

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

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AUGUST 28, 2006

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Prayer
Pledge of Allegiance
Meeting Called to Order
Roll Call - CS, DE, DK, DM, BC, BF, DW
Minutes – August 7th and August 14th

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

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Audience Participation – Agenda Items Only (3 minute limit)

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PUBLIC HEARING – 2005 HUD CAPER (Consolidated Annual Performance and Evaluation Report) of the Community Development Block Grant Program

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CURRENT BUSINESS

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ITEM#1 – Communication submitted by Edward A. Widman, Finance Director.

Fiscal Officer's Certificate – Request received, contents noted and placed on file.

ORDINANCE NO. _____ Providing for the issuance and sale of bonds in the aggregate principal amount of \$104,000 for the purpose of paying the property owners' portion, in anticipation of the collection of special assessments heretofore levied, of the cost of the City's 2002 Program of constructing, re-laying and repairing certain designated sidewalks and constructing certain designated curbs and gutters and approaches, and declaring an emergency. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#2 – Communication submitted by Jeffrey Rosekelly, P.E. Project Engineer.

ORDINANCE NO. _____ Approve the First and Final Change Order for work being performed by A.J. Riley, Inc. of Norwalk, Ohio, for the Wilson Street Rehabilitation Project and to deduct the contract amount by \$1,708.40. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#3 – Communication submitted by Jeffrey Rosekelly, P.E. Project Engineer.

RESOLUTION NO. _____ Declaring the necessity to proceed with the Sandford Street/Tiffin Avenue Sidewalk and Community Distress Area Handicap Ramp Project; approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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

RESOLUTION NO. _____ Declaring the necessity to proceed with the Paper District Public Waterfront Improvements Project as part of the Bayfront Paper District Redevelopment Project; approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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

MEMO

TO: City Commission
FROM: Ed Widman, Finance Director
DATE: August 18, 2006
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Legislation to authorize \$104,000 Sidewalk Bonds for 2005 Special Assessments.

BUDGETARY INFORMATION:

The city is selling special assessment bonds for the property owners that did not pay off their 2005 assessments. This action completes the property owner's portion of the 2005 Sidewalk Program.

ACTION REQUESTED:

The City Commission is requested to accept the Fiscal Officer's Certificate. The City Commission is requested to approve legislation under suspension of the rules and in full accordance of Section 14 of the City Charter at the August 28, 2006 meeting in order to be able to certify the assessments to the Erie County Auditor in a timely manner. Bond counsel has prepared the attached legislation and related documentation.

If there are any questions, please contact the Finance Director.

Attachments

CC08182006.wpf

cc: City Manager
Law Director

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$104,000 FOR THE PURPOSE OF PAYING THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS HERETOFORE LEVIED, OF THE COST OF THE CITY'S 2002 PROGRAM OF CONSTRUCTING, RE-LAYING AND REPAIRING CERTAIN DESIGNATED SIDEWALKS AND CONSTRUCTING CERTAIN DESIGNATED CURBS AND GUTTERS AND APPROACHES, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 05-138, passed September 12, 2005, a note in anticipation of bonds in the amount of \$350,000 was issued for the purpose stated in Section 1 as part of a consolidated note issue pursuant to Section 133.30(B) of the Revised Code dated October 24, 2005 and maturing on October 24, 2006 (such part being the Outstanding Note); and

WHEREAS, this City Commission finds and determines that the City should retire the Outstanding Note with the proceeds of the bonds described in Section 1 and other funds available to the City, including cash payments of the assessments for that project heretofore received; 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

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

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 Bonds in order to enable the City to retire the Outstanding Note 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 \$104,000 (the Bonds) for the purpose of paying the property owners' portion, in anticipation of the collection of special assessments heretofore levied, of the cost of the City's 2005 program of constructing, re-laying and repairing certain sidewalks and constructing certain curbs and gutters and approaches as designated in Resolution Nos. 016-05R and 019-06R adopted March 14, 2005 and April 10, 2006, respectively; to refund, together with other funds available to the City, the Outstanding Note at maturity; and to pay expenses related to the issuance of the Bonds. If and to the extent, however, that the assessments for such improvement are reduced by subsequent judicial determination or by any other reason, including, but not limited to, corrections to such assessments or payments thereof prior to the issuance of the Bonds, the City will assume and pay that portion of the Bonds represented by the amount of such reduction, which amount shall be treated as part of the City's portion of the costs of such improvement, thereby permitting such assessments to be regarded as obligations payable from general taxes and not otherwise under established procedures for the issuance of such Bonds, including any customary signature and no-litigation certificate related thereto.

Section 2. (a) In addition to the words and terms elsewhere defined in this ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means the denomination of \$100 or any integral multiple thereof.

“Bank” means The Citizens Banking Company, Sandusky, Ohio, as the original purchaser of the Bonds for its own portfolio.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

(b) The Bonds shall be designated as “Sidewalk, Curb and Gutter (2005 Program) Bonds”, and shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of the date of issuance.

The Bonds shall bear interest (computed on the basis of a 360-day year consisting of twelve 30-day months) at a rate of four and sixty-six one-hundredths per cent (4.66%) per year, payable on December 1 of each year (herein referred to as the Interest Payment Dates), beginning December 1, 2007, until the principal amount is paid or provided for. The Bond shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from its date of issuance.

(c) The Bonds shall mature and shall be due and payable on December 1 in the years and in the following respective principal amounts, which are hereby determined to be substantially equal:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2007	\$10,400	2012	\$10,400
2008	10,400	2013	10,400
2009	10,400	2014	10,400
2010	10,400	2015	10,400
2011	10,400	2016	10,400

(d) The Bonds shall not be subject to optional redemption.

Section 3. The 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 either or both of those signatures may be a facsimile. The Bonds shall be numbered from R-1 upwards and in the order of their authentication, 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. Since the Bonds are being purchased by the Bank, a single Bond in the aggregate principal amount stated in Section 1 and with installments payable in the amounts and on the dates set forth in Section 2 may be issued to the Bank (and to any registered assignee thereof if agreed to by such registered assignee) to represent the Bonds in lieu of a series of serial bonds. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved

by the Finance Director on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4. The Finance Director of this City is appointed to act as the initial authenticating agent, bond registrar, transfer agent and paying agent (the Bond Registrar) for the Bonds.

Section 5. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar, provided that the principal or portion of principal of any Bonds registered in the name of the Bank shall be payable by check or draft mailed by the Bond Registrar to that registered owner at the address shown on the Bond Register (as defined in Section 6 below) of the City. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed by the Bond Registrar to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the fifteenth day of the calendar month next preceding that Interest Payment Date (the Record Date).

Section 6. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at his office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Section 7. The Bonds are hereby awarded and sold to the Bank at a purchase price of par, plus any accrued interest on the Bonds from their date to the Closing Date. The Finance Director shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Bank upon payment of the purchase price. The Ex-Officio Mayor, the Finance Director, the Law Director, the Clerk of the City Commission and other City officials, as appropriate, each are 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 8. The proceeds received by the City from the sale of the Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds of this City and shall be used for the purpose for which the Bonds are being issued, including, without limitation, the payment of the costs of issuing and servicing the Bonds, the costs of printing and delivery of the Bonds, the costs of legal services, including obtaining the legal opinion of bond counsel, and all other costs incurred or incidental to those purposes. All amounts necessary to pay those costs and fees are hereby appropriated from the proceeds of the Bonds and the Finance Director is hereby authorized and directed to make appropriate certifications as to the availability of funds for those costs and fees as the amounts thereof become known and shall encumber those amounts immediately upon such certification, but not in excess of the appropriation made herein, and to issue an appropriate order for their timely payment as the same shall become due and payable. Any portion of those proceeds received by the City representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 9. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the principal of and interest on the Bonds when due, which tax shall not be less

than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 principal of and interest on the Bonds when and as the same fall due. In each year, to the extent the income from the levy of the special assessments for the improvement is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the income so available and appropriated. All special assessments collected for the improvement identified in Section 1, and any unexpended balance remaining in the improvement fund after the cost and expense of that improvement have been paid, shall be used for the payment of the debt charges on the Bonds until paid in full and shall be used for no other purpose.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the 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 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 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 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 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 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 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 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 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 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 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 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 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 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 Bonds, and (c) to give one or more appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the 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 Bonds.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the 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 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 Bonds.

Section 11. This City Commission hereby retains the firm of Squire, Sanders & Dempsey L.L.P. 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 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 12. The Clerk of the City Commission is directed to deliver a certified copy of this ordinance to the County Auditor.

Section 13. 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 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 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 Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 14. 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 15. 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:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: August 28, 2006

To: Michael J. Will, City Manager
From: Jeff Rosekelly, P.E., Project Engineer
Date: August 14, 2006
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: First and final Change Order for the Wilson Street Rehabilitation Project performed by A.J. Riley, Inc., of Norwalk, Ohio. The final construction costs were \$1,708.40 less than the original contract amount. The change in the final costs reflects the changes in the quantities of work actually performed in the field compared to the original estimated quantities.

BUDGETARY INFORMATION: The first and final change order will decrease the original contract with A.J. Riley, Inc., by \$1,708.40. The original contract amount was \$346,215.00, and the final project cost was \$344,506.60. The funding for this project was provided by a Community Development Block Grant in the amount of \$75,000.00 and \$101,140.00 from the Distress Grant Fund for the concrete pavement repair, asphalt overlay and sidewalk and drive approach repair; the Sewer Fund is \$168,366.60 for the installation of new storm sewers.

ACTION REQUESTED: It is requested that the first and final change order decreasing the project cost in the amount of \$1,708.40 for the Wilson Street Rehabilitation Project to be performed by A.J. Riley, Inc., Norwalk, Ohio, be approved in full accordance with Section 14 of the City Charter. This project is complete, and passage of this legislation will allow the City to close out this project. This project was paid for with Community Development Block Grant funds, Distress Grant fund and Sewer funds.

Jeffrey W. Rosekelly, P.E.
Project Engineer

I concur with this recommendation:

Michael J. Will, City Manager

Kathryn K. McKillips,
Director of Engineering Services

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK BEING PERFORMED BY A.J. RILEY, INC., OF NORWALK, OHIO, FOR THE WILSON STREET REHABILITATION PROJECT AND TO DEDUCT THE CONTRACT AMOUNT BY \$1,708.40 IN RELATION THERETO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission previously declared the necessity for the City to proceed with the Wilson Street Rehabilitation Project by passage of Resolution No. 033-05R on September 12, 2005; and

WHEREAS, this City Commission previously approved the awarding of the contract for work being performed for the Wilson Street Rehabilitation Project by Ordinance No. 05-155, passed on October 24, 2005; and

WHEREAS, this First & Final Change Order reflects the final construction costs that were \$1,708.40 less than the original contract amount due to changes in the quantities of work actually performed in the field; and

WHEREAS, the original contract with A.J. Riley, Inc., was \$346,215.00 and the final project cost is \$344,506.60 resulting in a balance of \$1,708.40 to be **DEDUCTED** from the contract; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for this completed project to be closed out; and

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

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

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work being performed for the Wilson Street Rehabilitation Project and to **deduct** from the contract amount the sum of One Thousand Seven Hundred Eight and 40/100 Dollars (\$1,708.40) resulting in the final contract cost of Three Hundred Forty Four Thousand Five Hundred Six and 60/100 Dollars (\$344,506.60) with A.J. Riley, Inc., of Norwalk, Ohio.

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

To: Michael J. Will
City Manager

From: Jeffrey W. Rosekelly, P.E.
Project Engineer

Date: August 24, 2006

Re: Commission Agenda Item

ITEM FOR CONSIDERATION: A resolution of necessity for the Sanford Street/Tiffin Avenue Sidewalk and Community Distress Area Handicap Ramp Project. This project is comprised of two smaller projects which were identified by residents of the Community Distress Grant Targeted Area.

The Sanford Street/Tiffin Avenue Sidewalk portion of this project is the second phase of a two-phase project that connects the existing sidewalk at Perkins Avenue and Mills Street to the existing sidewalk on Tiffin Avenue by looping it around the Mills Creek Golf Course and Catholic Cemetery. The first phase of this project was the Perkins Avenue sidewalk and Pedestrian Bridge completed in June 2005. The entire length of the proposed sidewalk shall be four feet wide. The finish grade of the sidewalks shall match the contours of the existing ground. This project also includes improvements to catch basins and stormwater drainage underneath Tiffin Avenue Railroad Underpass.

The Community Distress Area Handicap Ramp portion of this project will install curb ramps in the Community Distress Targeted Area. It includes 72 ramps at 15 different intersections identified in the attached Project Description. The entire length of the proposed sidewalks including all street and driveway crossings, handicap ramps, and curb cuts shall be constructed in compliance with the American with Disabilities Act.

STRATEGIC PLAN: The approval of this proposed change is in line with the General Goals of Development of Housing and Promotion of the City of Sandusky as a place to live through roadway and sidewalk improvements to neighborhoods. This project targets specific needs that were identified by a Citizen Survey of the residents of the Community Distress Grant targeted area.

BUDGETARY INFORMATION: The total project cost is estimated to be \$165,041.17 including construction, advertising, legal opinion and miscellaneous costs. \$57,907.00 is to be funded by a Community Development Block Grant, \$85,008.00 is to be funded by the Community Distress Grant, and \$22,126.17 is to be funded by the Sewer Fund. Attached please find the Engineer's Estimate of Contract Cost.

ACTION REQUESTED: It is recommended that a Resolution to Proceed be approved by the City Commission thereby allowing this project to move forward in order to obtain competitive bids. It is requested that this resolution be enacted

under suspension of the rules and in full accordance with Section 14 of the City Charter so that the project may be completed before the deadline for the CDBG grant, which has been extended to October 31, 2006.

Jeffrey W. Rosekelly, P.E.
Project Engineer

I concur with this recommendation:

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

Michael J. Will
City Manager

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

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE SANFORD STREET / TIFFIN AVENUE SIDEWALK AND COMMUNITY DISTRESS AREA HANDICAP RAMP 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 first phase of the Sanford Street / Tiffin Avenue Sidewalk Project portion was the Perkins Avenue sidewalk and Pedestrian Bridge completed in June of 2005 and this second phase will connect the existing sidewalk at Perkins Avenue and Mills Street to the existing sidewalk on Tiffin Avenue by looping it around the Mills Creek Golf Course and Catholic Cemetery; and

WHEREAS, the Sanford Street / Tiffin Avenue Sidewalk Project portion also includes improvements to catch basins and stormwater drainage underneath the Tiffin Avenue Railroad Underpass; and

WHEREAS, the Community Distress Area Handicap portion of this project will install 72 ramps at 15 different intersections; and

WHEREAS, the entire length of the proposed sidewalks including all street and driveway crossings, handicap ramps, and curb cuts shall be constructed in compliance with the American with Disabilities Act; and

WHEREAS, this work being performed is in line with the General Goals of Development of Housing and Promotion of the City of Sandusky targeting specific needs that were identified by a Citizen Survey of the residents of the Community Distress Grant area; and

WHEREAS, the total estimated project cost including construction, advertising, legal opinion and miscellaneous costs is \$165,041.17 of which \$57,907.00 is to be funded by a Community Development Block Grant, \$85,008.00 is to be funded by the Community Distress Grant, and \$22,126.17 is to be funded by the Sewer Fund; 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 for the project to be completed before the deadline for the CDBG grant which has been extended to October 31, 2006; and

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

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

Section 1. The specifications and estimates of cost as prepared by the Director of Engineering Services and submitted to this City Commission, and which are now on file with the Clerk of the City Commission, and the office of the Director of Engineering Services, for the proposed Sanford Street / Tiffin Avenue Sidewalk and Community Distress Area Handicap Ramp Project, be and the same hereby are approved by this City

Commission.

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

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

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

Section 5. 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: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

TO: Michael J. Will, City Manager
FROM: Kathryn K. McKillips, P.E., Director
DATE: August 21, 2006
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Paper District Public Waterfront Improvements Project. This project is part of the overall Bayfront Paper District Redevelopment Project.

The Sandusky Bay Pathway will continue as part of the Paper District Waterfront Improvements project. This new addition to the path will follow the water's edge around the outside of the Chesapeake Lofts property and around the proposed marina to be located on the Tricor property. In order to construct the new pathway, sheet piling will be installed to stabilize the shoreline. Breakwater protection will be installed along the north edge of the Chesapeake Building and at the entrance to the proposed marina. A concrete walkway will be installed along the water's edge. This walkway will remain public access to the waterfront.

This project will be bid with the option of performing all or part of the work. This decision will be made prior to the award of a construction contract and is dependent on the developer wanting to wait for a possible grant opportunity or wanting to move forward at a much faster pace without grant funding.

BUDGETARY INFORMATION: The total estimated project cost including inspection, advertising and miscellaneous expenses is \$4,400,000.00. Tax Increment Financing (TIF) will be used to pay for the improvements over time as provided in the 'Developer Agreement'. The TIF will be paid for via the real estate taxes on the development.

STRATEGIC PLAN: The work being performed is in conjunction with the strategic plan of the City by being in-line with the Paper District Action Plan (Strategic Plan Item #A) and brownfield redevelopment (Strategic Plan Item #N).

This action also contributes toward the continued development of the Sandusky Bay Pathway (Strategic Plan Item #I). The completion of Phase 3a (Chesapeake Lofts) and Phase 3b (Transient Marina) will add approximately .67 miles of pathway. Path users will have the option to follow along the water's edge or along Shoreline Drive, which is Phase 2b (Shoreline Drive). This phase is set to begin construction in 2006. With the completion of this project along with the reconstruction of Shoreline Drive, a total of .76 miles will be added to the linear park.

ACTION REQUESTED: It is recommended that the proposed Paper District Public Waterfront Improvements Project be approved and that the legislation take immediate effect in accordance with Section 14 of the City Charter in order to bid the project as soon as the USACE (United States Army Corps of Engineers) and ODNR Submerged

Land Leases and Shore Structure permits and the EPA 401 Certification are received so construction can begin this calendar year.

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

I concur with this recommendation:

Michael J. Will
City Manager

KKM/cal

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE PAPER DISTRICT PUBLIC WATERFRONT IMPROVEMENTS PROJECT AS PART OF THE BAYFRONT PAPER DISTRICT REDEVELOPMENT 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, as part of the Paper District Waterfront Improvements Project, a new addition to the Sandusky Bay Pathway will be constructed to follow the water's edge around the Chesapeake Lofts property and the proposed marina located on the former Tricor property; and

WHEREAS, in order to construct the new pathway, sheet piling will be installed to stabilize the shoreline, breakwater protection will be installed along the north edge of the Chesapeake Building and the entrance to the proposed marina, and a concrete walkway will be installed along the water's edge for public access to the waterfront; and

WHEREAS, this project will be bid with the option to perform all or part of the work and will be dependent on the decision of the developer to wait for possible grant funding; and

WHEREAS, the total estimated cost of the project including inspection, advertising and miscellaneous costs is \$4,400,000.00 with Tax Increment Financing (TIF) to be used to pay for the improvements as provided in the "Developer Agreement" and paid for through the real estate taxes on the development; and

WHEREAS, this work being performed is in conjunction with the strategic plan of the City by being in-line with the Paper District Action Plan (Strategic Plan Item #A), Brownfield Redevelopment (Strategic Plan Item #N) and contributes toward the development of the Sandusky Bath Pathway (Strategic Plan Item #I); 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 bid the project as soon as the USACE (United States Army Corps of Engineers) and ODNR Submerged Land Leases and Shore Structure permits and the EPA 401 Certification are received and construction can begin this calendar year; 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 Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

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

Section 1. The specifications and estimates of cost as prepared by the Director of Engineering Services and submitted to this City Commission, and which are now on file with the Clerk of the City Commission, and the office of the Director of Engineering Services, for the proposed Paper District Public Waterfront Improvements Project, be and the same hereby are approved by this City Commission.

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

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

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

Section 5. 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: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: