



**CITY OF SANDUSKY COMMISSIONERS  
REGULAR SESSION AGENDA  
August 22, 2011 at 5 p.m.  
City Hall, 222 Meigs Street**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER**

**ROLL CALL**

**D. Kaman, J. Hamilton, R. Brady, J. Farrar, D. Waddington, D. Cole & P. Brown**

**APPROVAL OF MINUTES**

**August 8, 2011**

**AUDIENCE PARTICIPATION**

**Agenda items listed below only (3 minute limit)**

**PRESENTATIONS**

**Jason Varney, Oriana House, Inc.**

**Lamont Robinson, Sportspark of America/National Sports Hall of Fame Group**

**COMMUNICATIONS**

**Motion to accept all communications submitted below**

**CURRENT BUSINESS**

**ITEM #1 – ORDERED IN 8.8.11**

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed declaring that certain real property owned by the city located at 3807 Bogart Road, approximately 80.6455 acres, is no longer needed for any municipal purpose and authorizing and directing the city manager to enter into an agreement to sell the real property to John P. Rossman, Tad L. Faber and Matthew P. Kromer dba Ripple Creek; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #2 - Submitted by Hank S. Solowiej, CPA, Finance Director**

**Budgetary Information:** This various purpose improvement note sale includes a renewal portion and a new money portion; those portions must be authorized in separate ordinances, but can thereafter be consolidated for sale as a single issue. \$3,630,000 in notes will mature on October 13, 2011. The new money portion of the various purpose improvement notes is for \$190,000 for an ambulance. The renewal portion of the various purpose improvement notes includes an amount of \$1,900,000 (retire \$1,925,000) for bayfront urban revitalization, \$150,000 (retire \$180,000) for city building, \$125,000 (retire \$175,000) for fire boat, \$400,000 (retire \$450,000) for fire truck, \$250,000 (retire \$300,000) for Hayes Avenue, and \$600,000 rollover for the Venice Road grade separation project (previously approved by Ordinance 11-053 on June 23, 2011 by the city commission)

**MOTION TO ACCEPT FISCAL OFFICER'S CERTIFICATE**

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed providing for the issuance and sale of \$3,425,000 notes, in anticipation of the issuance of bonds, for the purpose of: acquiring a fire boat and appurtenant equipment for the fire department; improving the city municipal building by replacing the air conditioning unit, modifying the roof at the air conditioning unit location, upgrading ductwork where necessary, and otherwise improving the same, all together with the necessary appurtenances thereto; acquiring a triple combination fire pumper truck and appurtenant equipment for the fire department; revitalizing the bayfront urban revitalization area by acquiring, clearing and improving certain properties in that area, undertaking the environmental clean-up and remediation of certain properties in that area, constructing road improvements and related utility and infrastructure improvements in that area, and otherwise improving that area; paying a portion of the cost of improving Hayes Avenue between certain termini by replacing sidewalks, rehabilitating the related underpass, including abutments, retaining walls and stairs, installing lighting and handrails, and otherwise improving the same, all together with the necessary appurtenances thereto; and paying a portion of the cost of eliminating grade crossings by constructing the Venice Road grade separation project in cooperation with the Ohio Department of Transportation; and declaring an emergency.

**MOTION TO ACCEPT FISCAL OFFICER'S CERTIFICATE**

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed providing for the issuance and sale of \$190,000 notes, in anticipation of the issuance of bonds, for the purpose of acquiring an ambulance and appurtenant equipment for the fire department, and declaring an emergency.

**ITEM #3 – Submitted by Hank S. Solowiej, CPA, Finance Director**

**Budgetary Information:** The urban renewal temporary bonds are for an amount not to exceed \$2,750,000, to provide monies to retire the current urban renewal temporary bonds maturing on November 3, 2011, and pay a portion of additional costs of the city urban renewal project activities in the bayfront urban revitalization area (the paper district marina project).

**MOTION TO ACCEPT FISCAL OFFICER'S CERTIFICATE**

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed providing for the issuance and sale of urban renewal temporary bonds in the maximum principal amount of \$2,750,000, in anticipation of the issuance of definitive urban renewal bonds, for the purpose of paying costs of city urban renewal project activities in the bayfront urban revitalization area, providing for the pledge of the full faith and credit of the city to pay debt charges on the temporary bonds and the definitive bonds, and declaring an emergency.

**ITEM #4 – Submitted by Hank S. Solowiej, CPA, Finance Director**

**Budgetary Information:** This submerged land lease is payable by the City of Sandusky as the lease holder. The Sandusky Sailing Club will reimburse the city for the cost of the lease pursuant to their lease agreement with the city. ODNR does

not allow a sub-lease holder to make a submerged land lease payment on the city's behalf. Ordinance No. 10-078 was passed by the city commission on August 23, 2010, approving payment in the amount of \$18,104.36, for the period September 1, 2010 – August 31, 2011.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the city manager to make payment to the Ohio Department of Natural Resources (ODNR), Office of Coastal Management for rental payment on submerged lands lease file #SUB-0530-ER for the period of September 1, 2011 through August 31, 2012; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #5 – Submitted by Todd J. Roth, P.E., P.S.**

**Budgetary Information:** The estimated cost to replace and repair the air conditioning units is \$37,440. The project will be funded with proceeds from the insurance company.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a Resolution be passed declaring the necessity for the city to proceed with the proposed Big Island Water Works (BIWW) HVAC repair project; approving the specifications and engineer's estimate of cost thereof; and directing the city manager to advertise for and receive bids in relation thereto; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #6 – Submitted by Todd J. Roth, P.E., P.S.**

**Budgetary Information:** The estimated cost to repair the roof and necessary appurtenances is \$21,616. The project will be funded with proceeds from the insurance company.

**RESOLUTION NO. \_\_\_\_\_:** It is requested a Resolution be passed declaring the necessity for the city to proceed with the proposed Mills Creek Golf Course club house roof repair project; approving the specifications and engineer's estimate of cost thereof; and directing the city manager to advertise for and receive bids in relation thereto; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #7 – Submitted by Todd J. Roth, P.E., P.S.**

**Budgetary Information:** Funds for the payment of this service are routinely included in the operating budget of the Water Pollution Control Plant. The estimated amount of sludge for the second half of 2011 is 5,500,000 gallons at a price of \$.0273 per gallon or \$150,150.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the city manager to enter into a six month contract extension with Maple View Farms, LLC, of Castalia, Ohio, for the land application of sewage sludge from the Water Pollution Control Plant for calendar year 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #8 – Submitted by Paul E. Ricci, Fire Chief**

**Budgetary Information:** This purchase will not negatively impact the general fund. The funding for this purchase totaling \$12,759.79 is available from revenue generated by ambulance transport fees (EMS fund).

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the city manager to expend the necessary funds for the emergency purchase of one (1) tower chassis server through the State of Ohio cooperative purchasing program from Dell Marketing of Pittsburg, Pennsylvania, in the amount of \$12,759.79; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #9 – Submitted by Scott A. Miller, Director of General Services**

**Budgetary Information:** Proceeds from the sale of the items from the police department will be placed into the police department's general trust account, with the exceptions of the proceeds for the bicycles which will be placed into the city's general fund.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the city manager to dispose of surplus personal property and equipment as having become unnecessary and unfit for city use pursuant to Section 25 of the city charter; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**ITEM #10 – Submitted by Kelly L. Kresser, City Commission Clerk**

**Budgetary Information:** The cost of the revisions of the Codification supplements and updating the Code on the internet will be taken from the contractual services line item in the Commission Clerk's budget. This item is appropriated each year.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed approving current replacement pages to the Sandusky Codified Ordinances for the period August 1, 2010 through July 31, 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

**CITY MANAGER'S REPORT**

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE PARTICIPATION**      Open discussion on any item (5 minute limit)

**EXECUTIVE SESSION**

**ADJOURNMENT**

**Buckeye CableSystem broadcast on Cable Channel 81:**

**LIVE:**                      Monday, August 22 at 8:30 p.m.

**REPLAYS:**              Tuesday, August 23 at 5 p.m.

Monday, August 29 at 7 p.m.

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

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY LOCATED AT 3807 BOGART ROAD, APPROXIMATELY 80.6455 ACRES, IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO SELL THE REAL PROPERTY TO JOHN P. ROSSMAN, TAD L. FABER AND MATTHEW P. KROMER DBA RIPPLE CREEK; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City is the owner of two parcels of real property located at and known for numbering purposes as 3807 Bogart Road and further described as follows:

PARCEL NO. 1

Situated in the Township of Perkins, County of Erie, and State of Ohio, and being part of the 1386 acre tract Section 3, and more fully described as follows:

Beginning at a PK nail found marking the Southwest corner of said Section 3;

Thence South 89°02'45" East, along the centerline of Bogart Road, 1280.10 feet to a point;

Thence North 02°20'47" West, along the West line of lands in the name of Eugene & Mary Alice Windau co-trustees by deed RN200001699 Erie County Records, 1502.75 feet to a 5/8" iron pin set, passing a 5/8" iron pin set at 30.00 feet;

Thence North 84°51'13" West, 1288.98 feet to the West line of said Section 3 to a point;

Thence South 02°20'47" East, along said West line of Section 3, 1597.13 feet to the point of beginning, containing 45.4726 Acres, more or less, but subject to all legal highways and easements of record.

Prior Deed reference Deed Volume 355 page 143 Erie County Records. North is assumed to indicate angle only. The above description was prepared by Carl M. Feick P.S. 7035 and is based upon a survey made by him dated 8/5/2011.

PARCEL NO. 2

Situated in the Township of Margaretta, County of Erie, and State of Ohio, and being part of Lot 1, Section 2, and more fully described as follows:

Beginning at a PK nail found marking the Southeast corner of said Section 2;

Thence North 02°20'47" West, along the East line of said Section 2, 1597.13 feet to a point;

Thence North 84°51'13" West, 632.74 feet to the east right of way of Old Railroad Road 50' R/W and a 5/8" iron pin set;

Thence South 25°53'24" West, along said Old Railroad Road right of way, 1246.80 feet to the North line of lands in the name of the Pennsylvania Railroad by deed 203 Page 5 Erie County Records and a 5/8" iron pin set;

Thence South 64°11'17" East, along said railroad lands, 179.24 feet to a 5/8" iron pin set;

Thence South 31°34'17" East, along said railroad lands, 300.48 feet to a 5/8" iron pin set;

Thence South 1°02'43" West, along said railroad lands, 180.00 feet to the centerline of Bogart Road, same being the south line of Section 2, and a point passing a 5/8" iron pin set at 150.00 feet;

Thence 88°57'17" East, along the centerline of Bogart Road, 924.75 feet

to the point of beginning, containing 35.1729 Acres, more or less, but subject to all legal highways and easements of record.

Prior Deed reference Deed Volume 355 page 143 Erie County Records. North is assumed to indicate angle only. The above description was prepared by Carl M. Feick P.S. 7035 and is based upon a survey made by him dated 8/5/2011;

and

**WHEREAS**, John P. Rossman, Tad L. Faber and Matthew P. Kromer dba Ripple Creek desire to purchase said real property and have agreed to purchase the property for the amount of \$404,033.96 (\$5,010 per acre); and

**WHEREAS**, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order for the Purchaser to acquire the property and begin utilizing the property as soon as possible; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the 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 finds, determines and declares that the property, located at and known for numbering purposes as 3807 Bogart Road, being approximately 80.6455 acres of land, Sandusky, more specifically described above and in the proposed Purchase Agreement, attached thereto as Exhibit "1" and survey attached thereto as Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose, pursuant to Section 25 of the Charter of this City.

Section 2. The City Manager is hereby authorized and directed to enter into an Agreement on behalf of the City for the sale of approximately 80.6455 acres, as described above, and known, for numbering purposes, as 3807 Bogart Road, substantially in the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for

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

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011

## PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this \_\_\_\_\_ day of August, 2011, by and between City of Sandusky, of Erie County, Ohio, hereinafter referred to as the "Seller" and John P. Rossman, Tad L. Faber and Matthew P. Kromer dba Ripple Creek, Sandusky, Ohio of Erie County, Ohio, hereinafter referred to as "Purchaser".

WITNESSETH:

In consideration of the premises and the mutual promises and covenants hereinafter contained, the parties do hereby agree as follows:

1. The Seller agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Seller, two parcels of property, described, as follows:

### PARCEL NO. 1

Situated in the Township of Perkins, County of Erie, and State of Ohio, and being part of the 1386 acre tract Section 3, and more fully described as follows:

Beginning at a PK nail found marking the Southwest corner of said Section 3;  
Thence South 89°02'45" East, along the centerline of Bogart Road, 1280.10 feet to a point;  
Thence North 02°20'47" West, along the West line of lands in the name of Eugene & Mary Alice Windau co-trustees by deed RN200001699 Erie County Records, 1502.75 feet to a 5/8" iron pin set, passing a 5/8" iron pin set at 30.00 feet;  
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Thence South 02°20'47" East, along said West line of Section 3, 1597.13 feet to the point of beginning, containing 45.4726 Acres, more or less, but subject to all legal highways and easements of record.

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PARCEL NO. 2

Situated in the Township of Margaretta, County of Erie, and State of Ohio, and being part of Lot 1, Section 2, and more fully described as follows:

Beginning at a PK nail found marking the Southeast corner of said Section 2;

Thence North  $02^{\circ}20'47''$  West, along the East line of said Section 2, 1597.13 feet to a point;

Thence North  $84^{\circ}51'13''$  West, 632.74 feet to the east right of way of Old Railroad Road 50' R/W and a 5/8" iron pin set;

Thence South  $25^{\circ}53'24''$  West, along said Old Railroad Road right of way, 1246.80 feet to the North line of lands in the name of the Pennsylvania Railroad by deed 203 Page 5 Erie County Records and a 5/8" iron pin set;

Thence South  $64^{\circ}11'17''$  East, along said railroad lands, 179.24 feet to a 5/8" iron pin set;

Thence South  $31^{\circ}34'17''$  East, along said railroad lands, 300.48 feet to a 5/8" iron pin set;

Thence South  $1^{\circ}02'43''$  West, along said railroad lands, 180.00 feet to the centerline of Bogart Road, same being the south line of Section 2, and a point passing a 5/8" iron pin set at 150.00 feet;

Thence  $88^{\circ}57'17''$  East, along the centerline of Bogart Road, 924.75 feet to the point of beginning, containing 35.1729 Acres, more or less, but subject to all legal highways and easements of record.

Prior Deed reference Deed Volume 355 page 143 Erie County Records. North is assumed to indicate angle only. The above description was prepared by Carl M. Feick P.S. 7035 and is based upon a survey made by him dated 8/5/2011.

Said parcels total approximately 80.5 Acres, as shown in the survey marked Exhibit A, attached hereto, the legal description of which will be set forth in the deed transferring ownership of said premises.

2. The purchase price for the premises is \$404,033.96 (FOUR HUNDRED FOUR THOUSAND AND THIRTY THREE DOLLARS AND 96/100 CENTS), payable upon execution of this Agreement.

3. The Seller shall furnish a quit claim deed conveying to Purchaser a good title to the property, with any dower rights released, free and clear of all liens and encumbrances whatsoever, except reservations, restrictions and easements of record, applicable zoning and building regulations and taxes and assessments which shall be prorated to the date of closing based upon the latest and best tax information.

4. Seller shall furnish the Purchaser a title insurance guarantee in the amount of the purchase price as evidence or assurance that there has been conveyed to Purchaser the title required to be conveyed hereunder.

5. Should the property or any other improvements upon the aforesaid property be damaged or destroyed prior to closing, then the Purchaser, may, at Purchaser's option: (1) elect to continue this in full force and effect, in which case the Seller shall forthwith assign the Purchaser all rights of the Purchaser to the insurance recovery due by reason of said damages, or (2) elect to rescind and void this Agreement, and thereupon there shall be returned to the Purchaser all money, papers or documents deposited by Purchaser, and there shall be returned to Seller

all papers or documents deposited by Seller. After the closing, the risk of loss shall be and is assumed by the Purchaser. There shall be no proration of insurance, it being the obligation of the Purchaser to procure Purchaser's own policies of insurance to be effective from and after the date of closing.

6. The closing date of this transaction shall be no later than \_\_\_\_\_ or at such other time as may be mutually agreed upon, in writing, by the parties. The escrow agent herein shall be Southern Title of Ohio, Sandusky, Ohio 44870. All funds and documents required to close this transaction shall be deposited with said escrow agent on or before closing date. An executed counterpart of this Agreement shall be deposited with the escrow agent by the Purchaser, and this Agreement shall serve as the escrow instructions. The escrow agent may attach its standard conditions of acceptance thereto; provided, however, that in the event such standard conditions are inconsistent or in conflict with the terms of this Agreement, this Agreement shall control.

7. The Seller and the Purchaser represent that Vacationland Realty, Inc., acted as the real estate broker or agent for the City of Sandusky and that brokerage fees, commissions, or other compensation shall be paid and disbursed by the escrow agent at the time of closing, according to the contract between the City of Sandusky and the broker, from the proceeds due the Seller.

8. On the closing date, the escrow agent shall file or record the deed, and other instruments, if any, required to be recorded pursuant to this Agreement and shall thereupon deliver to each of the parties, the funds and documents to which they shall be respectively entitled, together with its escrow statement.

9. In closing this transaction, the escrow agent shall charge the Seller with the following costs of this transaction:

- a. The cost of any real estate transfer tax on file;
- b. Real estate broker commissions and fees;
- c. The cost of the title examination;
- d. One half of the cost of the escrow fees;
- e. One half of the cost for the title insurance policy in the amount of the purchase price;
- f. The cost of the deed preparation; and
- g. The cost of the survey.

10. In closing this transaction, the escrow agent shall charge the Purchaser with the following costs of this transaction:

- a. The cost of filing the deed for record;
- b. One half of the cost of the escrow fees; and
- c. One half of the cost for the title insurance policy in the amount of the purchase price.

11. Purchaser shall be entitled to possession of the premises upon the closing of this transaction, subject to the right of occupancy and tenancy conferred by the written lease between the Seller and the present tenant, the terms of which the Purchaser was aware when it entered into this agreement and which rights of the landlord and owner of the premises the Purchaser acknowledges are conveyed hereby.

12. The Purchaser has examined the premises, has had a full and fair opportunity to fully inspect and ask questions about conditions of same, and acknowledges that they are accepting the property in its present condition and that no representations have been made by the Seller except those that have been made in writing.

13. This Agreement sets forth the entire and understanding between the parties with respect to the subject matter hereof, and no agreements or understandings nor any representations concerning the same shall be binding upon the parties unless specifically set forth herein.

14. The Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

15. This Agreement shall be binding upon and inure to the benefit of Seller and

Purchaser and their respective heirs, legal representatives, and assigns.

16. The individual signing on behalf of Ripple Creek LLC represents that he is authorized by the limited liability company to execute this Agreement on its behalf.

**SIGNATURE PAGE TO FOLLOW**

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

IN THE PRESENCE OF:

PURCHASERS:

\_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
Tad L. Faber

\_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
Matthew P. Kromer

BY: \_\_\_\_\_  
John P. Rossman

\_\_\_\_\_  
WITNESS

SELLER:  
CITY OF SANDUSKY

\_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
Donald C. Icsman

Acting City Manager

APPROVED AS TO FORM:

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Donald C. Icsman  
Ohio Supreme Court #0021435  
Law Director  
City of Sandusky



**DEPARTMENT OF FINANCE**  
**HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street  
Sandusky, Ohio 44870  
Phone (419) 627-5888  
Fax (419) 627-5892

TO: City Commission  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: August 9, 2011  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

City Commission approval of two Ordinances and related Fiscal Officer's Certificates for the issuance and sale of consolidated \$3,615,000 in Various Purpose Improvement Notes.

**BUDGETARY INFORMATION:**

This various purpose improvement note sale includes a renewal portion and a new money portion; those portions must be authorized in separate ordinances but can thereafter be consolidated for sale as a single issue. \$3,630,000 in notes will mature on October 13, 2011.

The new money portion of the various purpose improvement notes is for **\$190,000** for an Ambulance. The renewal portion of the various purpose improvement notes includes an amount of **\$1,900,000** (retire \$1,925,000) for Bay Front Urban Revitalization, **\$150,000** (retire \$180,000) for City Building, **\$125,000** (retire \$175,000) for Fire Boat, **\$400,000** (retire \$450,000) for Fire Truck, **\$250,000** (retire \$300,000) for Hayes Avenue, and **\$600,000** rollover for the Venice Road Grade Separation Project (previously approved by Ordinance 11-053 on June 23, 2011 by City Commission.)

**ACTION REQUESTED:**

It is requested that the City Commission accept each of the Fiscal Officer's Certificates and approve each of the ordinances in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is to allow the City adequate time to find a buyer of the new notes prior to the maturity of the current notes on October 13, 2011.

The City's Bond Counsel, Squire, Sanders and Dempsey (US) LLP, prepared the attachments.

CC: Donald C. Icsman, Interim City Manager/Law Director

**FISCAL OFFICER'S CERTIFICATE**

To the City Commission of the  
City of Sandusky, Ohio:

As fiscal officer of the City of Sandusky, I certify in connection with your proposed issue of \$3,425,000 notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of: acquiring a fire boat and appurtenant equipment for the Fire Department (Project No. 1); improving the City Municipal Building by replacing the air conditioning unit, modifying the roof at the air conditioning unit location, upgrading ductwork where necessary, and otherwise improving the same, all together with the necessary appurtenances thereto (Project No. 2); acquiring a triple combination fire pumper truck and appurtenant equipment for the Fire Department (Project No. 3); revitalizing the Bayfront Urban Revitalization Area by acquiring, clearing and improving certain properties in that Area, undertaking the environmental clean-up and remediation of certain properties in that Area, constructing road improvements and related utility and infrastructure improvements in that Area, and otherwise improving that Area (Project No. 4); paying a portion of the cost of improving Hayes Avenue between certain termini by replacing sidewalks, rehabilitating the related underpass, including abutments, retaining walls and stairs, installing lighting and handrails, and otherwise improving the same, all together with the necessary appurtenances thereto (Project No. 5); and paying a portion of the cost of eliminating grade crossings by constructing the Venice Road Grade Separation Project in cooperation with the Ohio Department of Transportation (Project No. 6) (collectively, the improvement), that:

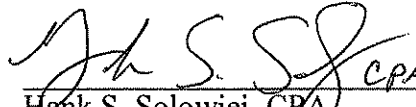
1. The estimated life or period of usefulness of the improvement is at least five years. For internal accounting purposes of the City, the allocation of that principal amount among those Projects is as set forth in the table below.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code and based on the fiscal officer's certificates previously signed with respect to each of these Projects, is as set forth in the table below. To the extent that notes in anticipation of the Bonds have been outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years has been deducted and taken into account in setting forth the estimated maximum maturities of the Bonds with respect to each of those Projects as set forth in the table below.

3. The maximum maturity of the Notes with respect to each of these Projects is as set forth in the table below, which maximum maturity in each instance is based on the date of the original note issued for such Project.

Project No.	Purpose	Amount	Maximum Bond Maturity	Maximum Note Maturity
1	Fire Boat	\$ 125,000	10 years	October 23, 2021
2	City Building Air Conditioning	150,000	5 years	December 12, 2016
3	Fire Pumper Truck	400,000	10 years	October 21, 2023
4	Bayfront Urban Revitalization	1,900,000	23 years	June 28, 2024
5	Hayes Avenue Underpass	250,000	20 years	October 15, 2029
6	Venice Road Grade Separation	600,000	20 years	June 23, 2031

Dated: August 22, 2011

  
 \_\_\_\_\_  
 Hank S. Solowiej, CPA  
 Finance Director  
 City of Sandusky, Ohio

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

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,425,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF: ACQUIRING A FIRE BOAT AND APPURTENANT EQUIPMENT FOR THE FIRE DEPARTMENT; IMPROVING THE CITY MUNICIPAL BUILDING BY REPLACING THE AIR CONDITIONING UNIT, MODIFYING THE ROOF AT THE AIR CONDITIONING UNIT LOCATION, UPGRADING DUCTWORK WHERE NECESSARY, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO; ACQUIRING A TRIPLE COMBINATION FIRE PUMPER TRUCK AND APPURTENANT EQUIPMENT FOR THE FIRE DEPARTMENT; REVITALIZING THE BAYFRONT URBAN REVITALIZATION AREA BY ACQUIRING, CLEARING AND IMPROVING CERTAIN PROPERTIES IN THAT AREA, UNDERTAKING THE ENVIRONMENTAL CLEAN-UP AND REMEDIATION OF CERTAIN PROPERTIES IN THAT AREA, CONSTRUCTING ROAD IMPROVEMENTS AND RELATED UTILITY AND INFRASTRUCTURE IMPROVEMENTS IN THAT AREA, AND OTHERWISE IMPROVING THAT AREA; PAYING A PORTION OF THE COST OF IMPROVING HAYES AVENUE BETWEEN CERTAIN TERMINI BY REPLACING SIDEWALKS, REHABILITATING THE RELATED UNDERPASS, INCLUDING ABUTMENTS, RETAINING WALLS AND STAIRS, INSTALLING LIGHTING AND HANDRAILS, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO; AND PAYING A PORTION OF THE COST OF ELIMINATING GRADE CROSSINGS BY CONSTRUCTING THE VENICE ROAD GRADE SEPARATION PROJECT IN COOPERATION WITH THE OHIO DEPARTMENT OF TRANSPORTATION; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 10-077 passed on August 23, 2010, \$3,030,000 of notes in anticipation of bonds were authorized for Project Nos. 1, 2, 3, 4 and 5 as so identified in Section 1 hereof, and were issued as a consolidated note issue pursuant to Section 133.30(B) of the Revised Code dated October 13, 2010 and maturing on October 13, 2011 (the 2010 Notes); and

WHEREAS, pursuant to Ordinance No. 11-053 passed on June 13, 2011, \$600,000 of notes in anticipation of bonds were authorized for Project No. 6 as so identified in Section 1 hereof, dated June 23, 2011 and maturing on October 13, 2011 (together with the 2010 Notes, the Outstanding Notes); and

WHEREAS, this City Commission finds and determines that the City should retire the Outstanding Notes with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, this City Commission has requested that the Finance Director, as fiscal officer, certify the estimated life or period of usefulness of the improvement described in Section 1 and the estimated maximum maturity of the Bonds described in Section 1 and the Notes described in Section 3, to be issued in anticipation of the Bonds; and

WHEREAS, the Finance Director has certified that the estimated life or period of usefulness of that improvement is at least five years, that the maximum maturity of the Bonds is 10 years with respect to Project No. 1, 5 years with respect to Project No. 2, 10 years with respect to Project No. 3, 23 years with respect to Project No. 4, 20 years with respect to Project No. 5, and 20 years with respect to Project No. 6, and that the maximum maturity of the Notes with respect to Project No. 1 is October 23, 2021, with respect to Project No. 2 is December 12, 2016, with respect to Project No. 3 is October 21, 2023, with respect to Project No. 4 is June 28, 2024, with respect to Project No. 5 is October 15, 2029, and with respect to Project No. 6 is June 23, 2031; 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 immediately effective in order to issue and sell the Notes in order to enable the City to retire the Outstanding Notes and thereby preserve its credit, 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. It is necessary to issue bonds of this City in the aggregate principal amount of \$3,425,000 (the Bonds) for the purpose of: acquiring a fire boat and appurtenant equipment for the Fire Department (Project No. 1); improving the City Municipal Building by replacing the air conditioning unit, modifying the roof at the air conditioning unit location, upgrading ductwork where necessary, and otherwise improving the same, all together with the necessary appurtenances

thereto (Project No. 2); acquiring a triple combination fire pumper truck and appurtenant equipment for the Fire Department (Project No. 3); revitalizing the Bayfront Urban Revitalization Area by acquiring, clearing and improving certain properties in that Area, undertaking the environmental clean-up and remediation of certain properties in that Area, constructing road improvements and related utility and infrastructure improvements in that Area, and otherwise improving that Area (Project No. 4), in accordance with the Urban Renewal Plan, the Act, the Grant (as such terms are defined in Ordinance No. 09-073 passed on September 14, 2009) and Section 2o of Article VIII of the Ohio Constitution; paying a portion of the cost of improving Hayes Avenue between certain termini by replacing sidewalks, rehabilitating the related underpass, including abutments, retaining walls and stairs, installing lighting and handrails, and otherwise improving the same, all together with the necessary appurtenances thereto (Project No. 5); and paying a portion of the cost of eliminating grade crossings by constructing the Venice Road Grade Separation Project in cooperation with the Ohio Department of Transportation (Project No. 6). For internal accounting purposes, the allocation of that principal amount is as follows: Project No. 1, \$125,000; Project No. 2, \$150,000; Project No. 3, \$400,000; Project No. 4, \$1,900,000; Project No. 5, \$250,000; and Project No. 6, \$600,000.

Section 2. The Bonds shall be dated approximately October 1, 2012, shall bear interest at the now estimated rate of 6% per year, payable on June 1 and December 1 of each year, commencing December 1, 2012, until the principal amount is paid, and are estimated to mature in 9 annual principal installments with respect to Project No. 1, in 4 annual principal installments with respect to Project No. 2, in 10 annual principal installments with respect to Project No. 3, in 22 annual principal installments with respect to Project No. 4, in 20 annual principal installments with respect to Project No. 5, and in 20 annual principal installments with respect to Project No. 6, and in each case such that the total principal and interest payments on the portion of the Bonds with respect to each of those respective Projects in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. Based on the foregoing, the principal installments payable on the Bonds on December 1 of each year commencing December 1, 2013 are estimated to be as follows: \$55,000; \$55,000; \$55,000; \$110,000 \$115,000; \$125,000; \$130,000; \$135,000; \$140,000; \$145,000; \$145,000; \$155,000; \$175,000; \$190,000; \$200,000; \$200,000; \$205,000; \$210,000; \$215,000; \$215,000; \$225,000; and \$225,000.

Section 3. It is necessary to issue and this City Commission determines that notes in the aggregate principal amount of \$3,425,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes as defined in the preambles hereto. The Notes shall bear interest at a rate not exceeding 6% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision

for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate not to exceed 11% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate or rates of interest on the Notes shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall be dated the date of issuance and shall mature not earlier than five months from the date of issuance nor later than one year from the date of issuance, as determined by the Finance Director in the Certificate of Award.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the St. Paul, Minnesota corporate trust office of U.S. Bank National Association, or at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser.

Section 5. The Notes shall be signed by the Ex-Officio Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Finance Director, provided that no such denomination shall be less than \$100,000 and provided further that the entire principal amount may be represented by a single note. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this section and this ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest at private sale by the Finance Director in accordance with law and the provisions of this ordinance. The Finance Director shall, in accordance with that officer’s determination of the best interests of and financial advantages to the City and its taxpayers and based on conditions then existing in the financial markets, consistently with the provisions of Section 3, establish the interest rate or rates to be borne by the Notes and their maturity, sign the Certificate of Award referred to in Section 3

evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Ex-Officio Mayor, the City Manager, the Finance Director, the Law Director, the Clerk of the City Commission (including within the meaning of each such office for purposes of this ordinance any person serving in an interim or acting capacity with respect to such office) and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the special fund established for those proceeds, and those proceeds are appropriated thereto and shall be used for the purpose for which the Notes are being issued. Any portion of the proceeds from the sale of the Notes representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued in the indicated installments without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The City hereby represents that the Outstanding Notes (the Refunded Obligations) were designated or treated as “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Code. The City hereby covenants that it will redeem the Refunded Obligations from proceeds of, and within 90 days after issuance of, the Notes, and represents that all other conditions are met for treating the amount of the Notes equal to the face amount thereof as “qualified tax-exempt obligations” and as not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code. The amount of the Notes (such amount being based on the issue price of the Notes as determined under the Code) in excess of the face amount thereof are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code, including the aforesaid amount of the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the aforesaid amount of the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as “qualified tax-exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such

entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Finance Director as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificate of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. This City Commission hereby retains the firm of Squire, Sanders & Dempsey (US) LLP pursuant to an engagement letter which has been delivered to the City by that firm in order to furnish legal services in connection with the issuance of the Notes and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such law firm in rendering such services as are approved by the Finance Director and the Law Director. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds,

enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 12. This City Commission hereby retains the firm of Sudsina & Associates, LLC in order to furnish financial advisory services in connection with the issuance and sale of the Notes and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such financial advisory firm in rendering such services as are approved by the Finance Director and the Law Director. In rendering those financial advisory services, as an independent contractor and in a financial advisory relationship with the City, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 13. The Clerk of the City Commission is directed to deliver a certified copy of this ordinance to the County Auditor.

Section 14. This City Commission determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 15. 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 16. That, 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.

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DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011

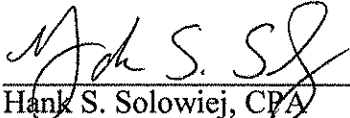
## FISCAL OFFICER'S CERTIFICATE

To the City Commission of the  
City of Sandusky, Ohio:

As fiscal officer of the City of Sandusky, I certify in connection with your proposed issue of \$190,000 notes (the Notes) to be issued in anticipation of the issuance of bonds (the Bonds) for the purpose of acquiring an ambulance and appurtenant equipment for the Fire Department (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is ten years. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.
3. The maximum maturity of the Notes is fifteen years.

Dated: August 22, 2011

  
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Hank S. Solowiej, CPA  
Finance Director  
City of Sandusky, Ohio

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

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$190,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING AN AMBULANCE AND APPURTENANT EQUIPMENT FOR THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, this City Commission has requested that the Finance Director, as fiscal officer, certify the estimated life or period of usefulness of the improvement described in Section 1 and the estimated maximum maturity of the Bonds described in Section 1 and the Notes described in Section 3, to be issued in anticipation of the Bonds; and

WHEREAS, the Finance Director has certified that the estimated life or period of usefulness of that improvement is at least five years and that the maximum maturity of the Bonds is ten years and the maximum maturity of the Notes is fifteen years; 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 immediately effective in order to issue and sell the Notes, which is necessary to enable the City to provide funds to meet its obligations in connection with the acquisition of that ambulance which is urgently required for the continuation of effective emergency response services, 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. It is necessary to issue bonds of this City in the aggregate principal amount of \$190,000 (the Bonds) for the purpose of acquiring an ambulance and appurtenant equipment for the Fire Department.

Section 2. The Bonds shall be dated approximately October 1, 2012, shall bear interest at the now estimated rate of 6% per year, payable on June 1 and December 1 of each year, commencing December 1, 2012, until the principal amount is paid, and are estimated to mature in ten annual principal installments that are substantially equal. The first principal installment is estimated to be made on December 1, 2013.

Section 3. It is necessary to issue and this City Commission determines that notes in the aggregate principal amount of \$190,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate not exceeding 6% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate not to exceed 11% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate or rates of interest on the Notes shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall be dated the date of issuance and shall mature not earlier than five months from the date of issuance nor later than one year from the date of issuance, as determined by the Finance Director in the Certificate of Award.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the St. Paul, Minnesota corporate trust office of U.S. Bank National Association, or at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser.

Section 5. The Notes shall be signed by the Ex-Officio Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Finance Director, provided that no such denomination shall be less than \$100,000 and provided further that the entire principal amount may be represented by a single note. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Finance Director will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this section and this ordinance:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the City and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest at private sale by the Finance Director in accordance with law and the provisions of this ordinance. The Finance Director shall, in accordance with that officer's determination of the best interests of and financial advantages to the City and its taxpayers and based on conditions then existing in the financial markets, consistently with the provisions of Section 3, establish the interest rate or rates to be borne by the Notes and their maturity, sign the Certificate of Award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Ex-Officio Mayor, the City Manager, the Finance Director, the Law Director, the Clerk of the City Commission (including within the meaning of each such office for purposes of this ordinance any person serving in an interim or acting capacity with respect to such office) and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or

appropriate to consummate the transactions contemplated by this ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the special fund established for those proceeds, and those proceeds are appropriated thereto and shall be used for the purpose for which the Notes are being issued. Any portion of the proceeds from the sale of the Notes representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued in the indicated installments without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain

from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Notes are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code, including the Notes, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as “qualified tax-exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Finance Director as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificate of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable

expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. This City Commission hereby retains the firm of Squire, Sanders & Dempsey (US) LLP pursuant to an engagement letter which has been delivered to the City by that firm in order to furnish legal services in connection with the issuance of the Notes and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such law firm in rendering such services as are approved by the Finance Director and the Law Director. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 12. This City Commission hereby retains the firm of Sudsina & Associates, LLC in order to furnish financial advisory services in connection with the issuance and sale of the Notes and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such financial advisory firm in rendering such services as are approved by the Finance Director and the Law Director. In rendering those financial advisory services, as an independent contractor and in a financial advisory relationship with the City, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 13. The Clerk of the City Commission is directed to deliver a certified copy of this ordinance to the County Auditor.

Section 14. This City Commission determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 15. 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 16. That, 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011



**DEPARTMENT OF FINANCE  
HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street  
Sandusky, Ohio 44870  
Phone (419) 627-5888  
Fax (419) 627-5892

TO: City Commission  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: August 9, 2011  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

City Commission approval of an Ordinance and Fiscal Officer's Certificate for the issuance and sale of a maximum of \$2,750,000 in Urban Renewal Temporary Bonds with general obligation backing.

**BUDGETARY INFORMATION:**

The Urban Renewal Temporary Bonds are for an amount not to exceed \$2,750,000, to provide moneys to retire the current Urban Renewal Temporary Bonds maturing on November 3, 2011, and pay a portion of additional costs of the City urban renewal project activities in the Bay Front Urban Revitalization area (the Paper District Marina Project).

**ACTION REQUESTED:**

It is requested that the City Commission accept the Fiscal Officer's Certificate and approve the ordinance in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is to allow the City adequate time to find a buyer of these bonds prior to the maturity of the current Urban Renewal Temporary Bonds on November 3, 2011.

The City's Bond Counsel, Squire, Sanders and Dempsey (US) LLP, prepared the attachments.

CC: Donald C. Icsman, Interim City Manager/Law Director


## FISCAL OFFICER'S CERTIFICATE

To the City Commission of the  
City of Sandusky, Ohio:

As fiscal officer of the City of Sandusky, I certify in connection with your proposed issue of urban renewal temporary bonds in the maximum aggregate principal amount of \$2,750,000 (the Temporary Bonds) to be issued in anticipation of the issuance of definitive urban renewal bonds (the Definitive Bonds) pursuant to Chapter 725 of the Ohio Revised Code (the Act) for the purpose of paying costs of carrying out City urban renewal project activities in the Bayfront Urban Revitalization Area including without limitation direct and indirect costs of acquiring real property and any interests therein, preparing property for redevelopment, constructing public improvements, including, without limitation, sidewalk, boardwalk, lighted concrete walkway, a 42-inch concrete sewer pipe, seawall, including sheet piling for stabilization, breakwater protection, including stones and a retaining wall, a transient marina facility, including public parking, a lawn-style amphitheater and other related public facilities and necessary appurtenances thereto, and related public infrastructure improvements and all necessary appurtenances, title, design, planning, engineering, consulting, professional and legal costs related thereto, and paying interest costs, to the extent permitted by the Act, and financing costs, as such term is defined in Section 133.01 of the Revised Code, related to issuing any urban renewal bonds (the Project), that:

1. The estimated life or period of usefulness of the Project is at least five years.
2. Pursuant to the Act, the maximum maturity of the Definitive Bonds is at least 28 years.
3. Pursuant to the Act, the maximum maturity of the Temporary Bonds is at least 28 years.

Dated: August 22, 2011

  
\_\_\_\_\_  
Hank S. Solowiej, CPA  
Finance Director  
City of Sandusky, Ohio

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

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF URBAN RENEWAL TEMPORARY BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,750,000, IN ANTICIPATION OF THE ISSUANCE OF DEFINITIVE URBAN RENEWAL BONDS, FOR THE PURPOSE OF PAYING COSTS OF CITY URBAN RENEWAL PROJECT ACTIVITIES IN THE BAYFRONT URBAN REVITALIZATION AREA, PROVIDING FOR THE PLEDGE OF THE FULL FAITH AND CREDIT OF THE CITY TO PAY DEBT CHARGES ON THE TEMPORARY BONDS AND THE DEFINITIVE BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, under the provisions of Article XVIII, Section 3 of the Ohio Constitution, and the Charter and the ordinances of the City of Sandusky (the City), the City is authorized to and the City has determined to undertake and carry out urban renewal project activities in designated areas of the City; and

WHEREAS, pursuant to Chapter 725 of the Ohio Revised Code (the Act), the City has the power to issue "urban renewal bonds" to pay costs of "urban renewal project activities" as such terms are defined in the Act; and

WHEREAS, the City Commission by Ordinance No. 00-179 passed on June 12, 2000, approved the Bayfront Urban Revitalization Plan for the Bayfront Urban Revitalization Area (the Plan Area), which plan subsequently has been amended pursuant to authorization by the City Commission (that plan as amended, the Urban Renewal Plan), which constitutes an urban renewal plan within the meaning and requirements of the Act, and which Urban Renewal Plan includes undertakings and activities by the City comprising an urban renewal project for the public purpose of elimination and prevention of recurrence of blight in the Plan Area; and

WHEREAS, in furtherance of carrying out the Urban Renewal Plan, the City and Mid-States Bayfront Development LLC (the Developer) entered into a Development Agreement (as amended and supplemented, the Development Agreement) to provide for redevelopment by the Developer of certain properties in the Plan Area as identified therein (the Property) and the construction of certain public improvements in the Plan Area; and

WHEREAS, pursuant to the Act, and particularly Section 725.05(B) of the Ohio Revised Code, and Ordinance No. 10-110 passed on October 12, 2010, the City issued its \$2,600,000 Urban Renewal Temporary Bond, Series 2010, dated November 4, 2010 and maturing on November 3, 2011, in anticipation of the issuance of definitive urban renewal bonds under the Act, with a pledge of the City's full faith and credit and as general obligations of the City, for the purpose of paying costs of the Project described in Section 1 (the Outstanding Bond); and

WHEREAS, pursuant to the Act, and particularly Section 725.05(B) of the Ohio Revised Code, the City has determined to issue the Temporary Bonds described in Section 3, to be issued in anticipation of the issuance of Definitive Bonds, with a pledge of the City's full faith and credit and as general obligations of the City, for the purpose of refunding and retiring, together with other funds available to the City, the Outstanding Bond at its maturity, and paying additional costs of the Project described in Section 1; and

WHEREAS, this City Commission has requested that the Finance Director, as fiscal officer, certify the estimated life or period of usefulness of the Project described in Section 1 and the estimated maximum maturity of the Definitive Bonds described in Section 1 and the Temporary Bonds described in Section 3, to be issued in anticipation of the Definitive Bonds; and

WHEREAS, the Finance Director has certified that the estimated life or period of usefulness of that Project is at least five years and that the maximum maturity of both the Definitive Bonds and the Temporary Bonds is at least twenty-eight years; 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 immediately effective in order to issue and sell the Temporary Bonds in order to enable the City to retire the Outstanding Bond and thereby preserve its credit, 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. It is necessary to issue definitive urban renewal bonds of this City in the maximum aggregate principal amount of \$2,750,000 (the Definitive Bonds) for the purpose of paying costs of carrying out City urban renewal project activities in the Bayfront Urban

Revitalization Area in accordance with the Urban Renewal Plan and the Act, including without limitation direct and indirect costs of acquiring real property and any interests therein, preparing property for redevelopment, constructing public improvements, including, without limitation, sidewalk, boardwalk, lighted concrete walkway, a 42-inch concrete sewer pipe, seawall, including sheet piling for stabilization, breakwater protection, including stones and a retaining wall, a transient marina facility, including public parking, a lawn-style amphitheater and other related public facilities and necessary appurtenances thereto, and related public infrastructure improvements and all necessary appurtenances, title, design, planning, engineering, consulting, professional and legal costs related thereto, and paying interest costs, to the extent permitted by the Act, and financing costs, as such term is defined in Section 133.01 of the Revised Code, related to issuing any urban renewal bonds (the Project). The City Commission hereby confirms its determination that the Project is in accordance with the Urban Renewal Plan and is a proper public purpose of the City and will improve the general welfare of the residents of the City, and that carrying out the Project is in furtherance of the purposes of the Act and is necessary to carry out for the elimination and prevention of the development or spread of blight and deterioration in furtherance of the Urban Renewal Plan and therefore will benefit the people of the City and of the State of Ohio. The Definitive Bonds shall be issued in one series in an aggregate principal amount determined by the Finance Director in the certificate awarding the Temporary Bonds in accordance with Section 6 (the Certificate of Award).

Section 2. The Definitive Bonds shall be dated approximately April 1, 2012, shall bear interest at the now estimated rate of 6% per year, payable on June 1 and December 1 of each year, commencing June 1, 2012, until the principal amount is paid, and are estimated to mature in twenty-seven annual principal installments, such that no principal installment is more than one and one-half times the amount of the next preceding principal installment. Based on the foregoing, the principal installments payable on the Definitive Bonds on December 1 of each year commencing December 1, 2013 are estimated to be as follows: \$10,000; \$15,000; \$15,000; \$20,000; \$25,000; \$30,000; \$40,000; \$50,000; \$55,000; \$75,000; \$85,000; \$90,000; \$95,000; \$100,000; \$105,000; \$110,000; \$120,000; \$130,000; \$135,000; \$145,000; \$155,000; \$165,000; \$175,000; \$185,000; \$195,000; \$205,000; and \$220,000.

Section 3. It is necessary to issue and this City Commission determines that urban renewal temporary bonds in the maximum aggregate principal amount of \$2,750,000 (the Temporary Bonds) shall be issued in anticipation of the preparation and issuance of the Definitive Bonds and to refund and retire, together with other funds available to the City, the Outstanding Bond as defined in the preambles hereto, and to provide additional money for the purpose stated in Section 1. The Temporary Bonds shall bear interest at a rate not exceeding 6% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. If requested by an original purchaser, the

Temporary Bonds may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Temporary Bonds, the principal amount of the Temporary Bonds shall bear interest at a different rate not to exceed 11% per year from the maturity date until the City pays or makes provision to pay that principal amount. The aggregate principal amount of the Temporary Bonds and the rate or rates of interest on the Temporary Bonds shall be determined by the Finance Director in the Certificate of Award. The Temporary Bonds shall be dated the date of issuance and shall mature not earlier than five months from the date of issuance nor later than one year from the date of issuance, as determined by the Finance Director in the Certificate of Award. The Temporary Bonds shall be designated "Urban Renewal Temporary Bonds, Series 2011", or such other designation as set forth in the Certificate of Award.

Section 4. The debt charges on the Temporary Bonds shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Finance Director in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the St. Paul, Minnesota corporate trust office of U.S. Bank National Association, or at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and the original purchaser.

Section 5. The Temporary Bonds shall be signed by the Ex-Officio Mayor and the Finance Director, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Temporary Bonds shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Finance Director, provided that no such denomination shall be less than \$100,000 and provided further that the entire principal amount may be represented by a single Temporary Bond. The entire principal amount may be represented by a single Temporary Bond and may be issued as fully registered securities (for which the Finance Director will serve as Temporary Bond registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 725 of the Revised Code if it is determined by the Finance Director that issuance of fully registered securities in that form will facilitate the sale and delivery of the Temporary Bonds. The Temporary Bonds shall not have coupons attached, shall be numbered as determined by the Finance Director and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this ordinance. As used in this Section and this ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in the Temporary Bonds and the principal of, and interest on, the Temporary Bonds may be transferred only through a book entry, and (ii) a single physical Temporary Bond certificate is issued by the City and payable only to a Depository or its nominee,

with such Temporary Bonds “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Temporary Bonds and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Temporary Bonds or the principal of, and interest on, the Temporary Bonds and to effect transfers of the Temporary Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Temporary Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Temporary Bonds may be issued in the form of a single Temporary Bond made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Temporary Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Temporary Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Temporary Bonds for use in a book entry system, the Finance Director may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Finance Director does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Temporary Bonds from the Depository, and shall cause the Temporary Bonds in bearer or payable form to be signed by the officers authorized to sign the Temporary Bonds and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Finance Director is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Temporary Bonds, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Temporary Bonds shall be sold at not less than par plus accrued interest at private sale by the Finance Director in accordance with law and the provisions of this ordinance. The Finance Director shall, in accordance with that officer's determination of the best interests of and financial advantages to the City and its taxpayers and based on conditions then existing in the financial markets, consistently with the provisions of Sections 1 and 3, establish the aggregate principal amount of the Definitive Bonds and the Temporary Bonds, establish the interest rate or rates to be borne by the Temporary Bonds and their maturity, sign the Certificate of Award referred to in Sections 1 and 3 evidencing that sale, cause the Temporary Bonds to be prepared, and have the Temporary Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Temporary Bonds if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Ex-Officio Mayor, the City Manager, the Finance Director, the Law Director, the Clerk of the City Commission (including within the meaning of each such office for purposes of this ordinance any person serving in an interim or acting capacity with respect to such office) and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance.

Section 7. The proceeds from the sale of the Temporary Bonds, except any premium and accrued interest, shall be paid into the special fund established for those proceeds, and those proceeds are appropriated thereto and shall be used for the purpose for which the Temporary Bonds are being issued, including the reimbursement of moneys advanced or applied by the City to pay costs of the Project. Any portion of the proceeds from the sale of the Temporary Bonds representing premium and accrued interest shall be paid into the Debt Retirement Fund (as defined below in Section 8).

Section 8. The City Commission has heretofore created and ordered maintained a separate fund of the City that constitutes an urban renewal debt retirement fund within the meaning of the Act (and particularly Sections 725.03 and 725.05 of the Ohio Revised Code) and that is designated the "Urban Renewal Debt Retirement Fund" (the Debt Retirement Fund). There shall be deposited into the Debt Retirement Fund, as and when received, (a) the Net Urban Renewal Service Payments (as defined below); (b) any proceeds of the Temporary Bonds, the Definitive Bonds or any Additional Bonds (as defined below) (collectively, Urban Renewal Bonds) which remain following the payment of all costs of the Project to be paid therefrom; (c) the proceeds received from the sale of any Additional Bonds issued to refund any outstanding Urban Renewal Bonds; (d) any other "urban renewal service payments", as defined in the Act, that the City determines to deposit in the Debt Retirement Fund; and (e) any proceeds of the tax levied pursuant to Section 9 for the payment of debt charges on the Temporary Bonds or the Definitive Bonds, which proceeds shall be held in a separate account (the Tax Proceeds Account) within the Debt

Retirement Fund. As used herein, the term “Net Urban Renewal Service Payments” means “urban renewal service payments”, as defined in the Act, required to be paid with respect to the “improvements”, as defined in the Act, on the Property pursuant to the Development Agreement and the Act and which are received by the City less the amount of such urban renewal service payments paid by the City to the Sandusky City School District pursuant to a Compensation Agreement, as supplemented, entered into with the Sandusky City School District in connection therewith.

The Debt Retirement Fund is pledged to and shall be used, so long as any Urban Renewal Bonds are outstanding, solely and exclusively for the payment of debt charges on outstanding Urban Renewal Bonds when due as provided in this ordinance and in any ordinance authorizing the issuance of the Definitive Bonds or any Additional Bonds. As used herein, the term “Additional Bonds” means urban renewal bonds issued (other than the Temporary Bonds or the Definitive Bonds) or other obligations entered into by the City pursuant to or as described in the Act.

Section 9. The Temporary Bonds and the Definitive Bonds shall be general obligations of the City, and the payment of debt charges thereon is secured by a pledge of the full faith and credit of the City. During the year or years in which the Temporary Bonds are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Definitive Bonds had been issued in the indicated installments without the prior issuance of the Temporary Bonds. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Tax Proceeds Account in the Debt Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Temporary Bonds or the Definitive Bonds when and as the same fall due. In each year to the extent that money in the Debt Retirement Fund is available for the payment of the debt charges on the Temporary Bonds or the Definitive Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of money so available and appropriated.

The par value to be received from the sale of any Urban Renewal Bonds issued to refund the Temporary Bonds shall, to the extent necessary, be used to pay the debt charges on the Temporary Bonds at maturity and are pledged for that purpose. Nothing in this ordinance shall prevent the City from retiring all or any portion of the Temporary Bonds with the proceeds of Urban Renewal Bonds or other obligations containing terms different than those described in this ordinance.

A Temporary Bond shall no longer be considered to be outstanding, and the pledge of the Debt Retirement Fund pursuant to Section 8 shall be released with respect to such Temporary Bond and the levy of the tax provided for in this Section shall no longer be required with respect to such Temporary Bond if the City has placed in escrow, and pledged for the payment of debt charges on such Temporary Bond, money or direct or guaranteed obligations of the United States, or a combination of those obligations, determined by an independent firm experienced in making such determinations to be sufficient, with the interest or other investment income accruing on those direct or guaranteed obligations, for the payment of debt charges on such Temporary Bond. For purposes of this Section, "direct obligations of or obligations guaranteed as to payment by the United States" includes rights to receive payment or portions of payments of the principal of or interest or other investment income on those obligations, and other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

Section 10. The City, to the extent then permitted by law and for purposes consistent with the Act, may, to the extent reasonably deemed necessary by the City to finance costs of carrying out the City's undertakings and activities necessary to eliminate blight and prevent the recurrence of blight, issue Additional Bonds, from time to time to provide for:

- (a) additional costs of the Project, or
- (b) other urban renewal project costs in accordance with the Act in the Plan Area or other urban renewal areas of the City, including those heretofore or hereafter designated by the City Commission, or
- (c) refunding any outstanding Urban Renewal Bonds, or
- (d) any combination of the purposes described in clauses (a), (b) and (c) hereof;

provided that the proceeds of any Additional Bonds shall be used by the City solely to pay permissible costs under the Act. Such Additional Bonds shall be secured by a pledge of and be payable from money in the Debt Retirement Fund on a parity with the Temporary Bonds and the Definitive Bonds and any Additional Bonds theretofore or thereafter issued and shall be dated, mature, bear interest and be secured as provided by the ordinance authorizing such Additional Bonds; provided that the Tax Proceeds Account shall not be pledged to or used for the payment of debt charges on Additional Bonds except pursuant to the ordinance authorizing the Additional Bonds.

Section 11. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Temporary Bonds in such manner and to such extent as may be necessary so that (a) the Temporary Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Temporary Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Temporary Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will among other acts of compliance, (i) apply the proceeds of the Temporary Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Temporary Bonds are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Temporary Bonds are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code, including the Temporary Bonds, in an aggregate amount in excess of \$10,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Temporary Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Temporary Bonds as “qualified tax-exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Temporary Bonds as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Temporary Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

The Finance Director as the fiscal officer, or any other officer of the City having responsibility for issuance of the Temporary Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Temporary Bonds as the City is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax

treatment or status of the Temporary Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Temporary Bonds, and (c) to give one or more appropriate certificate of the City, for inclusion in the transcript of proceedings for the Temporary Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Temporary Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Temporary Bonds.

Each covenant made in this Section with respect to the Temporary Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Temporary Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Temporary Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Temporary Bonds.

Section 12. This City Commission hereby retains the firm of Squire, Sanders & Dempsey (US) LLP pursuant to an engagement letter which has been delivered to the City by that firm in order to furnish legal services in connection with the issuance of the Temporary Bonds and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such law firm in rendering such services as are approved by the Finance Director and the Law Director. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 13. This City Commission hereby retains the firm of Sudsina & Associates, LLC in order to furnish financial advisory services in connection with the issuance and sale of the Temporary Bonds and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such financial advisory firm in rendering such services

as are approved by the Finance Director and the Law Director. In rendering those financial advisory services, as an independent contractor and in a financial advisory relationship with the City, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 14. The Clerk of the City Commission is directed to deliver a certified copy of this ordinance to the County Auditor.

Section 15. This City Commission determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Temporary Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Temporary Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Temporary Bonds and the Definitive Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Temporary Bonds.

Section 16. 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 17. That, 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.

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DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

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KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011



**DEPARTMENT OF FINANCE**  
**HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street  
Sandusky, Ohio 44870  
Phone (419) 627-5888  
Fax (419) 627-5892

TO: City Commission  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: August 9, 2011  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

City Commission approval of an ordinance authorizing payment in the amount of \$18,104.36 to Ohio Department of Natural Resources (ODNR) for submerged land lease SUB-0530-ER, the Sandusky Sailing Club, for the period of September 1, 2011 – August 31, 2012.

**BACKGROUND INFORMATION:**

As part of the Lease agreement approved by City Commission in October, 2007, the Sandusky Sailing Club agreed to become a sub-lessee to the City's Submerged Land Lease with respect to their Club grounds and marina basin. ODNR has approved the new metes and bounds description of the property and prepared new Submerged Land Lease and Consent to Sub-Lease documents in 2008.

**BUDGETARY INFORMATION:**

This submerged land lease is payable by the City of Sandusky as the lease holder. The Sandusky Sailing Club will reimburse the City for the cost of the lease pursuant to their Lease agreement with the City. ODNR does not allow a sub-lease holder to make a Submerged Land Lease payment on the City's behalf.

Ordinance No. 10-078 was passed by the City Commission on August 23, 2010, approving payment in the amount of \$18,104.36, for the period September 1, 2010 – August 31, 2011.

**ACTION REQUIRED:**

It is requested that the City Commission enact the ordinance and have it take immediate effect under Section 14 of the City Charter in order to make timely payment to the Ohio Department of Natural Resources. Payment is due September 1, 2011.

CC: Donald C. Icsman, Interim City Manager/Law Director



# Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

DAVID MUSTINE, DIRECTOR

July 29, 2011

Leaseholder - City of Sandusky  
Finance Dept.  
222 Meigs St.  
Sandusky, OH 44870

**RE: Annual Rental Payment for Lake Erie Submerged Lands Lease  
File Number SUB-0530-ER**

Dear Leaseholder:

Enclosed are two copies of invoice No: DNRSL1857 for your Lake Erie Submerged Lands Lease File Number SUB-0530-ER for the 9/2011-8/2012 rental period.

**To properly process your account:**

- Please make payment by 9/1/2011 in the form of a check payable to:  
**Treasurer, State of Ohio**
- Write the amount of your check payment on the "Amount Remitted" line located on the 2nd invoice copy.
- Mail the check and 2nd invoice copy to:

Ohio Department of Natural Resources  
Office of Coastal Management  
105 West Shoreline Drive  
Sandusky, Ohio 44870-2501

Should you have any questions, or require further assistance please feel free to contact me at (419) 626-7980 or toll free 1-888-644-6267.

Sincerely,

*Dennis J. Waina*

Dennis J. Waina  
Property Management Specialist

Enclosures

2011 AUG -1 PM 11:11  
644-6267

**State of Ohio - Ohio Dept of Natural Resources  
Submerged Lands Lease Invoice**

**Please Remit To:**  
Ohio Dept of Natural Resources  
105 West Shoreline Dr.  
Sandusky OH 44870

Page: 1  
Invoice No: DNRSL1857  
Invoice Date: 08/02/2011  
Customer Number: SUB-0530-ER001  
Payment Terms: NET 30  
Due Date: 09/01/2011

**AMOUNT DUE: 18,104.36 USD**

**Bill To:**  
City of Sandusky  
222 Meigs St.  
Sandusky OH 44870

**Make Checks Payable To:** Treasurer, State of Ohio  
Billing Service Period: From 01-SEP-2011 To 31-AUG-2012  
For billing questions, please call (419) 626-7980  
To ensure proper payment processing, please be sure the invoice number is on all payments.

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
		<u>Purchase Order</u>	<u>Contract Number</u>				
1		SLL LEASE		1.00	EA	18,104.3600	18,104.36
<b>SUBTOTAL:</b>							<b>18,104.36</b>
<b>TOTAL AMOUNT DUE :</b>							<b>18,104.36</b>

Lease Period: 9/1/11 - 8/31/12

Please remit 2nd copy of invoice with your payment.

STANDARD

2011 AUG -1 PM 11:11  
 ORIGINAL  
 08/02/2011

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE PAYMENT TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), OFFICE OF COASTAL MANAGEMENT FOR RENTAL PAYMENT ON SUBMERGED LANDS LEASE FILE NO. SUB-0530-ER FOR THE PERIOD OF SEPTEMBER 1, 2011 THROUGH AUGUST 31, 2012; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized a replacement Submerged Lands Lease with the Ohio Department of Natural Resources, a Sublease Agreement with the Sandusky Sailing Club, Inc., a Consent to Sublease with the Ohio Department of Natural Resources and the Sandusky Sailing Club, Inc, and an Agreement to provide scholarships for sailing programs and related activities for low income children and families by Ordinances 08-079, 08-080 and 08-081, passed on August 25, 2008; and

WHEREAS, the City of Sandusky is the Lessee of a Submerged Lands Lease, File No. SUB-0530-ER, for the submerged land which is part of the Sandusky Sailing Club and as the Lessee, is responsible for all terms and conditions contained in the Submerged Lands Lease, including any annual rent; and

WHEREAS, as part of the Sublease Agreement with the Sandusky Sailing Club, the cost for the annual Submerged Lands Lease rental payment is to be reimbursed by the Sandusky Sailing Club to the City; and

WHEREAS, the total cost for Submerged Lands Lease File No. SUB-0530-ER, as reflected on the current unpaid invoice is \$18,104.36 and will initially be paid by the City and then reimbursed by the Sandusky Sailing Club in accordance with their Agreement with the City; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to make payment in a timely manner before the due date of September 1, 2011; 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, including the Finance Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this Ordinance be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager and/or Finance Director is authorized and directed to make payment to the Treasurer of the State of Ohio as requested by the Ohio Department of Natural Resources (ODNR), Office of Coastal Management, Sandusky, Ohio, for rental payment for Submerged Lands Lease File No. SUB-0530-ER, for the period September 1, 2011, through August 31, 2012, in an amount not to exceed Eighteen Thousand One Hundred Four and 36/100 Dollars (\$18,104.36), consistent with the invoice submitted to the City.

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

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

TODD J ROTH, P.E., P.S.

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933

troth@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager  
From: Todd J Roth, P.E., P.S. Director of PED  
Date: August 10, 2011  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Resolution of Necessity for the Big Island Water Works (BIWW) HVAC Repair Project. This project will consist of removing and replacing three (3) rooftop air-conditioning units and repairing one (1) rooftop air-conditioning unit. The need for replacement and repair was caused by hail damage. A claim was filed with the City's insurance carrier and the adjuster approved the claim and submitted a check based on the estimated cost for replacement and repair of these units.

**BUDGETARY INFORMATION:** The estimated cost to replace and repair the air-conditioning units is \$37,440.00. The project will be funded with proceeds from the insurance company.

**ACTION REQUESTED:** It is requested that the proposed Big Island Water Works (BIWW) HVAC Repair Project be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices, and complete the project before the end of the fall construction season.

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Donald C. Icsman, Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Hank Solowiej, Finance Director

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

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED BIG ISLAND WATER WORKS (BIWW) HVAC REPAIR PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the proposed Big Island Water Works (BIWW) HVAC Repair Project involves the removal and replacement of three (3) air-conditioning units and the repair of one (1) rooftop air-conditioning unit; and

WHEREAS, the need for this replacement and repair is a result of hail damage and a claim was filed with the City's insurance carrier and the adjuster approved the claim and submitted a check based on the estimated cost for replacement and repair of these units; and

WHEREAS, the estimated cost to replace and repair the air-conditioning units is \$37,440.00 and will be paid with proceeds from the insurance company; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the project to be bid, receive competitive prices and complete the project before the end of the Fall construction season; 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, including the Department of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

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

Section 1. The specifications and estimates of cost as prepared by the Director of Planning, Engineering and Development and submitted to this City Commission, and which are now on file in the offices of the Director of Planning, Engineering and Development and the Clerk of the City Commission, for the proposed Big Island Water Works (BIWW) HVAC Repair Project, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Big Island Water Works (BIWW) HVAC Repair Project at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Big Island Water Works (BIWW) HVAC Repair Project as required by law.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for

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

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

TODD J ROTH, P.E., P.S.

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933  
troth@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager  
From: Todd J Roth, P.E., P.S. Director of PED  
Date: August 10, 2011  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Resolution of Necessity for the Mills Creek Golf Course Club House Roof Repair Project. This project will remove and replace the roof, repair the fascia and install new gutters and downspouts. The need for repair was caused by storm damage. A claim was filed with the City's insurance carrier and the adjuster approved the claim and submitted a check for repairs.

**BUDGETARY INFORMATION:** The estimated cost to repair the roof and necessary appurtenances is \$21,616.00. The project will be funded with proceeds from the insurance company.

**ACTION REQUESTED:** It is requested that the proposed Mills Creek Golf Course Club House Roof Repair Project be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices, and complete the project before the end of the fall construction season.

---

Donald C. Icsman,  
Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Hank Solowiej, Finance Director

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

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED MILLS CREEK GOLF COURSE CLUB HOUSE ROOF REPAIR PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the proposed Mills Creek Golf Course Club House Roof Repair Project involves the removal and replacement of the roof, repairing the fascia and installation of new gutters and downspouts; and

WHEREAS, the need for this repair is a result of storm damage and a claim was filed with the City's insurance carrier and the adjuster approved the claim and submitted a check for repairs; and

WHEREAS, the estimated cost to repair the roof and necessary appurtenances is \$21,616.00 and will be paid with proceeds from the insurance company; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the project to be bid, receive competitive prices and complete the project before the end of the Fall construction season; 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, including the Department of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

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

Section 1. The specifications and estimates of cost as prepared by the Director of Planning, Engineering and Development and submitted to this City Commission, and which are now on file in the offices of the Director of Planning, Engineering and Development and the Clerk of the City Commission, for the proposed Mills Creek Golf Course Club House Roof Repair Project, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Mills Creek Golf Course Club House Roof Repair Project at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Mills Creek Golf Course Club House Roof Repair Project as required by law.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for

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

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

TODD J ROTH, P.E., P.S.

222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5829  
Fax 419/627-5933

troth@ci.sandusky.oh.us

**TO:** Donald C. Icsman, Acting City Manager  
**FROM:** Todd Roth, P.E., P.S., Director of PED  
**DATE:** August 10, 2011  
**RE:** Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation to enter into a six month contract extension for land application of sewage sludge for the remainder of calendar year 2011.

In 2006 a contract was awarded upon competitive bidding to Maple View Farms, LLC, of Castalia, Ohio, for land application of sewage sludge for the calendar year 2007 at a price of \$.0273 per gallon. The contract documents included a provision for the potential of two (2) one year extensions of the contract price and terms based upon the mutual consent of the City and Maple View Farms. The contract has been extended through June, 2011. Due to the Wastewater treatment Plant Expansion Project, staff is requesting that Maple View Farms' contract be extended for another six months. \$.0273 per gallon has been the price for sludge removal for the past four years with Maple View Farms. The City has a good working relationship with Maple View Farms. On February 14, 2011, the Commission passed Ordinance No. 11-007 extending a contract with Maple View Farms for six months to perform sludge land application beginning January 1, 2011.

The expansion project involves the installation of a centrifuge that will allow plant staff to vary the amount of water in the sludge that will need to be disposed. Maple View Farms currently land applies the sludge in liquid form. Any variation to the current consistency of the sludge will change the price of disposal. Sludge disposal will need to be bid out allowing the contractor to charge for disposal based on the consistency of the sludge.

It was anticipated that the 2011 sludge disposal contract would be bid out before July of 2011; however, the newly installed centrifuge is not in full operation. The sludge will continue to be land applied. Therefore, it is being requested that Maple View Farms continue to dispose of sludge for an additional six months, retroactive to July 1, 2011. Maple View Farms continues to hold their price at \$0.0273 per gallon which was the price bid in 2006.

**BUDGETARY INFORMATION:** Funds for the payment of this service are routinely included in the operating budget of the Water Pollution Control Plant. The estimated amount of sludge for the second half of 2011 is 5,500,000 gallons at a price of \$.0273 per gallon or \$150,150.00.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to enter into a six month extension with Maple View Farms, LLC of Castalia, Ohio, for land application of

sewage sludge for the calendar year 2011 in an amount not to exceed \$150,150.00. It is further requested that the legislation take immediate effect in accordance with Section 14 of the City Charter to allow continued sludge disposal as required as part of the wastewater treatment process.

I concur with this recommendation:

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Donald C. Icsman, Acting City Manager

cc: Hank Solowiej, Finance Director  
Jeffrey Meinert, Water Pollution Control Plant Superintendent  
Kelly Kresser, City Commission Clerk

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SIX MONTH CONTRACT EXTENSION WITH MAPLE VIEW FARMS, LLC, OF CASTALIA, OHIO, FOR THE LAND APPLICATION OF SEWAGE SLUDGE FROM THE WATER POLLUTION CONTROL PLANT FOR CALENDAR YEAR 2011; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized and directed the City Manager to enter into a contract with Maple View Farms, LLC, of Castalia, Ohio, for the land application of sewage sludge from the Water Pollution Control Plant for the calendar year 2007 by passage of Ordinance No. 06-075, passed on August 14, 2006, which included a provision for two (2) one-year extensions by mutual agreement between the City of Sandusky and Maple View Farms, LLC; and

WHEREAS, this City Commission subsequently authorized and directed the City Manager to enter into a six month contract extensions with Maple View Farms, LLC, of Castalia for the land application of sewage sludge by Ordinance No. 10-003, passed on January 11, 2010, Ordinance No. 10-108, passed on October 12, 2010, and Ordinance No. 11-007, passed on February 14, 2011; and

WHEREAS, the City's Wastewater Treatment Plant Expansion Project involves the installation of a centrifuge that will allow staff to vary the amount of water in the sludge and any change to the consistency of the sludge will change the price of disposal therefore upon completion of the centrifuge installation it will be necessary to perform competitive bidding; and

WHEREAS, it was anticipated that the 2011 sludge disposal contract would be bid out before July of 2011, however, the newly installed centrifuge is not in full operation; and

WHEREAS, Maple View Farms currently land applies the sludge in liquid form and it is requested to extend the current contract with Maple View Farms for an additional six months, retroactive to July 1, 2011, at the current price of \$0.0273 per gallon; and

WHEREAS, the estimated amount of sludge for the last six months of 2011 is 5,500,000 gallons at a contract rate of \$0.0273 per gallon, not to exceed \$150,150.00, and funds for the payment of this service are routinely included in the operating budget of the Water Pollution Control Plant; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to allow for continued sludge disposal as required as part of the wastewater treatment process; 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, including the Department of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this Ordinance be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is authorized and directed to enter into a six month contract extension with Maple View Farms, LLC, of Castalia, Ohio, for the land application of sewage sludge from the Water Pollution Control Plant for the last six

months of calendar year 2011, in the amount of \$.0273 per gallon or an amount not to exceed One Hundred Fifty Thousand One Hundred Fifty and 00/100 Dollars (\$150,150.00). Said land application shall be provided in accordance with the proposal of the said Maple View Farms, LLC, currently on file in the office of the Director of Planning, Engineering & Development and the bid specifications in relation thereto which are made a part of said contract and agreement as if fully rewritten therein.

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

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011

August 9, 2011

MEMORANDUM

TO: Donald C. Icsman, Acting City Manager  
FROM: Paul E. Ricci, Fire Chief  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Requesting legislation for the approval of the purchase of One (1) Tower Chassis Server from Dell Marketing of Pittsburg, PA, through the State of Ohio Cooperative Purchasing Program, Contract #WN23ACA, in the amount of **\$12,759.79**, and authorization to expend the necessary funds for this purchase.

**BACKGROUND INFORMATION:** The server has exceeded its useful life which as been determined by the City's IT Department and the Fire Chief. The server that is currently in service at station 1 does not meet the technological requirement for today's software and data storage standards. The server is used for fire department record management systems and data archiving. The current storage capacity and back up capability are unreliable and may be prone to failure

The Sandusky Fire Department obtained this server from the Sandusky Police Department several years ago. It was a server that the Sandusky Police Department no longer has use for. The Sandusky Fire Department put in into service as a cost savings measure.

The City Commission was informed of this emergency issue at their meeting on August 8, 2011, and a motion was passed approving the immediate purchase of the server.

**BUDGETARY INFORMATION:** This purchase will not negatively impact the general fund. The funding for this purchase totaling **\$12,759.79** is available from revenue generated by ambulance transport fees (EMS Fund).

**ACTION REQUESTED:** It is requested that the proper legislation be prepared approving the purchase of one (1) Tower Chassis Server from Dell Marketing through the State of Ohio Cooperative Purchasing Program in an amount not to exceed **\$12,759.79**, and authorizing the expenditure of the necessary funds for this purchase. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to allow for payment of the server which has already been ordered in a timely manner.

Approved:

I concur with this recommendation:

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Paul E. Ricci, Fire Chief

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Donald C. Icsman, Acting City Manager

Cc: Hank Solowiej, Finance Director

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND THE NECESSARY FUNDS FOR THE EMERGENCY PURCHASE OF ONE (1) TOWER CHASSIS SERVER THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FROM DELL MARKETING OF PITTSBURG, PENNSYLVANIA, IN THE AMOUNT OF \$12,759.79; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, a determination was made by the Information Technology Department and the Fire Chief that the server at the Sandusky Fire Department, Station #1, has exceeded its useful life and does not meet the technological requirements for software and data storage standards and the current storage capacity and back-up capability are unreliable and may be prone to failure; and

WHEREAS, this City Commission was informed of this emergency issue at their regularly scheduled meeting on August 8, 2011, and a motion was passed approving the immediate purchase of the server; and

WHEREAS, the cost of the Tower Chassis Server is \$12,759.79 and funds for this purchase are available from revenue generated by Ambulance Transport fees (EMS Fund) and therefore no general funds will be spent; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow for payment of the server which has already been ordered in a timely manner; and

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

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

Section 1. The City Manager and/or Finance Director is authorized and directed to make payment to Dell Marketing of Pittsburg, Pennsylvania, for the emergency purchase of one (1) Tower Chassis Server through the State of Ohio Cooperative Purchasing Program, at an amount not to exceed Twelve Thousand Seven Hundred Fifty Nine and 79/100 Dollars (\$12,759.79).

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

Section 3. This Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011



## Department of General Services

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Scott A. Miller, Director  
[smiller@ci.sandusky.oh.us](mailto:smiller@ci.sandusky.oh.us)

1024 Cement Avenue  
Sandusky, OH 44870

Fleet Maintenance  
Greenhouse  
Horticultural Services  
Oakland Cemetery & Memorial Park  
Municipal Buildings  
Parks and Recreation  
Traffic Services

419.627.5984 PHONE  
419.627.5911 FAX

[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

TO: Donald Icsman, Acting City Manager  
FROM: Scott A. Miller, Director of General Services  
DATE: August 8, 2011  
SUBJECT: Disposal of Property

ITEM FOR CONSIDERATION: It is requested that the City Commission authorize legislation to dispose of bicycles, equipment and eight unneeded vehicles, pursuant to Section 25 of the City Charter.

BACKGROUND INFORMATION: The vehicles below have been determined to be beyond their useful life by city staff and will be sold for scrap:

1. Year: 1984 Make: Chevrolet Model: C-20 Type: Pickup VIN No.: 2GCEC24D4E1217505 Mileage: 72,520
2. Year: 1996 Make: Ford Model: F150 Type: Pickup VIN No.: 1FTEF12N3TLC07209 Mileage: 76,629
3. Year: 1996 Make: Ford Model: F150 Type: Pickup VIN No.: 1FTEF15N3TLC07208 Mileage: 119,417
4. Year: 1998 Make: Ford Model: Crown Vic. Type: Sedan VIN No.: 2FAFP71W7WX152567 Mileage: 170,432
5. Year: 2000 Make: Ford Model: Crown Vic. Type: Sedan VIN No.: 2FAFP71W6YX151154 Mileage: 174,468
6. Year: 1998 Make: Chevrolet Model: Lumina Type: Sedan VIN No.: 2G1WL52M2W9332964 Mileage: 101,553
7. Year: 2000 Make: Ford Model: Crown Vic. Type: Sedan VIN No.: 2FAFP71W2YX151152 Mileage: 177,196
8. Year: 1995 Make: Chevrolet Model: Lumina Type: Van VIN No.: 1GCDU05D3ST172784 Mileage: 52,339

The items below are from the respective department listed and are no longer of useful life to the city:

### FIRE DEPARTMENT

Miscellaneous Fire Hose  
1- Two drawer heavy filing cabinet  
2- Old electric motors  
2- Law chairs  
12- Disposable towel dispensers  
1- Beverage vending machine  
1- Old bathroom vent  
1- Gas hedge trimmer  
1- Electric cord reel  
1- Hose reel  
3- Flood lights  
2- Small water coolers  
2- Boxes of dri-deck rubber mats  
17- Small canvas pouches  
1- Hose table

### GENERAL SERVICES

9- Office desks  
8- Office chairs  
3- Copy machines  
1- Typewriter  
Misc. general office equipment  
1- Small military trailer  
1- "White" Sno Boss 850 snow Blower

### BIG ISLAND WATER WORKS

1- 25" Sharp TV (inoperable)  
1- VHS recorder  
1- Fax machine  
3- Window unit air conditioners  
2- Floppy disk holders

### POLICE DEPARTMENT

1- Metal booking cabinet  
1- Old slant back wooden chair  
4- Old straight back metal frame chairs  
1- Old computer keyboard  
1- Boombox  
3- Metal folding chairs  
2- Old hand made wooden shelves  
1- Old cardboard filing box  
1- Wooden bench  
1- Kodak slide projector  
1- Kodak Ektagraphic III slide projector  
4- Old filing cabinets  
2- Bicycles

FIRE DEPARTMENT - continued

1- Small cooler chest  
1- Metal suitcase  
1- Marine chrome bumper holder  
2- Metal utility shelving units  
1- Gas can  
5- Small traffic cones  
1- Tool belt  
1- Hose washer  
2- 7' Metal Utility shelving

BIG ISLAND WATER WORKS - continued

1- Copier  
1- Computer monitor  
5- CB radios  
Assorted box fans  
2- Adding machines  
2- Computer speakers

POLICE DEPARTMENT-continued

Miscellaneous Traffic Vests  
Miscellaneous Pants  
Assorted Coats  
Miscellaneous Dispatch Shirts  
Miscellaneous Uniform Shorts

Sandusky Police Department

Attached is the list of additional auction items for the Police Department (exhibit A).

*Special note: These items have all been confiscated to or by the Sandusky Police Department; the criminal cases involving each of these items have been closed and it is no longer necessary to hold the items (they are of no value to the City of Sandusky).*

BUDGET IMPACT: Proceeds from the sale of the items from the Police Department will be placed into the Police Department's General Trust Account, with the exceptions of the proceeds for the bicycles which will be placed into the city's General Fund.

ACTION REQUESTED: It is requested the attached legislation be approved authorizing the disposal of the vehicles and equipment listed above. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter. The auction is scheduled to be held on Saturday, August 27, 2011, at 9:00 a.m. at the City Service Center, 1024 Cement Avenue.

I concur with the recommendation:

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Donald C. Icsman, Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Hank Solowiej, Finance Director

ITEMS FOR AUCTION AS OF 8-4-11

<u>TAG #</u>	<u>ITEM</u>
9860	POLAROID I ZONE CAMERA
19663	KNIFE
23024	HEART PENDANT
23257	CAMERA
23457	CAMERAS - 3
23503	POCKET KNIFE
23960	KNIFE
23972	MINOLTA CAMERA
24605	KNIFE
25161	CLOTHES
26035	HATCHET
27914	KNIFE (FORFEITED BY SMC)
28113	2 VOICE RECORDERS
28831	SHIRT
28832	SHIRT
28833	CELL PHONE
29761	H/P CAMERA
31124	KNIFE (FORFEITED BY SMC)
31299	XBOX
31644	KNIFE (FORFEITED BY SMC)
32562	NINTENDO DSs(2)
33028	ELECTRIC PICTURE
33299	KNIFE (FORFEITED BY SMC)
34828	SPOTLIGHT
34918	POOL CUE W/CASE
35123	RECORDER
35169	KNIFE (FORFEITED BY SMC)
36017	KNIFE (FORFEITED BY SMC)
40718	GPS
40719	GPS STAND
40720	MP3 PLAYER
40721	GPS CHARGER
40723	CHARGER FOR CELL PHONE
40749	MP3 PLAYER
40901	LIGHT SOURCE
1000102	CD PLAYER
1000103	CANNON CAMERA W/CASE
1000104	PURSE - DOLCE & GABBANA
1000136	PURSE
1000146	PURSE - GENNA DE ROSI
1000150	KNIFE - FOUND
1000170	PIONEER CASSETTE DECK
1000183	KONICA CAMERA
1000193	KNIFE
1000194	KNIFE
1000209	PURSE
1000215	PURSE
1000269	2 KNIVES
1000284	CAR STEREO

1000379	BACK PACK
1000407	SHOES
1000408	BRACELETS (6)
1000415	BAG OF CLOTHES
1000453	TENNIS SHOES
1000454	TENNIS SHOES
1100014	POOL CUE W/CASE
1100022	VCR W/CABLES
1100055	TOOL BOX W/ WHEELS
1100056	TOOL BOX
1100057	TOOL BOX
1100060	CAR STEREO
1100061	AMPLIFIER
1100062	SPEAKER BOX
1100063	STEREO
1100064	AMPLIFIER
1100065	SPEAKER BOX
1100079	MP3 PLAYER
1100080	GPS
1100081	CAMERA
1100135	WATCH
1100214	BAG OF CLOTHES
1100216	TOY-BATTLE ARENA
1100317	GAME CONTROLLER
SP-035636	CAR STEREO SYSTEM
SP-035776	KNIFE
SP-035836	KNIFE (FORFEITED BY ECJC)
SP-035891	PRINTER
SP-036039	MP3 PLAYER
SP-036121	PURSE
SP-036346	KNIFE
SP-036400	LEVEL
SP-036492	STEREO
SP-036649	KNIFE
SP-036975	HAMMER
SP-037492	WATCH
SP-037710	KNIFE (FORFEITED BY SMC)
SP-037754	JIG SAW
SP-037883	DVD PLAYER
SP-037885	RING
SP-038059	POKER SET
SP-038256	KNIFE

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF SURPLUS PERSONAL PROPERTY AND EQUIPMENT AS HAVING BECOME UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Section 25 of the City Charter authorizes the City Manager to conduct all sales of personal property that has become obsolete, unnecessary and unfit for City use; and

WHEREAS, the following vehicles have been determined to be obsolete, unnecessary and unfit for City use and it is requested the vehicles be sold for scrap:

<u>Year / Make / Model</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
1983 Chevrolet C-20 Pickup	2GCEC24D4E1217505	72,520
1996 Ford F150 Pickup	1FTEF12N3TLC07209	76,629
1996 Ford F150 Pickup	1FTEF15N3TLC07208	119,417
1998 Ford Crown Vic. Sedan	2FAFP71W7WX152567	170,432
2000 Ford Crown Vic. Sedan	2FAFP71W6YX151154	174,468
1998 Chevrolet Lumina Sedan	2G1WL52M2W9332964	101,553
2000 Ford Crown Vic. Sedan	2FAFP71W2YX151152	177,196
1995 Chevrolet Lumina Van	1GCDU05D3ST172784	52,339

WHEREAS, the following items have been forfeited to or confiscated by the Sandusky Police Department and the related Court cases have been adjudicated and closed thereby eliminating the need to retain these items as evidence and these items have been determined to be obsolete, unnecessary and unfit for City use:

<u>Tag #</u>	<u>Item</u>	<u>Tag #</u>	<u>Item</u>
9860	POLAROID I ZONE CAMERA	1000209	PURSE
19663	KNIFE	1000215	PURSE
23024	HEART PENDANT	1000269	2 KNIVES
23257	CAMERA	1000284	CAR STEREO
23457	CAMERAS - 3	1000379	BACK PACK
23503	POCKET KNIFE	1000407	SHOES
23960	KNIFE	1000408	BRACELETS (6)
23972	MINOLTA CAMERA	1000415	BAG OF CLOTHES
24605	KNIFE	1000453	TENNIS SHOES
25161	CLOTHES	1000454	TENNIS SHOES
26035	HATCHET	1100014	POOL CUE W/CASE
27914	KNIFE (FORFEITED BY SMC)	1100022	VCR W/CABLES
28113	2 VOICE RECORDERS	1100055	TOOL BOX W/WHEELS
28831	SHIRT	1100056	TOOL BOX
28832	SHIRT	1100057	TOOL BOX
28833	CELL PHONE	1100060	CAR STEREO
29761	H/P CAMERA	1100061	AMPLIFIER
31124	KNIFE (FORFEITED BY SMC)	1100062	SPEAKER BOX
31299	XBOX	1100063	STEREO
31644	KNIFE (FORFEITED BY SMC)	1100064	AMPLIFIER
32562	NINTENDO DSs(2)	1100065	SPEAKER BOX
33028	ELECTRIC PICTURE	1100079	MP3 PLAYER
33299	KNIFE (FORFEITED BY SMC)	1100080	GPS
34828	SPOTLIGHT	1100081	CAMERA
34918	POOL CUE W/CASE	1100135	WATCH
35123	RECORDER	1100214	BAG OF CLOTHES
35169	KNIFE (FORFEITED BY SMC)	1100216	TOY - B ATTLE ARENA
36017	KNIFE (FORFEITED BY SMC)	1100317	GAME CONTROLLER
40718	GPS	SP-035636	CAR STEREO SYSTEM
40719	GPS STAND	SP-035776	KNIFE
40720	MP3 PLAYER	SP-035836	KNIFE (FORFEITED BY ECJC)
40721	GPS CHARGER	SP-035891	PRINTER
40723	CHARGER FOR CELL PHONE	SP-036039	MP3 PLAYER
40749	MP3 PLAYER	SP-036121	PURSE
40901	LIGHT SOURCE	SP-036346	KNIFE
1000102	CD PLAYER	SP-036400	LEVEL
1000103	CANNON CAMERA W/CASE	SP-036492	STEREO
1000104	PURSE - DOLCE & GABBANA	SP-036649	KNIFE
1000136	PURSE	SP-036975	HAMMER
1000146	PURSE - GENNA DE ROSI	SP-037492	WATCH
1000150	KNIFE - FOUND	SP-037710	KNIFE (FORFEITED BY SMC)
1000170	PIONEER CASSETTE DECK	SP-037754	JIG SAW

1000183	KONICA CAMERA	SP-037883	DVD PLAYER
1000193	KNIFE	SP-037885	RING
1000194	KNIFE	SP-038059	POKER SET
		SP-038256	KNIFE

WHEREAS, the following items have been determined to be obsolete, unnecessary and unfit for City use by the respective department listed:

FIRE DEPARTMENT

Miscellaneous Fire Hose  
1- Two drawer heavy filing cabinet  
2- Old electric motors  
2- Law chairs  
12- Disposable towel dispensers  
1- Beverage vending machine  
1- Old bathroom vent  
1- Gas hedge trimmer  
1- Electric cord reel  
1- Hose reel  
3- Flood lights  
2- Small water coolers  
2- Boxes of dri-deck rubber mats  
17- Small canvas pouches  
1- Hose table  
1- Small cooler chest  
1- Metal suitcase  
1- Marine chrome bumper holder  
2- Metal utility shelving units  
1- Gas can  
5- Small traffic cones  
1- Tool belt  
1- Hose washer  
2- 7' Metal Utility shelving

GENERAL SERVICES

9- Office desks  
8- Office chairs  
3- Copy machines  
1- Typewriter  
Misc. general office equipment  
1- Small military trailer  
1- "White" Sno Boss 850 snow blower

BIG ISLAND WATER WORKS

1- 25" Sharp TV (inoperable)  
1- VHS recorder  
1- Fax machine  
3- Window unit air conditioners  
2- Floppy disk holders  
1- Copier  
1- Computer monitor  
5- CB radios  
Assorted box fans  
2- Adding machines  
2- Computer speakers

POLICE DEPARTMENT

1- Metal booking cabinet  
1- Old slant back wooden chair  
4- Old straight back metal frame chairs  
1- Old computer keyboard  
1- Boombox  
3- Metal folding chairs  
2- Old hand made wooden shelves  
1- Old cardboard filing box  
1- Wooden bench  
1- Kodak slide projector  
1- Kodak Ektagraphic III slide projector  
4- Old filing cabinets  
2- Bicycles  
Miscellaneous traffic vests  
Miscellaneous pants  
Assorted coats  
Miscellaneous dispatch shirts  
Miscellaneous uniform shorts

WHEREAS, the proceeds from the sale of the items from the Police Department will be placed into the Police Department's General Trust Account with the exception of the proceeds from the bicycles which will be placed in the City's General Fund and the proceeds from the Fire Department, General Services Department and Big Island Water Works items will also be placed into the City's General Fund; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to allow for the items to be declared unnecessary and unfit for City use prior to the auction date of August 27, 2011; 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 finds and determines that the personal property described in the preamble above has become obsolete and is unnecessary and unfit for City use pursuant to Section 25 of the City Charter and the City Manager

is authorized and directed to dispose of the personal property with the proceeds received through public auction or sale process to be placed in the Police Department's Trust Account and the City's General Fund.

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

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

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

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011



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## CITY COMMISSIONERS

DANIEL J. KAMAN, President  
JOHN F. HAMILTON, Vice President  
RICHARD R. BRADY  
PERVIS D. BROWN, JR.  
DIEDRE Y. COLE  
JULIE A. FARRAR  
DAVID L. WADDINGTON

DONALD C. ICSMAN, Law Director/Acting City Manager  
KELLY L. KRESSER, Commission Clerk  
HANK S. SOLOWIEJ, C.P.A., Finance Director

222 MEIGS STREET  
SANDUSKY, OH 44870  
Phone: 419.627.5850  
Fax: 419.627.5825

[www.ci.sandusky.oh.us](http://www.ci.sandusky.oh.us)

TO: City Commission

FROM: \_\_\_\_\_  
Kelly L. Kresser  
City Commission Clerk

DATE: August 9, 2011

SUBJECT: Replacement Pages for Codified Ordinances for the City of Sandusky

**ITEM FOR CONSIDERATION:** It is requested the City Commission authorize the adoption of an Ordinance approving current replacement pages to the Codified Ordinances and internet for the period August 1, 2010 – July 31, 2011 with Walter H. Drane Company.

The City of Sandusky completes a re-codification process each year in order to bring the Code of Ordinances up to date. Additionally, state laws which have been changed or newly adopted are incorporated into this update.

**BUDGETARY INFORMATION:** The cost of the revisions of the Codification supplements and updating the Code on the internet will be taken from the contractual services line item in the Commission Clerk's budget. This item is appropriated each year.

**ACTION REQUESTED:** It is recommended an Ordinance be approved ratifying payment to Walter H. Drane Company in the amount of \$3,900.00 as reflected in the attached invoice and approving the replacement pages. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow for payment in a timely manner.

/klk  
cc.: Hank Solowiej

# THE WALTER H. DRANE COMPANY

Municipal Codes  
23811 Chagrin Boulevard  
Suite 344  
Beachwood, Ohio 44122-5525

Phone (216) 514-1022  
E-Mail: [whdrane1@aol.com](mailto:whdrane1@aol.com)

Fax (216) 514-4740  
Web Site: [www.walterdrane.com](http://www.walterdrane.com)

Kelly L. Kresser  
City Commission Clerk  
Sandusky, OH

DATE August 11, 2011

INVOICE NO. 15236

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2011 Updating of the Codified Ordinances and Internet	\$3,900.00
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<b>Total</b>	\$3,900.00
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Payments/Credits	\$0.00
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<b>Balance Due</b>	\$3,900.00
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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE SANDUSKY CODIFIED ORDINANCES FOR THE PERIOD AUGUST 1, 2010 THROUGH JULY 31, 2011; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

WHEREAS, various Ordinances of a general and permanent nature have been passed by the Commission which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before this City Commission; and

WHEREAS, the total cost of the revisions of the Codification supplements and the Code in Folio VIEWS for internet reinstallation is \$3,900.00 and will be paid with funds from the Commission Clerk's 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 allow for payment of the invoice received and approve the replacement pages to the Codified Ordinances in a timely manner; and

WHEREAS, in order to provide for the immediate preservation of the public peace, health, welfare and safety for the reason that there exists an imperative necessity for the earliest publication and distribution of current replacement pages to the officials and residents of the City of Sandusky, so as to facilitate administration, daily operation and avoid practical and legal entanglements, it is necessary to declare this Ordinance to be an emergency measure to take effect immediately upon its adoption and due authentication; and NOW, THEREFORE,

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

Section 1. The Ordinances of the City of Sandusky, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2011 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

Traffic Code

- |        |   |
|--------|---|
| 333.01 | Driving or Physical Control While Under the Influence. (Amended)    |
| 335.01 | Driver's License or Commercial Driver's License Required. (Amended) |
| 335.02 | Permitting Operation Without a Valid License. (Amended)             |
| 335.07 | Driving Under License Suspension or Restriction. (Amended)          |
| 335.10 | Expired or Unlawful License Plates. (Amended)                       |
| 335.12 | Stopping After Accident Upon Streets. (Amended)                     |
| 335.13 | Stopping After Accident Upon Property Other Than Street. (Amended)  |
| 337.22 | Windshield and Windshield Wipers. (Amended)                         |
| 337.28 | Use of Sunscreening Materials. (Amended)                            |
| 337.29 | Bumper Heights. (Amended)   |
| 351.04 | Parking Near Curb; Handicapped Parking. (Amended)                   |
| 373.02 | Riding Upon Seats; Handlebars; Helmets. (Amended)                   |

General Offenses Code

501.01	Definitions. (Amended)
501.13	Conspiracy. (Added)
501.99	Penalties for Misdemeanors. (Amended)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.06	Methods of Conducting a Bingo Game. (Amended)
517.07	Instant Bingo Conduct. (Amended)
525.01	Law Enforcement and Public Office Definitions. (Amended)
529.07	Open Container Prohibited. (Amended)
537.11	Threatening or Harassing Telephone Calls. (Repealed)
537.12	Misuse of 9-1-1 System. (Amended)
549.01	Weapons and Explosives Definitions. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)
549.08	Underage Purchase of a Firearm. (Amended)

Section 3. The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances, a copy of which is on file in the office of the Clerk of the City Commission. Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

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

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

Section 6. That for the reasons set forth in the preamble hereto, this 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.

PAGE 3 - ORDINANCE NO. \_\_\_\_\_

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 22, 2011