Funds provisions of Governor Ted Strickland's proposed biennial budget for 2008-2009 thereby providing the City and other local governments a stable, predictable and sustainable funding source without which the City's ability to provide critical services to meet its obligations to provide for the health, safety, security and welfare of its citizens will be severely jeopardized.

Section 2. The Clerk of this City Commission is directed to transmit a certified copy of this Resolution to Governor Ted Strickland, State Senator Randall L. Gardner, State Representative Chris Redfern, and Susan Cave of the Ohio Municipal League.

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: