

AGENDA

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

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MONDAY, JULY 28, 2008

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Invocation
Pledge of Allegiance
Meeting Called to Order
Roll Call - DW, DK, CS, DM, BF, JF, BW
Minutes - July 14th

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CHARTER OFFICERS

- Matthew Kline, City Manager
 - Don Icsman, Law Director
 - Edward Widman, Finance Director
 - 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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PRESENTATION - Finance Committee

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PRESENTATION - Daniel Frederick - Greenhouse Architectural Plans

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PUBLIC HEARING - 2009 Program Year Community Development Block Grant

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PREVIOUS BUSINESS

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THIS ITEM WAS TABLED JULY 14TH.

ITEM #1 - Communication - Lieutenant Phillip J. Frost

BUDGETARY INFORMATION: The total cost for the purchase of the software system and annual support, which does not include the costs for training, is \$42,154.80 and will be paid as follows: \$41,682.00 will be funded from two separate Federal "Edward Byrne Justice Assistance" Grants (one from 2005 for \$28,075.00 for "wi-fi" connectivity and one from 2006 for \$13,607.00 for NIBRS compliancy) and the remaining \$472.80 will be paid with funds from the 2008 Police Department budget. The total cost for training is \$9,714.60 and will be paid with funds from the 2008 Police Department training budget. It should be noted that the annual support fee will increase to \$10,220.65 (See page 3 of 3). The prorated fee, \$8,517.30 is part of the \$42,154.80 total cost. This annual support fee will be paid with funds from a currently budgeted \$12,000.00 computer line item.

ORDINANCE NO. _____ Enter into an agreement with Cody Computer Systems of Pottstown, Pennsylvania, to purchase a Software System and Annual Support for use by the Sandusky Police Department, using Federal Funds from the Edward Byrne Justice Assistance Grants. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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THIS ITEM WAS READ AT FIRST READING.

ITEM #2 - Communication - Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: The item has no budgetary impact.

ORDINANCE NO. _____ Amending Part Eleven - Planning and Zoning Code, Title Five - Additional Zoning Requirements, Chapter 1157 - Flood Control. **Request passed at second reading.**

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CURRENT BUSINESS

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ITEM #3

ORDINANCE NO. _____ Levying special assessments for constructing, re-laying and repairing certain sidewalks and constructing certain curbs and gutters and approaches as a part of the City's 2007 Sidewalk, Curb and Gutter and Approach Program, and declaring an emergency. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #4 - Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: The owner of the property at the time of the inception of the project petitioned for the public infrastructure improvements, including a detention pond. Pursuant to that petition, 100% of the cost of the project will be assessed to the property. As the owner sells lots in the subdivision, the responsibility for the payment of a corresponding portion of the assessment is transferred to the new property owner. The total project cost of \$2,849,954.34 will be assessed to the current property owners for their corresponding portion.

ORDINANCE NO. _____ Levying special assessments for opening and improving as public streets Perkins Avenue Extension (also known as Ferndale Drive) and certain other designated streets between certain termini by grading, draining, paving, constructing curbs, gutters, water mains, water service connections, fire hydrants, sanitary sewers, storm sewers, sanitary and storm sewer laterals, catch basins and manholes, constructing, in certain locations as shown in the plans, sidewalks, curb ramps, drainage structures, a box culvert and a detention pond, installing street lighting and traffic control devices, and acquiring any necessary real estate or interests therein in connection therewith, all together with the necessary appurtenances thereto, and declaring an emergency. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #5 - Communication - Communication - Carrie R. Handy, Chief Planner

BUDGETARY INFORMATION: There will be no impact to the General Fund. Proposed activities will be paid for through the CDBG Grant Funds.

ORDINANCE NO. _____ Accept a Consolidated Entitlement Grant in the amount of \$804,479.00 total Community Development Block Grant Funds for the Program Year of July 1, 2008 through June 30, 2009 and to submit to the United States Department of Housing and Urban Development a FY 2008 One-Year Action Plan. **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: Matt Kline, City Manager
FROM: Lt. Phillip J. Frost
DATE: 06-25-2008
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

An ordinance authorizing the City Manager to enter into an agreement to purchase software, services and maintenance from Cody Computer Systems of Pottstown PA in an amount of \$42,154.80.

BACKGROUND INFORMATION:

This purchase will include silent dispatch and messaging on both SPD dispatch consoles, Cody mobile 7 with silent dispatching in all 14 cruisers, NIBRS (Ohio specific-OIBRS.) enhancement for the existing CODY records system and LEADS basic query interface for 2 dispatch positions, one report room position and the 14 cruisers. This purchase also includes a free server move; new oracle licensed software and a prorated maintenance agreement for all new and enhanced products. Cody will also update the existing system with the latest software updates as the last annual update was in 2006.

For the past two years the Sandusky Police Department has been without lap top computers in the cruisers. Lap top computers in the cruisers would allow officers to remain on the road and write reports, thus being more visible. Officers would also be able to run LEADS in the cruisers, thus freeing up our dispatchers and allowing officers to run searches when dispatch is busy, which enhances officer safety and productivity.

Six other vendors gave presentations and were considered for these types of products. The Acting Police Chief and myself are recommending staying with Cody Computers Systems for several reasons. First of all we have been with this system for almost 10 years and being familiar with a system has been found to improve its use. The cost of transferring 10 years of data to a new system would be cost prohibitive. The systems that gave presentations were either more expensive than CODY or did not fit the needs of the department. Lastly with the study being conducted for a countywide dispatch system the possibility exists there could be a change in systems in the next few years. We feel that due to the grant money being available now and the reasons described putting the lap top computers back in the cars now with Cody Computers Systems is the most prudent way to proceed.

In addition to the software updates and enhancements, it is recommended that Cody Computer Systems provide the necessary training for our officers at a cost of \$9,714.60.

BUDGETARY INFORMATION:

The total cost for the purchase of the software system and annual support, which does not include the costs for training, is \$42,154.80 and will be paid as follows: \$41,682.00 will be funded from two separate Federal "Edward Byrne Justice Assistance" Grants (one from 2005 for \$28,075.00 for "wi-fi" connectivity and one from 2006 for \$13,607.00 for NIBRS compliancy) and the remaining \$472.80 will be paid with funds from the 2008 Police Department budget.

The total cost for training is \$9,714.60 and will be paid with funds from the 2008 Police Department training budget.

It should be noted that the annual support fee will increase to \$10,220.65 (See page 3 of 3) The prorated fee, \$8,517.30 is part of the \$42,154.80 total cost. This annual support fee will be paid with funds from a currently budgeted \$12,000 computer line item.

ACTION REQUESTED:

It is requested that the legislation be approved to purchase software and services from Cody Computer Services consistent with their proposal, a copy of which is attached to this communication. It is further requested that this be passed and take immediate effect in accordance with Section 14 of the City Charter in order to begin training sessions and implementation to allow for better cruiser visibility, dispatcher and officer productivity and for the safety of our officers as soon as possible, especially during the busy summer months.

Phillip J. Frost
Lieutenant, Sandusky Police Department

Approved:

I concur with this recommendation:

Charlie Sams, Acting Police Chief

Matthew D. Kline, City Manager

Cc: Don Icsman, Law Director
Ed Widman, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CODY COMPUTER SYSTEMS, OF POTTSTOWN, PENNSYLVANIA TO PURCHASE A SOFTWARE SYSTEM AND ANNUAL SUPPORT FOR USE BY THE SANDUSKY POLICE DEPARTMENT, USING FEDERAL FUNDS FROM THE EDWARD BYRNE JUSTICE ASSISTANCE GRANTS; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Police Department is currently using Cody Computer Systems software for their records system which has not been updated since 2006, and is recommending to purchase a software system and annual support from Cody Computer Systems that would provide silent dispatch and messaging on both SPD dispatch consoles, Cody mobile 7 with silent dispatching in all 14 cruisers, NIBRS (Ohio specific-OIBRS.) enhancement for the existing CODY records system and LEADS basic query interface for 2 dispatch positions, one report room position and the 14 cruisers; this purchase also includes a free server move, new oracle licensed software and a prorated maintenance agreement for all new and enhanced products; and

WHEREAS, for the past two (2) years the Sandusky Police Department has been without laptop computers in the cruisers and this purchase would enable the laptops to be returned to the cruisers allowing officers to remain on the road while writing reports and run LEADS reports from the cruisers which frees up the dispatchers and ultimately enhances visibility, productivity and officer safety; and

WHEREAS, presentations were given by seven (7) vendors and based upon familiarity, departmental needs, cost, availability of existing grant funds, and the ability to return the laptop computers to the cruisers, it was determined that the software and services provided by Cody Computer Systems of Pottstown, Pennsylvania was the most prudent manner to proceed; and

WHEREAS, the total cost for the purchase of the software system and annual support is \$42,154.80 (not including training) in which \$41,682.00 will be funded from two separate Federal "Edward Byrne Justice Assistance" Grants (2005 grant in the amount of \$28,075.00 for "wi-fi" connectivity and 2006 grant in the amount of \$13,607.00 for NIBRS compliancy) and the remaining \$472.80 will be paid with funds from the 2008 Police Department budget; and

WHEREAS, the total cost for training is \$9,714.60 and will be paid with funds from the 2008 Police Department training 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 begin the necessary training and implementation as soon as possible to increase cruiser visibility, dispatcher and officer productivity, officer safety and to begin utilizing during the busy summer months; 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

enter into an agreement with Cody Computer Systems of Pottstown, Pennsylvania, to purchase a Software System and Annual Support for use by the Sandusky Police Department at an amount **not to exceed** Forty Two Thousand One Hundred Fifty Four and 80/100 Dollars (\$42,154.80) consistent with the proposal by Cody Computer Systems of Pottstown, Pennsylvania, currently on file in the Sandusky Police Department.

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:

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART ELEVEN - PLANNING AND ZONING CODE, TITLE FIVE - ADDITIONAL ZONING REQUIREMENTS, CHAPTER 1157 - FLOOD CONTROL, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, on July 5, 1977, the Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified special flood hazard areas and has recently revised the FIRM panels in a countywide format for all jurisdictions within Erie County, including the City of Sandusky; and

WHEREAS, Section 1361 of the National Flood Insurance Act of 1968 requires the City of Sandusky to adopt the new FIRMs BY August 28, 2008 in order to remain eligible for the National Flood Insurance Program (NFIP) in which the City participates; and

WHEREAS, this new Chapter 1157, Flood Damage Reduction, reflects the model ordinance provided by the Ohio Department of Natural Resources that meets all the requirements for FEMA and NFIP and was approved by the Ohio Department of Natural Resources on June 11, 2008; and

WHEREAS, the goal of this new Chapter 1157 is to decrease potential damage to property, both real and personal, during flood events which will control the building, grading, clearing, and filling of floodplains and allow property owners to receive government subsidized flood insurance; 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. Part Eleven - Planning and Zoning Code, Title Five - Additional Zoning Requirements, Chapter 1157 - Flood Control be amended by the repeal of current Chapter 1157 and the enactment of new Chapter 1157 as follows:

**NEW CHAPTER 1157
FLOOD DAMAGE REDUCTION**

1157.01	General Provisions.	1157.05	Appeals and Variances.
1157.02	Definitions.	1157.06	Enforcement.
1157.03	Administration.		
1157.04	Use And Development Standards For Flood Hazard Reduction.		

1157.01 GENERAL PROVISIONS.

- (a) Statutory Authorization**
ARTICLE XVIII, Section 7, Home Rule and ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Commission of Sandusky, State of Ohio, does ordain as follows:
- (b) Findings of Fact**
The City of Sandusky has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public

expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Sandusky as identified in Section 1157.01(f), including any additional areas of special flood hazard annexed by City of Sandusky.

(f) Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- (1) *Flood Insurance Study Erie County, Ohio and Incorporated Areas and Flood Insurance Rate Map Erie County, Ohio and Incorporated Areas* both effective August 28, 2008.
- (2) Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Sandusky as required by Section 1157.04(c) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the office of the Director of Engineering Services 222 Meigs Street Sandusky, Ohio 44870.

- (g) **Abrogation and Greater Restrictions**
These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.
- (h) **Interpretation**
In the interpretation and application of these regulations, all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and,
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.
- (i) **Warning and Disclaimer of Liability**
The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Sandusky, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.
- (j) **Severability**
Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1157.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

- (a) **Accessory Structure:** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

- (b) **Appeal:** A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.
- (c) **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.
- (d) **Base (100-Year) Flood Elevation (BFE):** The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).
- (d) **Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.
- (e) **Development:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (f) **Enclosure Below the Lowest Floor:** See "Lowest Floor."
- (g) **Executive Order 11988 (Floodplain Management):** Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- (h) **Federal Emergency Management Agency (FEMA):** The agency with the overall responsibility for administering the National Flood Insurance Program.
- (i) **Fill:** A deposit of earth material placed by artificial means.
- (j) **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters, and/or
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (k) **Flood Hazard Boundary Map (FHBM):** Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.
- (l) **Flood Insurance Rate Map (FIRM):** An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (m) **Flood Insurance Risk Zones:** Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:
 - (1) **Zone A:** Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
 - (2) **Zones A1-30 and Zone AE:** Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
 - (3) **Zone AO:** Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
 - (4) **Zone AH:** Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
 - (5) **Zone A99:** Special flood hazard areas inundated by the 100-year flood to

be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

- (6) **Zone B and Zone X (shaded):** Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
- (7) **Zone C and Zone X (unshaded):** Areas determined to be outside the 500-year floodplain.

- (n) **Flood Insurance Study (FIS):** The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.
- (o) **Flood Protection Elevation:** The Flood Protection Elevation, or FPE, is the base flood elevation plus two (2) feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.
- (p) **Floodway:** A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.
- (q) **Freeboard:** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.
- (r) **Historic structure:** Any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
 - (4) Individually listed on the inventory of historic places maintained by City of Sandusky's historic preservation program, which program is certified by the Ohio Historic Preservation Office.
- (s) **Hydrologic and hydraulic engineering analysis:** An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.
- (t) **Letter of Map Change (LOMC):** A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps,

Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

- (1) **Letter of Map Amendment (LOMA):** A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
 - (2) **Letter of Map Revision (LOMR):** A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
 - (3) **Conditional Letter of Map Revision (CLOMR):** A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.
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- (u) **Lowest floor:** The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.
 - (v) **Manufactured home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.
 - (w) **Manufactured home park:** As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.
 - (x) **National Flood Insurance Program (NFIP):** The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.
 - (y) **New construction:** Structures for which the "start of construction" commenced on or after the initial effective date of the City of Sandusky Flood Insurance Rate Map, July 5, 1977, and includes any subsequent improvements to such structures.
 - (z) **Person:** Includes any individual or group of individuals, corporation, partnership,

association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

- (aa) **Recreational vehicle:** A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (bb) **Registered Professional Architect:** A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.
- (cc) **Registered Professional Engineer:** A person registered as a professional engineer under Chapter 4733 of the Revised Code.
- (dd) **Registered Professional Surveyor:** A person registered as a professional surveyor under Chapter 4733 of the Revised Code.
- (ee) **Special Flood Hazard Area:** Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.
- (ff) **Start of construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.
- (gg) **Structure:** A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (hh) **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (ii) **Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the

improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- (1) Any improvement to a structure that is considered "new construction,"
- (2) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (3) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(jj) **Variance:** A grant of relief from the standards of these regulations consistent with the variance conditions herein.

(kk) **Violation:** The failure of a structure or other development to be fully compliant with these regulations.

1157.03 ADMINISTRATION.

(a) **Designation of the Floodplain Administrator**

The Director of Engineering Services is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) **Duties and Responsibilities of the Floodplain Administrator**

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) **Floodplain Development Permits**

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1157.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit

shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- (5) Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:

- A. Floodproofing certification for non-residential floodproofed structure as required in Section 1157.04(e).
- B. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 1157.04(d)(5) are designed to automatically equalize hydrostatic flood forces.
- C. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 1157.04(i)(3).
- D. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 1157.04(i)(2).
- E. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 1157.04(i)(1).
- F. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 1157.04(c).

- (6) A floodplain development permit application fee set by the schedule of fees adopted the City of Sandusky.

(e) Review and Approval of a Floodplain Development Permit Application

(1) Review

- A. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 1157.03(d) has been received by the Floodplain

Administrator.

B. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

(2) Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

(f) Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

(g) Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- (1) For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all development activities subject to the standards of Section 1157.03(j)(1), a Letter of Map Revision.

(h) Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 1157.05 of these regulations.

(i) Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- (1) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- (2) Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- (3) Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- (4) Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.

- (5) Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

(j) **Map Maintenance Activities**

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that Sandusky's flood maps, studies and other data identified in Section 1157.01(f) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) **Requirement to Submit New Technical Data**

- A. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 4. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 1157.04(c).
- B. It is the responsibility of the applicant to have technical data, required in accordance with Section 1157.03(j)(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- C. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
1. Proposed floodway encroachments that increase the base flood elevation; and
 2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- D. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 1157.03(j)(1)(A).

(2) **Right to Submit New Technical Data**

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of Sandusky, and may be submitted at any time.

(3) **Annexation / Detachment**

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing

whenever the boundaries of the City of Sandusky have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Sandusky Flood Insurance Rate Map accurately represent the City of Sandusky boundaries, include within such notification a copy of a map of the City of Sandusky suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Sandusky has assumed or relinquished floodplain management regulatory authority.

(k) Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- (1) In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- (2) Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- (3) When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 - A. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 - B. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1157.05, Appeals and Variances.
- (5) Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

(l) Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged structures are located in special flood hazard areas;
- (2) Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and
- (3) Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

1157.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1157.01(f) or 1157.03(k)(1):

(a) Use Regulations

(1) Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Sandusky are allowed provided they meet the provisions of these regulations.

(2) Prohibited Uses

- A. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
- B. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

(b) Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

(c) Subdivisions and Large Developments

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- (5) The applicant shall meet the requirement to submit technical data to FEMA in Section 1157.03(j)(1)(A)(4) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section

1157.04(c)(4)(A).

(d) Residential Structures

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.**
- (2) New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.**
- (3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.**
- (4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. Where no flood protection elevation data exists, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.**
- (5) New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:**
 - A. Be used only for the parking of vehicles, building access, or storage; and**
 - B. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or**
 - C. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**
- (6) Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.**
- (7) Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 1157.04(d).**
- (8) In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.**

(e) Nonresidential Structures

- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 1157.04(d)(1-3 and 5-8).**
- (2) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood**

protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- A. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 1157.04(e)(2)(A) and (B).
- (3) Where no flood protection elevation data exists, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

(f) Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- (1) They shall not be used for human habitation;
- (2) They shall be constructed of flood resistant materials;
- (3) They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- (4) They shall be firmly anchored to prevent flotation;
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- (6) They shall meet the opening requirements of Section 1157.04(d);

(g) Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

- (1) They shall not be located on sites in special flood hazard areas for more than 180 days, or
- (2) They must be fully licensed and ready for highway use, or
- (3) They must meet all standards of Section 1157.04(d)(5)(C).

(h) Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(i) Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

(1) Development in Floodways

- A. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
- B. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:

- 1. Meet the requirements to submit technical data in Section 1157.03(j)(1);
- 2. An evaluation of alternatives, which would not result in

increased base flood elevations and an explanation why these alternatives are not feasible;

3. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
4. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
5. Concurrence of the City Manager of Sandusky and the Chief Executive Officer of any other communities impacted by the proposed actions.

(2) Development in Riverine Areas with Base Flood Elevations but No Floodways

- A. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
- B. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 1. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 2. Section 1157.04(i)(1)(B)(1 and 3,4,5).

(3) Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

- A. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Sandusky specifying the maintenance responsibilities. If an agreement is required, it shall be made a

condition of the floodplain development permit.

- D. The applicant shall meet the requirements to submit technical data in Section 1157.03(j)(1)(A)(3) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1157.05 APPEALS AND VARIANCES.

(a) Appeals Board Established

- (1) The City of Sandusky Board of Zoning Appeals established under Chapter 1111 of the Codified Ordinances of the City of Sandusky is hereby appointed to serve as the Appeals Board for these regulations.
- (2) Records of the Appeals Board shall be maintained by the Clerk of the Board of Zoning Appeals. A copy of the records of any appeal regarding this Chapter 1157 shall also be maintained in the Office of the Floodplain Administrator.

(b) Powers and Duties

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with Section 1157.05(d) of these regulations.

(c) Appeal From Any Notice and Order, or Other Official Action of the Floodplain Administrator

Any person adversely affected by any notice, order or other official action of the Floodplain Administrator may request a hearing on the matter before the Appeals Board provided that such person shall file, within 21 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit a report including any and all necessary pertinent information on which the Floodplain Administrator's decision was made to the Clerk of the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal hearing, give notice in writing to parties in interest, and decide the appeal within a reasonable time after the hearing.

(d) Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the application for a variance shall transmit it to the Clerk of the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

- C. All applications for variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Sandusky.

(2) Public Hearing for a Variance

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variations shall only be issued upon:

- A. A showing of good and sufficient cause.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variations, as it deems necessary to further the purposes of these regulations.

(3) Other Conditions for Variations

- A. Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(B)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (e) **Appeal to the Court**
Those aggrieved by the decision of the Appeals Board may appeal such decision to the Erie County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

1157.06 ENFORCEMENT.

- (a) **Compliance Required**
 - (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1157.03(i).
 - (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1157.06(c).
 - (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1157.06(c).
- (b) **Notice of Violation**
Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he or she shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:
 - (1) Be put in writing on an appropriate form;
 - (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
 - (3) Specify a reasonable time for performance;
 - (4) Advise the owner, operator, or occupant of the right to appeal;
 - (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.
- (c) **Violations and Penalties**
Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Sandusky. Each day such violation continues shall be considered a separate offense. Nothing herein

contained shall prevent the City of Sandusky from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Sandusky shall prosecute any violation of these regulations in accordance with the penalties stated 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 shall take effect at the earliest time allowed by Law.

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

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

Passed:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR CONSTRUCTING, RE-LAYING AND REPAIRING CERTAIN SIDEWALKS AND CONSTRUCTING CERTAIN CURBS AND GUTTERS AND APPROACHES AS A PART OF THE CITY'S 2007 SIDEWALK, CURB AND GUTTER AND APPROACH PROGRAM, AND DECLARING AN EMERGENCY.

WHEREAS, after notice given as required by law, no written objections have been received to the estimated final special assessments prepared and filed by the Department of Engineering Services in connection with the City's 2007 Sidewalk, Curb and Gutter and Approach Program (the Schedule of Assessments), pursuant to Resolution Nos. 020-07R and 013-08R adopted on July 9, 2007 and June 9, 2008, respectively; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be effective immediately so that the levy of the special assessments may be immediately effective so that notes issued by the City in anticipation of that levy may be repaid from such assessments as may be collected and from any securities to be issued in anticipation of the collection of any such unpaid assessments and thereby protect the credit of the City, and, by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW THEREFORE

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

Section 1. The estimated final special assessments set forth in the Schedule of Assessments for a portion of the cost and expense of constructing, re-laying and repairing sidewalks and constructing curbs and gutters and approaches as a part of the City's 2007 Sidewalk, Curb and Gutter and Approach Program, and in accordance with the resolutions referred to in the preambles hereto, are hereby adopted and confirmed, which special assessments are not in excess of the special benefits to the properties assessed or any statutory limitation. There are hereby levied and assessed upon the lots and lands set forth in the Schedule of Assessments the amounts set forth therein.

Section 2. The special assessment against each such lot and parcel of land shall be payable in cash within thirty days from and after the passage of this ordinance or at the option of the owner in ten annual installments with interest at the same rate as shall be borne by any securities to be issued in anticipation of the collection of the special assessments, or, if those securities are not issued, at the rate of 6% per year which interest rate is determined by this Commission to be substantially equivalent to the fair market rate that would have been borne by securities issued in anticipation of the collection of the special assessments if those securities had been issued by this City. All cash assessments shall be paid to the Finance Director of the City of Sandusky, Ohio. All assessments and installments thereof remaining unpaid at the expiration of said thirty days shall be certified by the Finance Director of said City to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 3. The Clerk of this Commission shall cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in the office of the Clerk of this Commission the Schedule of Assessments.

Section 4. The Clerk of this Commission shall deliver a certified copy of this ordinance to the County Auditor within twenty days after its passage.

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

Section 6. For the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage 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: July 28, 2008

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, Director of Engineering Services
Date: July 22, 2008
Subject: Commission Agenda Item

Item for Consideration: Final Assessments for the Cold Creek Crossing Subdivision Phase I. This project improved public streets within the Cold Creek Crossing Subdivision Phase I that was approved by the City of Sandusky Planning Commission on March 26, 2003. The improvements included grading, draining, paving, constructing curbs, gutters, water mains, water service connections, fire hydrants, sanitary sewers, storm sewers, sanitary and storm sewer laterals, catch basins and manholes, constructing, in certain locations as shown in the Plans, sidewalks, curb ramps, drainage structures, a box culvert and a detention pond, installing street lighting and traffic control devices, and any necessary appurtenances.

Located south of Venice Road and east of the Venice Heights Subdivision, this development provides the City with 95 single family lots totaling 38.3575 acres, condominium / multi-family areas totaling 17.7415 acres, and open space surrounding the ditch and wooded areas.

The petition signed by Cold Creek Development Co. Ltd. and approved by the City Commission on May 27, 2003, Resolution No. 016-03R, allowed the notes for the public improvements to be rolled over for five years. The cost of the project will now be assessed to the current property owners in the subdivision. See the attached spreadsheet.

Budgetary Information: The owner of the property at the time of the inception of the project petitioned for the public infrastructure improvements, including a detention pond. Pursuant to that petition, 100% of the cost of the project will be assessed to the property. As the owner sells lots in the subdivision, the responsibility for the payment of a corresponding portion of the assessment is transferred to the new property owner.

The total project cost of \$2,849,954.34 will be assessed to the current property owners for their corresponding portion.

Action Requested: It is requested that the final assessments be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter allowing for notification of the subject property owners as to their assessment in conjunction with the Cold Creek Crossing Subdivision Phase I and to allow for the assessments remaining

unpaid after the cash payment period has expired to be certified, together with interest on those unpaid assessments, with the Erie County Auditor.

Kathryn K. McKillips
Director of Engineering Services

I concur with this recommendation:

Matthew D. Kline
City Manager

KKM/cal

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

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR OPENING AND IMPROVING AS PUBLIC STREETS PERKINS AVENUE EXTENSION (ALSO KNOWN AS FERNDALE DRIVE) AND CERTAIN OTHER DESIGNATED STREETS BETWEEN CERTAIN TERMINI BY GRADING, DRAINING, PAVING, CONSTRUCTING CURBS, GUTTERS, WATER MAINS, WATER SERVICE CONNECTIONS, FIRE HYDRANTS, SANITARY SEWERS, STORM SEWERS, SANITARY AND STORM SEWER LATERALS, CATCH BASINS AND MANHOLES, CONSTRUCTING, IN CERTAIN LOCATIONS AS SHOWN IN THE PLANS, SIDEWALKS, CURB RAMPS, DRAINAGE STRUCTURES, A BOX CULVERT AND A DETENTION POND, INSTALLING STREET LIGHTING AND TRAFFIC CONTROL DEVICES, AND ACQUIRING ANY NECESSARY REAL ESTATE OR INTERESTS THEREIN IN CONNECTION THEREWITH, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Engineering Services of this City has advised this Commission that the improvement described in Section 1 (the "Improvement") has been completed and has filed with the Clerk of this Commission the final distribution of costs thereof and the final special assessments based thereon (the "Schedule of Assessments") pursuant to a petition dated May 12, 2003 (the "Petition") and Resolution No. 016-03R adopted on May 27, 2003 (the "Resolution"); and

WHEREAS, Ordinance No. 06-057 passed on June 26, 2006 (the "Ordinance" and, together with the Resolution, the "Legislation"), authorized prepayments of the special assessments to be levied for the Improvement at the option of the owners of such lots so as to avoid additional issuance and financing costs in connection therewith and directed the Director of Engineering Services of this City to take into account and to credit, as provided in the Ordinance, any such prepayment received with respect to any such lot so that the special assessment for any such lot would fairly, justly and equitably be shown, considered, treated and deemed as having been paid in full; and

WHEREAS, the Schedule of Assessments reflects that prepayments were received with respect to four lots (Parcel Numbers 6000043019, 6000043038, 6000043041 and 6000043086) and that Schedule of Assessments also indicates that those lots (the "Prepaid Lots") avoided additional issuance and financing costs by reason of such prepayments and the special assessments on those Prepaid Lots in the Schedule of Assessments are fairly, justly and equitably shown, considered, treated and deemed as having been paid in full in accordance with the Legislation; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be effective immediately so that the levy of the special assessments may be immediately effective so that notes issued by the City in anticipation of that levy may be repaid from such assessments as may be collected and from any securities to be issued in anticipation of the collection of any such unpaid assessments and thereby protect the credit of the City, and, by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW THEREFORE

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

Section 1. The final special assessments set forth in the Schedule of Assessments for the cost and expense of opening as public streets and improving Perkins Avenue Extension (also known as Ferndale Drive) from a point approximately 192 feet east of the centerline of Cold Creek Boulevard thence westerly to a point approximately 217 feet west of the centerline of South Meadow Drive and the entire length of Cold Creek Boulevard, Creek Side Circle, Old Mill Place, South Meadow Drive, Walnut Ridge Lane, West Wood Circle and West Wood Way, as further identified in the Plans (as defined in the Resolution) and as shown in the Plat (as defined in the Resolution), by grading, draining, paving, constructing curbs, gutters, water mains, water

service connections, fire hydrants, sanitary sewers, storm sewers, sanitary and storm sewer laterals, catch basins and manholes, constructing, in certain locations as shown in the Plans, sidewalks, curb ramps, drainage structures, a box culvert and a detention pond, installing street lighting and traffic control devices, and acquiring any necessary real estate or interests therein in connection therewith, all together with the necessary appurtenances thereto, in accordance with the Petition and the Legislation, are hereby adopted and confirmed, which special assessments, in accordance with the Petition, are not in excess of the special benefits to the properties assessed. There are hereby levied and assessed upon the lots and lands set forth in the Schedule of Assessments the amounts set forth therein. Pursuant to the Legislation and for the reasons set forth in the preambles hereto, this Commission further finds and determines that (i) the special assessments with respect to the Prepaid Lots have been paid in full and (ii) the special assessments as to each lot or parcel of land are in the same proportion to the estimated assessments on each such lot or parcel of land as the actual cost of that improvement bears to the estimated cost of that improvement upon which the estimated assessment was based.

Section 2. The unpaid special assessment against each such lot and parcel of land shall be payable in cash within thirty days from and after the passage of this ordinance or at the option of the owner in twenty annual installments with interest at the same rate or rates of interest as borne by any securities to be issued in anticipation of the collection of the special assessments, or, if those securities are not issued, at the rate of 6% per year which interest rate is determined by this Commission to be substantially equivalent to the fair market rate that would have been borne by securities issued in anticipation of the collection of the special assessments if those securities had been issued by this City. All cash payments shall be made to the Finance Director of the City of Sandusky, Ohio. All assessments and installments thereof remaining unpaid at the expiration of said thirty days shall be certified by the Finance Director of said City to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 3. The Clerk of this Commission shall cause a notice of the passage of this ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in the office of the Clerk of this Commission the Schedule of Assessments.

Section 4. The Clerk of this Commission shall deliver a certified copy of this ordinance to the County Auditor within twenty days after its passage.

Section 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an opening 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 law.

Section 6. For the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage 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: July 28, 2008

TO: Matthew D. Kline
City Manager

FROM: Carrie R. Handy
Chief Planner

DATE: July 21, 2008

**SUBJECT: Item for the July 28, 2008 City Commission Agenda
One-Year Action Plan – FY 2008**

ITEM FOR CONSIDERATION: Authorizing and directing the City Manager to accept a consolidated entitlement grant in the amount of \$804,479 total Community Development Block Grant for the program year of July 1, 2008 through June 30, 2009; and to submit to the United States Department of Housing and Urban Development a FY 2008 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 and four thousand, four hundred and seventy-nine dollars (\$804,479) are available from HUD to fund the City of Sandusky's 5th Year Consolidated Plan 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 strives to create economic opportunity and self-sufficiency and to sustain community development through comprehensive planning and a resource allocation approach. Activities include programs to address affordable housing and community development. Program contracts are awarded via Federal and City 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, 2008 through June 30, 2009 must be submitted to HUD by August 15, 2008. A 30-day comment period began July 15, 2008 and is set to expire on August 13, 2008 at 5:00 p.m. The draft FY 2008 Action Plan will be available at the Sandusky Public Library and the City of Sandusky Municipal Building, 222 Meigs Street in the Department of Development. The document can also be accessed on-line at www.ci.sandusky.oh.us. All additional comments will be incorporated into the final submission.

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 CDBG consolidated entitlement grant in the amount of \$804,479 for the program year of July 1, 2008 through June 30, 2009 and to submit to HUD 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 August 15, 2008 deadline.

I concur with this recommendation.

Matthew D. Kline
City Manager

Carrie R. Handy
Chief Planner

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT A CONSOLIDATED ENTITLEMENT GRANT IN THE AMOUNT OF \$804,479.00 TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE PROGRAM YEAR OF JULY 1, 2008, THROUGH JUNE 30, 2009 AND TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A FY 2008 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 2008 CDBG funds directly from the U.S. Department of Housing and Urban Development; and

WHEREAS, Eight Hundred Four Thousand Four Hundred Seventy Nine and 00/100 dollars (\$804,479.00) is available from HUD to fund the City of Sandusky's fifth year consolidated budget for Community Development Block Grant eligible activities; and

WHEREAS, 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. 04-089, passed on April 12, 2004, 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, 2008, through June 30, 2009, must be submitted to HUD by August 15, 2008, and a thirty (30) day public comment period which began on July 15, 2008 and expires on August 13, 2008 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 provide for the submission of the One-Year Action Plan to the United States Department of Housing and Urban Development by the August 15, 2008 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 Four Thousand, Four Hundred Seventy Nine and 00/100 Dollars (\$804,479.00) for the program year of July 1, 2008 through June 30, 2009, 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 \$804,479.00 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.

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

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

Passed:

AGENDA

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

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MONDAY, JULY 28, 2008

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Invocation
Pledge of Allegiance
Meeting Called to Order
Roll Call - DW, DK, CS, DM, BF, JF, BW
Minutes - July 14th

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CHARTER OFFICERS

- Matthew Kline, City Manager
 - Don Icsman, Law Director
 - Edward Widman, Finance Director
 - B. Joyce Brown, Clerk of the City Commission
- =====

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

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PRESENTATION - Finance Committee

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PRESENTATION - Daniel Frederick - Greenhouse Architectural Plans

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PUBLIC HEARING - 2009 Program Year Community Development Block Grant

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PREVIOUS BUSINESS

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THIS ITEM WAS TABLED JULY 14TH.

ITEM #1 - Communication - Lieutenant Phillip J. Frost

BUDGETARY INFORMATION: The total cost for the purchase of the software system and annual support, which does not include the costs for training, is \$42,154.80 and will be paid as follows: \$41,682.00 will be funded from two separate Federal "Edward Byrne Justice Assistance" Grants (one from 2005 for \$28,075.00 for "wi-fi" connectivity and one from 2006 for \$13,607.00 for NIBRS compliancy) and the remaining \$472.80 will be paid with funds from the 2008 Police Department budget. The total cost for training is \$9,714.60 and will be paid with funds from the 2008 Police Department training budget. It should be noted that the annual support fee will increase to \$10,220.65 (See page 3 of 3). The prorated fee, \$8,517.30 is part of the \$42,154.80 total cost. This annual support fee will be paid with funds from a currently budgeted \$12,000.00 computer line item.

ORDINANCE NO. _____ Enter into an agreement with Cody Computer Systems of Pottstown, Pennsylvania, to purchase a Software System and Annual Support for use by the Sandusky Police Department, using Federal Funds from the Edward Byrne Justice Assistance Grants. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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THIS ITEM WAS READ AT FIRST READING.

ITEM #2 - Communication - Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: The item has no budgetary impact.

ORDINANCE NO. _____ Amending Part Eleven - Planning and Zoning Code, Title Five - Additional Zoning Requirements, Chapter 1157 - Flood Control. **Request passed at second reading.**

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CURRENT BUSINESS

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ITEM #3

ORDINANCE NO. _____ Levying special assessments for constructing, re-laying and repairing certain sidewalks and constructing certain curbs and gutters and approaches as a part of the City's 2007 Sidewalk, Curb and Gutter and Approach Program, and declaring an emergency. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #4 - Kathryn K. McKillips, Engineering Director

BUDGETARY INFORMATION: The owner of the property at the time of the inception of the project petitioned for the public infrastructure improvements, including a detention pond. Pursuant to that petition, 100% of the cost of the project will be assessed to the property. As the owner sells lots in the subdivision, the responsibility for the payment of a corresponding portion of the assessment is transferred to the new property owner. The total project cost of \$2,849,954.34 will be assessed to the current property owners for their corresponding portion.

ORDINANCE NO. _____ Levying special assessments for opening and improving as public streets Perkins Avenue Extension (also known as Ferndale Drive) and certain other designated streets between certain termini by grading, draining, paving, constructing curbs, gutters, water mains, water service connections, fire hydrants, sanitary sewers, storm sewers, sanitary and storm sewer laterals, catch basins and manholes, constructing, in certain locations as shown in the plans, sidewalks, curb ramps, drainage structures, a box culvert and a detention pond, installing street lighting and traffic control devices, and acquiring any necessary real estate or interests therein in connection therewith, all together with the necessary appurtenances thereto, and declaring an emergency. Request passed under suspension of rules in full accordance of **Section 14** of the City Charter.

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ITEM #5 - Communication - Communication - Carrie R. Handy, Chief Planner

BUDGETARY INFORMATION: There will be no impact to the General Fund. Proposed activities will be paid for through the CDBG Grant Funds.

ORDINANCE NO. _____ Accept a Consolidated Entitlement Grant in the amount of \$804,479.00 total Community Development Block Grant Funds for the Program Year of July 1, 2008 through June 30, 2009 and to submit to the United States Department of Housing and Urban Development a FY 2008 One-Year Action Plan. 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