

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

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**THURSDAY, MAY 29, 2008**

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Invocation  
Pledge of Allegiance  
Meeting Called to Order  
Roll Call – CS, DM, BF, BC, JF, DW, DK  
Minutes – May 12<sup>th</sup>

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

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

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**CURRENT BUSINESS**

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**ITEM #1 – Communication – Carrie R. Handy, Chief Planner**

**ORDINANCE NO.** \_\_\_\_\_ Amending the official Zone Map of the City of Sandusky to rezone Five (5) parcels from "P" – Automobile Parking District, "R1-40" – Single Family Residential District and "R1-60" – Single Family Residential District to "LB" - Local Business District. **Request passed under suspension of rules in full accordance of Section 13 of the City Charter.**

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**ITEM #2 – Communication – Josh Snyder, P.E., Traffic Engineer**

**BUDGETARY INFORMATION:** The original construction contract amount with Kelstin, Inc. of Shelby, Ohio, was \$177,239.00. The revised contract amount including the First Change Order in the amount of \$16,482.95 is \$193,721.95. The estimated engineer's cost was \$211,650.00. The Ohio Public Works Commission will contribute \$94,698.48 and the City's Sewer Fund will pick up the remaining \$99,023.47.

**ORDINANCE NO.** \_\_\_\_\_ Approve the First Change Order for work being performed for the Venice Road Lift Station Rehabilitation Project in the amount of \$16,482.95 to be paid to Kelstin, Inc. of Shelby, Ohio, in an amount of \$16,482.95. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM #3 – Communication – Kathryn K. McKillips, Director of Engineering Services**

**BUDGETARY INFORMATION:** There is no budgetary impact.

**ORDINANCE NO.** \_\_\_\_\_ Enter into a Utility Easement over, under, and across the property as described in the grant of a Permanent Utility Easement Agreement between the City of Sandusky, the Board of County Commissioners of Erie County and Erie County Cablevision, Inc., a copy of which is attached and marked Exhibit "1". **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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

**BUDGETARY INFORMATION:** The estimated cost for the Construction Materials Testing Services with TTL Associates, Inc. is \$13,618.00 to be paid with Water Funds.

**ORDINANCE NO.** \_\_\_\_\_ Enter into a contract with TTL Associates, Inc. of Toledo, Ohio, for Construction Materials Testing Services for the Follet Street and Mills Street Elevated Water Tank Project. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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

**BUDGETARY INFORMATION:** The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$31,647.00. This project will be paid with Sewer Funds and is included in the approved WPC 2008 Operating Budget.

**ORDINANCE NO.** \_\_\_\_\_ Enter into a contract with Wagner Enterprises, Inc. of Hazel Park, Michigan, for the purchase of a Ferrous Chloride Tank for use at the Water Pollution Control Plant. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM #6 – Communication – Kathryn K. McKillips, Director of Engineering Services and Scott J. Schell, Economic Development Specialist**

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

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

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

**To:** Matthew D. Kline  
City Manager

**From:** Carrie R. Handy  
Chief Planner

**Date:** May 12, 2008

**Subject:** **Commission Agenda Item for the May 29, 2008 City Commission Meeting**

**Item for Consideration:** Application for an amendment to the Zoning Map for parcels #5701668000 (2507 Milan Road); #5701667000 (2509 Milan Road); #5700019000 (552 50<sup>th</sup> Street); #5705145000 (621 52<sup>nd</sup> Street) and #5704981000 (625 52<sup>nd</sup> Street) from “R1-60”/Single-Family Residential District, “R1-40”/Single-Family Residential District, and “P”/Automobile Parking District to “LB”/Local Business District.

**Purpose:** To allow for expansion of the Gardner Insurance Building located at 2507-2509 Milan Road.

**Background Information:** The proposed Zoning Map amendment was approved at the February 27, 2008 Planning Commission meeting.

The subject properties are located on the west side of Milan Road between 50<sup>th</sup> and 52<sup>nd</sup> Streets. They are developed with three (3) single-family dwellings (552 50<sup>th</sup> Street, 621 52<sup>nd</sup> Street, and 625 52<sup>nd</sup> Street); and an insurance office building with off-street parking.

The subject property is surrounded by single-family residential uses. Commercial uses (Balconi Monuments and Mathews Ford) are located a short distance to the south at the intersection of Milan Road and Perkins Avenue.

The subject properties are zoned “R1-40”/Single-Family Residential District, “R1-60”/Single-Family Residential District, and “P”/Automobile Parking District by the Sandusky Zoning Code. The “R1” zoning districts permit single-family residential uses and private residential garages/sheds as accessory uses. The “P” District permits parking areas and accessways for passenger automobiles, and storage garages which are accessory to two-family, multi-family, business, commercial or manufacturing uses.

The applicants are requesting a rezoning to “LB”/Local Business District from “R1-40”, “R1-60”, and “P” in order to accommodate a future expansion of the existing office building on the property at 2507-2509 Milan Road and adjacent parking areas. A rezoning to a business zoning district is necessary to accommodate any expansion of a business use as the current office use is a non-conforming use in a residential district.

The “LB”/Local Business District was recommended by staff as the appropriate zoning classification for the subject property as it is the most restrictive business district, thereby protecting the adjacent residential from intensive business uses, but it would still allow for office uses. The “LB” District permits the following uses:

- Dwellings, of the type permitted and as regulated in the least restrictive contiguous district;

- Retail stores and services conducted wholly within enclosed buildings and devoted to supplying neighborhood needs to the following limited extent:
  - The sale of baked goods, confectionary, groceries, meats, fruits, vegetables and dairy products;
  - The sale, serving and consumption of soft drinks, juices, ice cream, beer, and wine at such places as lunchrooms and tearooms;
  - The sale of drugs, gifts, antique and art goods, flowers, periodicals, musical instruments and supplies (provided no loudspeaker broadcasts onto the street), tobacco, and sporting and athletic goods;
  - The sale of tools, paint, seed, garden supplies, and household appliances;
  - Personal services, such as beauty and barber shops, laundry agencies, Laundromats, shoe and hat repair, radio and television repair, interior decorating, tailor, pressing and dry cleaning shops;
  - Automotive service stations; the sale of gasoline and oil, and the parking of automobiles are permitted in open areas. Services are limited to lubrication and minor repairing services, and only where performed wholly within an enclosed building;
  - Principal offices for dentists, doctors, and similar professions, financial institutions, and principal offices of real estate and similar businesses.

According to the application form, “Gardner Insurance Agency was founded in October of 1959 and has been located in the same block since the mid-1960’s. In 1982, Kurilic and Kurilic (CPA’s) started their accounting firm in the same location. Both businesses have a combined twenty-six (26) employees. We have approximately 4,000 sq. ft. of office space and would like to expand our building with a 55’ x 55’ 2-story addition with the first floor as offices and the second floor as file storage. Unfortunately our property, which has been used as general business since the 1930’s, was zoned as parking and residential. We are unable to expand without rezoning our properties to local business. Our total area of office will be approximately 7,205 sq. ft. which means we need twenty-nine (29) parking spaces by Code if you do not include the 2<sup>nd</sup> floor storage. If you include the 2<sup>nd</sup> floor storage, we need thirty-nine (39) total spaces. We will make up for the shortfall from our (other) owned properties by leasing the balance to get to 29 or 39 from another business within 300 ft. of our back door. We hope you will grant us our request so we can continue to grow at our present location.”

The applicants have submitted a concept plan showing the location of the proposed addition and the existing and proposed parking areas. A detailed site plan/off-street parking plan showing actual parking space layout and the locations of buildings and the proposed addition will have to be submitted by the applicants for Planning Commission approval prior to building permits being issued.

Based on a site inspection of the subject property and the surrounding area, it appears that the properties most affected by the proposed zoning change would be the single-family residential property on the northwest corner of the intersection of Milan Road and 52<sup>nd</sup> Street and the single-family residential properties immediately adjacent to the subject properties on 50<sup>th</sup> and 52<sup>nd</sup> Streets.

Impacts on these properties could be mitigated if privacy fencing or landscaping would be installed along the perimeters of the subject properties to screen the business use at 2507-2509 Milan Road from these residences. Such issues can be addressed during site plan/off-street parking approval by the Planning Commission. It is important that the integrity of the single-family residential

neighborhood behind the subject properties be maintained and screened from the heavy traffic and any business uses on Milan Road.

It is also noted that the applicants would need to rezone all of the lots under consideration here in order to have sufficient space to accommodate their proposed addition and the required parking. It appeared from Staff's site inspection that the additional lots would definitely be needed for parking and circulation of vehicles once the proposed addition is constructed.

Staff are of the opinion that Milan Road is more conducive to commercial uses due to the high traffic counts and heavy tourist traffic. Milan Road is already commercial on the south end at Perkins Avenue and is commercial or multi-family residential from the Butler Street overpass to the intersection of Sycamore Line.

**Correlation to the Strategic Plan**

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

**Action Requested:** Approval of the proposed Zoning Map amendment rezoning parcels #5701668000 (2507 Milan Road); #5701667000 (2509 Milan Road); #5700019000 (552 50<sup>th</sup> Street); #5705145000 (621 52<sup>nd</sup> Street) and #5704981000 (625 52<sup>nd</sup> Street) from "R1-60"/Single-Family Residential District, "R1-40"/Single-Family Residential District, and "P"/Automobile Parking District to "LB"/Local Business District. It is requested that this ordinance take effect under Section 13 of the City Charter.

Submitted by:

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Carrie R. Handy, Chief Planner

Reviewed by:

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Matthew D. Kline, City Manager

Attachments

cc: Don Icsman, Law Director

Joyce Brown, Clerk of the City Commission

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

**AN ORDINANCE AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF SANDUSKY TO REZONE FIVE (5) PARCELS FROM "P" - AUTOMOBILE PARKING DISTRICT, "R1-40" - SINGLE FAMILY RESIDENTIAL DISTRICT AND "R1-60" - SINGLE FAMILY RESIDENTIAL DISTRICT TO "LB" LOCAL BUSINESS DISTRICT; 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 Brent Gardner and Jodie Lynn Kurilic, Trustees for an amendment to the Zone Map No. 96-01 as codified in Section 1121.03 of the Codified Ordinances of the City for one (1) parcel located at 2507 Milan Road (#5701668000) from "P" (Automobile Parking) to "LB" (Local Business); three (3) parcels located at 2509 Milan Road (#5701667000), 621 52nd Street (#5705145000) and 625 52nd Street (#5704981000) from "R1-40" (Single Family Residential) to "LB" (Local Business); and one (1) parcel located at 552 50th Street (#5700019000) from "R1-60" (Single Family Residential) to "LB" (Local Business) and 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 five (5) parcels will allow a future expansion of the existing office building and adjacent parking areas on the property at 2507-2509 Milan Road and a rezoning to a business zoning district is necessary to accommodate any expansion of a business use as the current office use is a non-conforming use in a residential district; and

**WHEREAS**, this request was heard by the Planning Commission at their February 27, 2008, meeting resulting in the Planning Commission's recommendation to **approve** the requested Zone Map Amendment; 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 one (1) parcel located at 2507 Milan Road (#5701668000) from "P" (Automobile Parking) to "LB" (Local Business); three (3) parcels located at 2509 Milan Road (#5701667000), 621 52nd Street (#5705145000) and 625 52nd Street (#5704981000) from "R1-40" (Single Family Residential) to "LB" (Local Business); and one (1) parcel located at 552 50th Street (#5700019000) from "R1-60" (Single Family Residential) to "LB" (Local Business); 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 five (5) parcels located at 2507 Milan Road (#5701668000), 2509 Milan Road (#5701667000), 621 52nd Street (#5705145000), 625 52nd Street (#5704981000), and 552 50th Street (#5700019000) as more fully described as follows:

Parcel #5701668000 & Parcel #5701667000:

**PAGE 2 - ORDINANCE NO. \_\_\_\_\_**

Situated in the City of Sandusky, County of Erie, and State of Ohio, and bounded and described as follows, to-wit: Lot Number Two Hundred and Sixteen (216) Milan Road, and Lot Number Two Hundred and Eighteen (218) Milan Road, in the Sadler-Seitz Subdivision, in the Second Ward of the City of Sandusky, Ohio, as per plat recorded in Volume 7 of Plats, page 15, Erie County, Ohio records.

Subject to all restrictions contained in said Plat to which reference is hereby made; and also to the covenants and restrictions as specifically set forth in Volume 169, pages 111-12 Erie County Deed Records in a Deed from Earl V. Seitz and wife, Pearl E. Seitz, to Sandusky Realty Company.

Also subject to the additional covenants set forth in a Declaration of Restrictions of Sandusky Realty Company as recorded in Volume 7, pages 575-6-7 of the Bill of Sale Records of Erie County, Ohio, in the Recorder's office, November 13, 1941.

Excepting from the above a strip of land 20 feet in width, and extending the full length of Lot No. 218 Milan Road in the Sadler-Seitz Subdivision of the South part of Out Lot Number 59, south of Southwark and the center part of Out Lot 16 East of Sycamore Line as shown by the recorded Plat Volume 7, page 15, of Erie County Records, subject to legal highways and restrictions.

Parcel #5705145000:

Being Lots Number Twenty-One (21), Twenty-Three (23) and Twenty-Five (25) on Austin Street in Flynn, Gilcher and Dewitt's Subdivision as per plat recorded in Volume 3 of Plats, Page 15, Erie County, Ohio Records.

And all of Lot Seventeen (17) in the Rear of Lots 17, 19, 21, and 23, on Austin Street in the Sadler-Seitz Subdivision in the City of Sandusky, Erie County, Ohio as per plat recorded in Volume 7 of Plats, page 15, Erie County, Ohio records, excepting the westerly 33 feet of said Lot Seventeen (17) in the Rear of Lots 17, 19, 21 and 23 on Austin Street, conveyed to Frank Hill and Virginia Hill, husband and wife, by warranty deed recorded in Volume 235, Page 259, Erie County, Ohio Records.

Parcel #5704981000:

Situated in the City of Sandusky, County of Erie and State of Ohio: Being Lot Number Nineteen (19) Austin Street.

Be the same more or less, but subject to all legal highways.

Parcel #5700019000:

Parcel #1 - Situated in the City of Sandusky, County of Erie and State of Ohio: And being the whole of sub lots numbers Three Hundred Two (302) and Three Hundred Four (304) on Milan Road, in Flynn, Gilcher and DeWitt's subdivisions, as per plat recorded in Volume 3 of Plats, page 15, Erie County, Ohio records, exempting therefrom that part of lot number 304 thereof conveyed to George P. Henderson and Loretta Henderson, by deed dated July 27, 1972, and recorded in Volume 419 of Deeds, Page 731, Erie County, Ohio records.

Parcel #2 - Situated in the City of Sandusky, County of Erie and State of Ohio: Lot number Three Hundred (300) on Milan Road, in Flynn, Gilcher, and DeWitt's subdivisions, in the City of Sandusky, Erie County, Ohio as per plat recorded in Volume 3 of Plats, page 15, Erie County, Ohio records.

Parcel #3 - Situated in the City of Sandusky, County of Erie and State of Ohio: Being the southerly twenty (20') feet of lot number 218 Milan Road

in the Sadler-Seitz subdivision of the south part of out lot number 59, south of Southwark, and the center part of out lot 16, east of Sycamore Line, as shown by the recorded plat, Volume 7, Page 15, of Erie County Records, subject to legal highways and restrictions of record.

Permanent Parcel No(s): 273952 VOLUME 441 PAGE 950

and in Exhibit "A" which is attached to this Ordinance and specifically incorporated herein, from "P" (Automobile Parking), "R1-40" (Single Family Residential) and "R1-60" (Single Family Residential) to "LB" (Local Business).

Section 2. The City Planner is directed to make the change on the original Zoning Map on file in the Office of Planning and Zoning.

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.

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

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

Passed:

To: Matthew Kline, City Manager

From: Josh Snyder, P.E., Traffic Engineer

Date: May 12, 2008

**Item for Consideration:** A change order (#1) for Venice Road Lift Station Rehabilitation Project. This change order will provide advanced automated controls to control all three (3) pumps and a "soft start" system on the existing pumps at said pump station. Altogether, this change will save electricity, maintenance and wear-and-tear on the mechanical moving parts of the existing pumps. Also, additional work outside the scope of the grant funded project is requested for the installation of new I-beams for ingress and egress of the grinders and the construction of a new block wall to decrease corrosion of equipment, to be funded with sewer funds 100%.

Soft Start System	ADD	\$12,157.95
I-Beam Install	ADD	\$ 1,575.00
Wall Install	ADD	<u>\$ 2,750.00</u>
	TOTAL	\$16,482.95

This project will improve operation at this pump station, specifically, replacement of the roof and exterior doors, the seal water tank, seal water pumps, and two (2) waste grinders, also the addition of one new high performance pump and motor. Overall, this will improve the pump station's efficiency and output capacity by 75%.

**Budgetary Information:** The original construction contract amount with Kelstin, Inc. of Shelby, OH was \$177,239.00. The revised contract amount including the First Change Order in the amount of \$16,482.95 is \$193,721.95. The estimated engineer's cost was \$211,650.00. The Ohio Public Works Commission will contribute \$94,698.48 and the City's Sewer Fund will pick up the remaining \$99,023.47.

**Action Requested:** It is requested that change order #1 for the Venice Road Lift Station Rehabilitation Project be approved and that the necessary legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to complete the project prior to the August 31, 2008 deadline.

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Joshua R. Snyder, P.E.  
Traffic Engineer

I concur with this recommendation:

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Matthew Kline  
City Manager

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

JRS/cal

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST CHANGE ORDER FOR WORK BEING PERFORMED FOR THE VENICE ROAD LIFT STATION REHABILITATION PROJECT IN THE AMOUNT OF \$16,482.95 TO BE PAID TO KELSTIN, INC., OF SHELBY, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission previously approved the awarding of the contract for work being performed for the Venice Road Lift Station Rehabilitation Project by Ordinance No. 07-077, passed on November 13, 2007; and

**WHEREAS**, this project involves replacement of the roof and exterior doors, a seal water tank, seal water pumps, two (2) waste grinders, and the addition of one new high performance pump and motor which will improve the pump station's efficiency and output capacity by 75%; and

**WHEREAS**, this First Change Order will provide advanced automated controls to control all three (3) pumps and a "soft start" system on the existing pumps at pump station which will save electricity, maintenance and wear-and-tear on the mechanical moving parts of the existing pumps and for the installation of new I-beams for ingress and egress of the grinders and the construction of a new block wall to decrease corrosion of equipment as listed below:

Soft Start System	ADD	\$12,157.95
U-Bean Install	ADD	\$ 1,575.00
Wall Install	ADD	\$ 2,750.00
	TOTAL	<hr/> \$16,482.95

**WHEREAS**, the original contract with Kelstin, Inc. was \$177,239.00 and with the addition of this First Change Order in the amount of \$16,482.95, the revised contract cost is \$193,721.95, with the Ohio Public Works Commission contributing \$94,698.48 and the City's Sewer Fund providing the remaining \$99,023.47 of the change order; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to continue this project without delay and complete prior to the August 31, 2008, completion 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 Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized and directed to approve this First Change Order for work performed for the Venice Road Lift Station Rehabilitation Project in an amount **not to exceed** Sixteen Thousand Four Hundred Eighty Two and 95/100 Dollars (\$16,482.95) to be paid to Kelstin, Inc., of Shelby, Ohio.

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

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

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

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

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

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

Passed:

TO: Matthew D. Kline, City Manager  
FROM: Kathryn K. McKillips, Director of Engineering Services  
DATE: May 13, 2008  
SUBJECT: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation approving a permanent utility easement located at 420 Superior Street to Erie County Cablevision, Inc.

The City of Sandusky owns the property located at 420 Superior Street jointly with the Board of County Commissioners of Erie County, Ohio. Erie County Cablevision, Inc. requires a ten (10) foot easement for aerial cables to be installed and maintained by Erie County Cablevision for the use by the tenants of the property, Erie County Health Department. The easement encompasses 0.0439 acres. Erie County Cablevision cannot proceed with the work requested by the Health Department without an executed easement giving the right to ingress and egress on and over the property for the installation, maintenance and use of the required facilities.

The Grant of Permanent Utility Easement has been signed by the Erie County Commissioners and the President of Erie County Cablevision, Inc. and upon execution by the City Manager will be recorded in the Erie County Records Office.

**BUDGETARY INFORMATION:** There is no budgetary impact.

**ACTION REQUESTED:** It is requested that the proper legislation approving a permanent utility easement to Erie County Cablevision, Inc. for property located at 420 Superior Street be approved and that it be passed under suspension of the rules and in full in accordance with Section 14 of the City Charter in order for Erie County Cablevision, Inc. to perform the work necessary to provide the Erie County Health Department with faster speed connection service as soon as possible.

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

I concur with this recommendation:

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Matthew D. Kline  
City Manager

KKM/cal

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A UTILITY EASEMENT OVER, UNDER, AND ACROSS THE PROPERTY AS DESCRIBED IN THE GRANT OF A PERMANENT UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF SANDUSKY, THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY AND ERIE COUNTY CABLEVISION, INC., A COPY OF WHICH IS ATTACHED AND MARKED EXHIBIT "1"; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky and the Board of County Commissioners of Erie County are the owners of the real property located at 420 Superior Street, where the Erie County Health Department is located; and

**WHEREAS**, a Permanent Utility Easement is required by the Erie County Cablevision, Inc., for the property located at 420 Superior Street, to lay, install, supplement, maintain, operate, repair, replace, and/or remove, and to maintain and inspect proper connections and equipment for telecommunications transmission lines, cables, power nodes, conduits, markers, signs and related equipment and facilities, requested by the Erie County Health Department, pursuant to the grant of Permanent Utility Easement, a copy of which is attached to this Ordinance; and

**WHEREAS**, this Grant of Permanent Utility Easement has been signed by the Erie County Commissioners and the President of Erie County Cablevision, Inc. and upon execution by the City Manager will be forwarded to the Clerk of the Board of Erie County Commissions to be recorded in the Erie County Recorders Office.

**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 Erie County Cablevision, Inc. to perform the work necessary to provide the Erie County Health Department with faster speed connection service as soon as possible; and

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

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

Section 1. This City Commission authorizes and directs the City Manager to enter into a Permanent Utility Easement granted to Erie County Cablevision, Inc., to lay, install, supplement, maintain, operate, repair, replace, and/or remove, and to maintain and inspect proper connections and equipment for telecommunications transmission lines, cables, power nodes, conduits, markers, signs and related equipment and facilities for the property owned by the City of Sandusky and the Board of County Commissioners of Erie County, located at 420 Superior Street, a copy of which is attached and marked Exhibit "1" and is specifically incorporated as if fully rewritten herein.

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

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

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

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

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

Passed:

TO: Matthew D. Kline  
City Manager

FROM: Kathryn K. McKillips  
Director of Engineering Services

DATE: May 12, 2008

SUBJECT: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Ordinance awarding a construction materials testing services contract to TTL Associates, Inc., Toledo, Ohio for the Follett Street and Mills Street Elevated Water Tank Project. The purpose of this service is to ensure quality construction through testing. The testing includes concrete testing, compaction testing, and soil bearing evaluation.

On January 28, 2008, Ordinance No. 08-005 was passed authorizing the City Manager to enter into an agreement with Arcadis to perform construction management services for the Follett Street and Mills Street Elevated Water Tank Project. Arcadis, having experience with water tower construction management and oversight, recommends that TTL do the material testing as they performed the soil boring and foundation investigation/recommendations. If any foundation issues arise during construction TTL will be familiar with the issues and Arcadis can interface with them. Because TTL possesses a particular knowledge and expertise concerning these services, formal competitive bidding is not required. I concurred with the recommendation from Arcadis. A request for proposal was sent to TTL on April 16, 2008. The response is attached for your review.

(In May of 2007, TTL was selected for the initial soil boring and foundation investigation/recommendation part of the project through a request for proposal. Three firms were sent a request for proposal for the geotechnical investigation, and all three responded. Based on the thoroughness of the scope and the quote, TTL was selected as the firm to perform the work.)

**BUDGETARY INFORMATION:** The estimated cost for the Construction Materials Testing services with TTL Associates, Inc., is \$13,618.00, to be paid with Water Funds.

**ACTION REQUESTED:** It is requested that the Ordinance awarding the Construction Materials Testing Services contract to TTL Associates Inc., Toledo, Ohio in the amount of \$13,618.00 be approved and that it be passed under suspension of the rules and in full in accordance with Section 14 of the City Charter in order for TTL to schedule work as soon as the tank contractor is ready to begin the foundation work. According to the pre-construction meeting schedule, excavation for the foundation was to begin in mid-May. As of May 13<sup>th</sup>, foundation plans have not been submitted for approval by the building

division. As soon as foundation plans are approved, CB&I will mobilize for excavation. TTL will need to perform compaction testing if required for the foundation as well as concrete testing; therefore, TTL will need to be prepared to perform the required testing as construction moves forward which may take place prior to the end of May.

I concur with this recommendation:

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

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Matthew D. Kline  
City Manager

KKM/cal

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TTL ASSOCIATES, INC., OF TOLEDO, OHIO, FOR CONSTRUCTION MATERIALS TESTING SERVICES FOR THE FOLLETT STREET AND MILLS STREET ELEVATED WATER TANK 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 enter into agreements for Professional Design Services with ARCADIS U.S., Inc., for the Follett Street and Mills Street Elevated Water Tank Project for services including the preliminary and detail design by the passage of Ordinance No. 07-009, passed on February 12, 2007, and to perform bidding, construction administration, and resident inspection services by the passage of Ordinance No. 08-005, passed on January 28, 2008; and

**WHEREAS**, ARCADIS U.S., Inc., has recommended TTL Associates, Inc. perform the material testing based upon their prior services provided for the soil boring and foundation investigation/recommendations in May of 2007, and therefore they have developed a particularized aptitude and knowledge and would be familiar with any foundation issues that may arise during construction in which ARCADIS can interface with them; and

**WHEREAS**, the purpose of this service is to ensure quality construction through testing which includes concrete testing, compaction testing, and soil bearing evaluation and because TTL possesses a particular knowledge and expertise concerning these services formal competitive bidding is not required; and

**WHEREAS**, a request for proposal was sent to TTL Associates, Inc., dated April 16, 2008, and a subsequent proposal was submitted to the City dated April 28, 2008; and

**WHEREAS**, the estimated cost for the construction materials testing services with TTL Associates, Inc., is \$13,618.00 and will be paid with Water Funds; and

**WHEREAS**, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow TTL Associates to be prepared to perform the required testing when the foundation work begins which may take place prior to the end of May; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with TTL Associates, Inc., of Toledo Ohio, for Construction Materials Testing Services for the Follett Street and Mills Street Elevated Water Tank Project consistent with the proposal submitted by TTL Associates, Inc., of Toledo, Ohio, currently on file in the

office of the Director of Engineering Services, together with such revisions or additions thereto as are approved by the Law Director as not being substantially adverse to the City and as being consistent with the purpose thereof as set forth in the preamble 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 City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

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

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

Passed:

TO: Matthew D. Kline, City Manager  
FROM: Kathryn K. McKillips, Director of Engineering Services  
DATE: May 16, 2008  
SUBJECT: Commission Agenda Item

**ITEM FOR CONSIDERATION:** An Ordinance awarding a contract to Wagner Enterprises, Inc., Hazel Park, Michigan, for the Ferrous Chloride Tank Purchase. This project involves purchasing a tank for storage of Ferrous Chloride for use at the Wastewater Treatment Plant. A pilot program last year provided information that shows the ferrous chloride reduces odors in the plant treatment process. Kemira performed a pilot program at the City's Water Pollution Control facility during two different seasons (winter and summer) in 2007. Kemira, the Ferrous Chloride chemical supplier, supplied the ferrous and the tanker truck with on-board pump system for feeding the chemical into the process at the headworks. The ferrous chloride was used in the treatment process instead of Alum. The odor from the facility was significantly less with the use of ferrous than alum. With the knowledge that odors were decreased with the ferrous chloride, and the savings in the chemical costs, a storage tank was included in the major expendables line item of the Water Pollution Control operating budget for 2008. The savings comes from using a decreased amount of ferrous compared to alum, and ferrous costs less than alum. On November 26, 2007, Ordinance No. 07-092 was approved authorizing the purchase of about 313,080 pounds of Ferrous Chloride Solution for the calendar year 2008. Due to the timing of the approval of the 2008 budget, the tank was not bid until April 2008. Ferrous Chloride is currently being used at the aeration building, which is more than half way to the end of the treatment process. In order to provide more odor control at the plant, the ferrous must be used at the beginning of the treatment process. To begin using the Ferrous Chloride at the headworks, a storage tank is needed.

Two bids were received on May 13, 2008 from the following companies:

Wagner Enterprises, Inc.	Hazel Park, MI	Bid: \$28,770.00
Berrington Pumps & Systems, Inc.	Avon, OH	Bid: \$28,480.00

\*\*Berrington's bid was submitted as an estimate only and therefore rejected.

The Local Preference Ordinance (Chapter 149) would have been appropriately applied but was not necessary because of the rejection of the second bid. Wagner Enterprises, Inc., of Hazel Park Michigan is recommended as the lowest and best bid.

**BUDGETARY INFORMATION:** The revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$31,647.00. This project will be paid with Sewer Funds and is included in the approved WPC 2008 operating budget.

**ACTION REQUESTED:** It is recommended that the Ordinance awarding a contract to Wagner Enterprises, Inc. of Hazel Park, Michigan for the purchase of a Ferrous Chloride Storage Tank, in the amount of \$28,770.00 be approved. It is requested that the legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter in order to place the order and receive the storage tank so that the ferrous chloride can be purchased and received as soon as possible for use at the beginning of the treatment process where it will be more effective on odors at the Water Pollution Control plant.

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

Approved by:

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Matthew D. Kline, City Manager

KKM/cal

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WAGNER ENTERPRISES, INC. OF HAZEL PARK, MICHIGAN, FOR THE PURCHASE OF A FERROUS CHLORIDE TANK FOR USE AT THE WATER POLLUTION CONTROL PLANT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission previously approved the purchase of Ferrous Chloride Solution for the CY 2008 as a result to a pilot program conducted in 2007 indicating this chemical reduced odors in the plant treatment process at the Water Pollution Control Plant, by Ordinance No. 07-092, passed on November 26, 2007; and

**WHEREAS**, the Ferrous Chloride Solution is currently being used and stored at the Water Pollution Control Plant where the prior chemical Alum was used and stored which is more than half-way through the treatment process and in order to provide the most effective odor control, the Ferrous Chloride Solution must be used and stored at the beginning of the treatment process requiring the purchase of a storage tank; and

**WHEREAS**, in addition to the benefit of odor control effectiveness, the City will recognize a saving from using decreased amounts of Ferrous Chloride Solution in comparison to Alum and costs less as well; and

**WHEREAS**, upon competitive bidding as required by law, two (2) vendors responded with one (1) bid being proper and appropriate and (1) bid being rejected, and therefore the bid of Wagner Enterprises, Inc., of Hazel Park, Michigan, was determined to be the lowest and best bid; and

**WHEREAS**, the revised project cost based on bids, including engineering, inspection, advertising and miscellaneous costs is \$31,647.00 and will be paid with Sewer Funds, which are included in the approved WPC 2008 operating budget; and

**WHEREAS**, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to purchase and receive the storage tank as soon as possible which will allow the Ferrous Chloride Solution to be incorporated at the beginning of the treatment process where it is more effective in controlling odors; and

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

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

Section 1. The This City Commission authorizes and directs the City Manager to enter into a contract with Wagner Enterprises, Inc., of Hazel Park, Michigan, for the purchase of a Ferrous Chloride Tank for use at the Water Pollution Control Plant, at an amount **not to exceed** Twenty Eight Thousand Seven Hundred Seventy and 00/100 Dollars (\$28,770.00) consistent with the bid submitted by Wagner Enterprises, Inc., of

Hazel Park, Michigan, currently on file in the office of the Director of Engineering Services.

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

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

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

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

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

Passed:

TO: Matthew D. Kline, City Manager

FROM: Kathy McKillips, Director of Engineering Services  
Scott J. Schell, Economic Development Specialist

DATE: May 14, 2008

RE: Commission Agenda Item (Application for Submerged Land Lease for the Sailing Basin)

**ITEM FOR CONSIDERATION:** The City has been working with the Sandusky Sailing Club to modify the existing submerged land lease SUB-530-ER to more accurately delineate the uses of the property. As part of the lease modification process, a resolution must be passed authorizing and consenting the City of Sandusky to receive a submerged land lease from the State of Ohio and authorizing the sub-leasing of certain parcels within the submerged land lease. The water surface area, sailing club grounds and the area retained by the City are all delineated separately due to the different lease rates charged by ODNR.

Parcels A (0.9005 acre), B (0.6971 acre), and E (0.2415 acre) will be retained by the City for public space. Parcels C (8.9225 acre of water area) and D (5.8697 acre) will be sub-leased to the Sailing Club for their use. The revised lease boundary was also configured to eliminate overlaps and gaps between submerged land leases (City Building and Battery Park) that were present with the previous lease description for the Sailing Club.

The City has submitted the application for the submerged land lease to the ODNR.

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

**ACTION REQUESTED:** Request a resolution authorizing and consenting to a submerged land lease to be issued by the State of Ohio to the City of Sandusky for a portion of the property commonly called, the Sadler Sailing Basin, East Battery Park Grounds, Sandusky, OH 44870. In order to insure that the review process of the City's application by ODNR can continue in a timely manner and to provide closure for the Sailing Club on this issue, it is requested that this be approved under suspension of the rules and in accordance with Section 14 of the City Charter.

\_\_\_\_\_  
Scott J. Schell  
Economic Development Specialist

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

**I concur with this recommendation:**

\_\_\_\_\_  
Matthew D. Kline  
City Manager  
KKM/cal

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

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

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

**WHEREAS**, the City of Sandusky is the upland property owner of land fronting Sandusky Bay at Parcel Numbers 5664019000 located at 222 Meigs Street and 5601377000 located at 701 E. Water Street in the City of Sandusky, Ohio; and

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

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

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

**WHEREAS**, this legislation should be passed as an emergency measure and in accordance with Section 14 of the City Charter in order to insure that the O.D.N.R.'s administrative review process can continue 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. This City Commission determines that based upon the City's representations as contained in attached Exhibit "A", the territory as described in their application and attachments, is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce.

Section 2. This City Commission finds and determines that based upon the

City's representations contained in the attached Exhibit "A", the land uses specified in the City's application and attachments filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan, Comprehensive Land Use Plan and Sandusky Bay Pathway Master Plan.

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

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

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

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

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

Passed: