

**AGENDA**  
City Commission Meeting  
City Building, 222 Meigs Street  
5:00 p.m.  
**SEPTEMBER 25, 2006**

Prayer

Pledge of Allegiance

Meeting Called to Order

Roll Call - DK, DM, BC, BF, DW, CS, DE

Minutes – September 11<sup>th</sup>

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

Audience Participation – Agenda Items Only (3 minute limit)  
=====

**PROCLAMATION – FIRE PREVENTION WEEK – October 8<sup>th</sup> through October 14<sup>th</sup>**  
=====

**CURRENT BUSINESS**  
=====

**ITEM#1 – Communication submitted by Ed Widman, Finance Director.**

**RESOLUTION NO. \_\_\_\_\_** Accepting the amount and rates as determined by the Erie County Budget Commission; authorizing the necessary tax levies and certifying them to the County Auditor. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**  
=====

**ITEM#2 – Communication submitted by Joshua R. Snyder, Traffic Engineer.**

**RESOLUTION NO. \_\_\_\_\_** Authorizing and ratifying the submission of an application by the City Manager for financial assistance and to enter into a project agreement with the Ohio Public Works Commission in order to participate in the Ohio Public Works Commission’s State Capital Improvement and/or Local Transportation Improvement Programs authorized by Chapter 164 (Aid to Local Government Improvements) of the Ohio Revised Code (**Venice Lift Station Rehabilitation Project.**) **OPWC funds-fifty percent (50%) eligible costs up to maximum of \$105,825; \$105,825 funded by the Sewer Fund. Total project cost \$211,650. Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**  
=====

**ITEM#3 – Communication submitted by Joshua R. Snyder, Traffic Engineer.**

**RESOLUTION NO. \_\_\_\_\_** Authorizing and ratifying the submission of an application by the City Manager for financial assistance and to enter into a project agreement with the Ohio Public Works Commission in order to participate in the Ohio Public Works Commission’s State Capital Improvement and/or Local Transportation Improvement Programs authorized by Chapter 164 (Aid to Local Government Improvements) of the Ohio Revised Code. (**Monroe Street Rehabilitation Phase 3 Project**) **OPWC funds through ODOT fifty percent (50%) eligible costs up to a maximum of \$195,340; \$159,810 funded with assessments; remaining balance \$35,530 funded with \$5.00 License Fee Funds. Total project cost \$390,680. Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**  
=====

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

**RESOLUTION NO. \_\_\_\_\_** A resolution adopted pursuant to Section 1506.11 of the Ohio Revised Code finding and determining that based upon the representations and application filed by William F. & Jayne E. Djubek trustees for property located at 103 Lurie Lane, the use and development of the territory so described, a Submerged Lands Lease may be entered into by the State’s Director of

Natural Resources. Request passed under suspension of rules in full accordance of Section 14 of the City Charter.

=====
ITEM#5 - Communication submitted by Michael R. Meinzer, Fire Chief.

ORDINANCE NO. \_\_\_\_\_Amending Part Nine - Streets, Utilities and Public Services Code, Chapter 961 - Emergency Medical Services, Section 961.01 - Charges. [The cost of Basic Life Support will cost \$300.00 instead of \$245.00.] Request passed under suspension of rules in full accordance of Section 14 of the City Charter.

=====
ITEM#6 - Communication submitted by Jeff W. Rosekelly, Project Engineer.

ORDINANCE NO. \_\_\_\_\_Award a contract to Smith Paving, Inc. of Norwalk, Ohio, for the Sandford Street/Tiffin Avenue Sidewalk and Community Distress Area Handicap Ramp Project in an amount of \$139,530.00. Request passed under suspension of rules in full accordance of Section 14 of the City Charter.

=====
ITEM#7 - Communication submitted by Jeff W. Rosekelly, Project Engineer.

ORDINANCE NO. \_\_\_\_\_Enter into a contract with Malcolm Pirnie, Inc. of Columbus, Ohio, for certified professional services for the Sandusky Cabinets Redevelopment Project in an amount of \$121,051.70. Request passed under suspension of rules in full accordance of Section 14 of the City Charter.

=====
ITEM#8 - This item was ordered in at the meeting of September 11th.

ORDINANCE NO. \_\_\_\_\_Approving and authorizing the execution of an amended and restated Erie County/City of Sandusky Water Contract and a related Regional Water Agreement. Request passed under suspension of rules in full accordance of Section 14 of the City

=====
ITEM#9 - Communication submitted by B. Joyce Brown, Clerk of the City Commission.

ORDINANCE NO. \_\_\_\_\_Approve current replacement pages to the Sandusky Codified Ordinances. Request passed under suspension of rules in full accordance of Section 14 of the City

=====
ITEM#10 - Communication submitted by the Ohio Department of Liquor Control.

A stock transfer request of D1, D2, D3 and D3A Liquor Permits to JR99 Enterprises LTD dba Buds Place, 509 Tiffin Avenue, First Floor & Basement, Sandusky, Ohio 44870 from Food & Spirits Corporation dba Buds Place, 509 Tiffin Avenue, First Floor & Basement, Sandusky, Ohio 44870. Request the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request.

=====
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: September 12, 2006  
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Resolution accepting the amounts and rates determined by the Erie County Budget Commission, authorizing the necessary tax levies and certifying them to the Erie County Auditor.

BUDGETARY INFORMATION:

The city is required to accept the tax rates as determined by the Erie County Budget commission before October 1, 2006. These amounts are \$44,832 lower than the estimate for 2006. The Erie County Auditor's office anticipates the revaluation process will more than make up for this decrease. The Finance Director recommends the City Commission accept the recommendation of the Erie County Budget Commission. Approval establishes initial funding for 2007.

ACTION REQUESTED:

The deadline for approval is October 1, 2006. It is recommended the resolution be approved in accordance with Section 14 of the City Charter under suspension of the rules. If there are any questions, please contact the Finance Director.

Attachment

CC09122006

cc: City Manager  
Law Director

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

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE ERIE COUNTY BUDGET COMMISSION; AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Erie County Budget Commission has certified its action regarding the amounts and rates and necessary tax levies to this Commission together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Commission and what part thereof is outside of and what part is within the ten-mill limitation; 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 meet the statutory deadline of October 1, 2006 for approval as required by O.R.C. §5705.34; and

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

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

Section 1. This City Commission approves the amounts and rates as determined by the Budget Commission in its certification to this Commission.

Section 2. That there be and hereby is levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten-mill limitation as set forth below:

**SCHEDULE A:**

AMOUNTS APPROVED BY THE BUDGET COMMISSION  
INSIDE 10-MILL LIMITATION

		<u>INSIDE 10-MILL</u>
General Fund	\$1,843,536.00	3.65
Firemen's Pension Fund	\$ 151,523.00	.30
Police Pension Fund	\$ 151,523.00	.30
<b>TOTAL</b>	<b>\$2,146,582.00</b>	<b>4.25</b>

**SCHEDULE B:**

AMOUNTS APPROVED BY THE BUDGET COMMISSION  
OUTSIDE 10-MILL LIMITATION

OUTSIDE 10-MILL

General Bond Retirement Fund	\$329,126.00	0.70
<hr/>		
TOTAL	\$329,126.00	0.70

Section 3. That the Clerk of the City Commission be and is hereby directed to certify a copy of this Resolution to the Erie County Auditor.

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 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 hereof, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter from and after its adoption 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:

To: Michael J. Will, City Manager  
From: Joshua R. Snyder, Traffic Engineer  
Date: September 15, 2006  
Subject: Commission Agenda Item

**Item for Consideration:** A Resolution approving the submission by the City Manager of an application to participate in the Ohio Public Works Commission State Capital Improvement and / or Local Transportation Improvement Programs and to execute contracts as required.

The Venice Lift Station Rehabilitation Project involves upgrading 2 pumps, replacing the seal water tank and water pumps, adding another high output pump and making improvements to the exterior doors and the roof of the pump station that are original from the 1973 installation. This work will extend the life of the pump station and increase its capacity to take and pump more sewage, minimizing the chances of having to release overflow sewage into Pipe Creek due to the current lack of capacity.

The OPWC will fund 50% of the construction costs for the project with remaining balance being funded with Sewer Funds. If approved, this grant funding will supplement already dedicated city funds and improve sanitary sewer capacity on the City's West end. This work will be performed in 2008.

**Budgetary Information:** There is no budgetary impact on the City's General Fund. However, the project cost will be funded with OPWC funds in the amount of fifty percent (50%) of the eligible costs up to a maximum of \$105,825 with \$105,825 being funded by the Sewer Fund for a total project cost of \$211,650. This project is scheduled for completion in 2008.

**Action requested:** It is requested that the necessary legislation be approved in full accordance with Section 14 of the City Charter in order application and resolution to be submitted before the October 6, 2006 deadline.

---

Joshua R. Snyder, P.E.  
Traffic Engineer

JRS/cal

I concur with this recommendation:

---

Michael J. Will  
City Manager

---

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

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

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

**A RESOLUTION AUTHORIZING AND RATIFYING THE SUBMISSION OF AN APPLICATION BY THE CITY MANAGER FOR FINANCIAL ASSISTANCE AND TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION IN ORDER TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AUTHORIZED BY CHAPTER 164 (AID TO LOCAL GOVERNMENT IMPROVEMENTS) OF THE OHIO REVISED CODE; AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, if approved this grant funding will supplement already dedicated city funds and improve sanitary sewer capacity on the City's West End with the work to be performed in 2008; and

**WHEREAS**, the Venice Lift Station Rehabilitation Project involves upgrading 2 pumps, the addition of a high output pump and making improvements to the exterior doors and roof of the original pump station that was installed in 1973 which will extend the life of the pump station and increase its capacity minimizing the chances of releasing overflow sewage into Pipe Creek; and

**WHEREAS**, the total cost for this project is \$211,650.00 with the City applying for 50% funding from the Ohio Public Works Commission in the amount of \$105,825.00, and the remaining \$105,825.00 funded by the Sewer Fund; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the grant application and resolution to be submitted to the Ohio Public Works Commission by the application deadline of October 6, 2006; and

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

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

Section 1. This City Commission hereby ratifies and approves the submission of an application for financial assistance with the Ohio Public Work's Commission's State Capital Improvement and/or Local Transportation Improvement Programs as provided in Chapter 164 of the Ohio Revised Code and the City Manager and/or Finance Director are authorized to provide any necessary information and assurances and to execute appropriate project agreements if assistance is awarded by the Ohio Public Works Commission.

Section 2. 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 3. 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 4. 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: Joshua R. Snyder, Traffic Engineer  
Date: September 15, 2006  
Subject: Commission Agenda Item

**Item for Consideration:** A Resolution approving the submission by the City Manager of an application to participate in the Ohio Public Works Commission State Capital Improvement and / or Local Transportation Improvement Programs and to execute contracts as required.

The Monroe Street Rehabilitation Phase 3 Project involves paving Monroe Street from Columbus Ave. Eastward to Meigs St. This section of Monroe Street contains 3 of the 12 worst sections of street located on major street in the City as reported by the 2005 UT pavement study.

The OPWC will fund 50% of the construction costs for the project with remaining balance being funded with \$5 License Fee Funds and assessments. If approved, this grant funding will supplement already dedicated city funds and keep the 20 year street paving plan on schedule. This work will be performed in 2008.

**Budgetary Information:** There is no budgetary impact on the City's General Fund. However, the project cost will be funded with OPWC funds through ODOT in the amount of fifty percent (50%) of the eligible costs up to a maximum of \$195,340, \$159,810 being funded with assessments, and the remaining balance of \$35,530 being funded with \$5 License Fee Funds for a total project cost of \$390,680. This project is scheduled for completion in 2008.

**Action requested:** It is requested that the necessary legislation be approved in full accordance with Section 14 of the City Charter in order for the grant application and resolution to be submitted by the October 6, 2006 deadline.

---

Joshua R. Snyder, P.E.  
Traffic Engineer

JRS/cal

I concur with this recommendation:

---

Michael J. Will  
City Manager

---

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

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

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

**A RESOLUTION AUTHORIZING AND RATIFYING THE SUBMISSION OF AN APPLICATION BY THE CITY MANAGER FOR FINANCIAL ASSISTANCE AND TO ENTER INTO A PROJECT AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION IN ORDER TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION'S STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAMS AUTHORIZED BY CHAPTER 164 (AID TO LOCAL GOVERNMENT IMPROVEMENTS) OF THE OHIO REVISED CODE; AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, if approved this grant funding for the Monroe Street Rehabilitation Phase 3 Project will supplement already dedicated city funds to stay on schedule with the 20 year street paving plan by paving Monroe Street from Columbus Avenue eastward to Meigs Street with the work to be performed in 2008; and

**WHEREAS**, this section of Monroe Street contains 3 of the 12 worst sections of street located on major streets in the City as reported by the 2005 UT pavement study; and

**WHEREAS**, the total cost for this project is \$390,680.00 with the City applying for 50% funding from the Ohio Public Works Commission in the amount of \$195,340.00 and the City's 50% share of the cost will be funded with \$159,810.00 from assessments and the remaining \$35,530.00 from the \$5 License Fee Fund; and

**WHEREAS**, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for the grant application and resolution to be submitted to the Ohio Public Works Commission by the application deadline of October 6, 2006; and

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

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

Section 1. This City Commission hereby ratifies and approves the submission of an application for financial assistance with the Ohio Public Work's Commission's State Capital Improvement and/or Local Transportation Improvement Programs as provided in Chapter 164 of the Ohio Revised Code and the City Manager and/or Finance Director are authorized to provide any necessary information and assurances and to execute appropriate project agreements if assistance is awarded by the Ohio Public Works Commission.

Section 2. 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 3. 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 4. 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, Director of Engineering Services  
Date: September 12, 2006  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Resolution authorizing and consenting the following property owner to receive a submerged land lease from the State of Ohio.

William F. and Jayne E. Djubek Trustees  
103 Lurie Lane

The property owner will install a floating dock to be placed in Sandusky Bay from March to November on an annual basis.

**BUDGETARY INFORMATION:** The City will receive 50% of the payment for the finalized lease each year.

**ACTION REQUESTED:** It is requested that a resolution authorizing and consenting to a submerged land lease to be issued by the State of Ohio to William F. and Jayne E. Djubek Trustees, 103 Lurie Lane, Sandusky, Ohio, be approved under suspension of the rules and in accordance with Section 14 of the City Charter in order to expedite the lengthy permit process. Work is anticipated to begin in the Fall 2006.

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

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

A RESOLUTION ADOPTED PURSUANT TO SECTION 1506.11 OF THE OHIO REVISED CODE FINDING AND DETERMINING THAT BASED UPON THE REPRESENTATIONS AND APPLICATION FILED BY WILLIAM F. & JAYNE E. DJUBEK TRUSTEES FOR PROPERTY LOCATED AT 103 LURIE LANE, THE USE AND DEVELOPMENT OF THE TERRITORY SO DESCRIBED, A SUBMERGED LANDS LEASE MAY BE ENTERED INTO BY THE STATE'S DIRECTOR OF NATURAL RESOURCES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, William F. & Jayne E. Djubek Trustees are the upland property owners of land located at 103 Lurie Lane, in the City of Sandusky; and

**WHEREAS**, the upland property owners have made certain representations and filed an original application and site plan consistent therewith, with the State Director of Natural Resources, a copy of which is attached marked "Exhibit A" and incorporated herein, indicating a desire to use and develop a part of the territory as specified in their application and site plan without impairment of the public's right of navigation, water commerce and fishery; and

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

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

**WHEREAS**, this legislation should be passed as an emergency measure and in accordance with Section 14 of the City Charter in order to insure that the administrative review process can continue in a timely manner and allow the work to commence in the Fall of 2006 as anticipated by the property owners; 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 of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. This City Commission finds and determines that based upon the upland property owner's representations as contained in attached "Exhibit A" the territory as described in their application and site plan is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce.

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

upland property owners representations contained in attached "Exhibit A" the land uses specified in the application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan and Comprehensive Land Use Plan.

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

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

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

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

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

Passed:

September 12, 2006

MEMORANDUM

To: Michael J. Will, City Manager  
From: Michael R. Meinzer, Fire Chief  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation to amend January 10, 2005 Code 961.01 (Ambulance Charges) to reflect the new Basic Life Support (BLS) charge.

**BACKGROUND INFORMATION:** The current fees set are subject to review by the City Manager and to annual modifications to reflect current fluctuations in the current Consumer Price Index. The City Manager and the Fire Chief have conducted their annual review of the fees as set forth in the ordinance and have found that the current fees are less than the usual and customary charges as found in the industry; therefore at this time we are requesting to make the necessary modification and adjustment to reflect and conform to the new charges. The annual review shall be conducted prior to August 1, and any modifications and adjustments shall be effective on January 1, of the following year.

	<b><u>Current</u></b>	<b><u>Proposal</u></b>
Basic Life Support (BLS)	\$245.00	\$300.00

**COMPLIANCE WITH THE STRATEGIC PLAN:**

The implementation of this plan will lead to the Sandusky Fire Department becoming a cost effective producer of services. This plan provides revenue for the replacement of capital equipment that allow for making Sandusky a safer place to live, work and play.

**BUDGET INFORMATION:** Any amounts generated annually by said fees, rates and charges in excess of the sum of one hundred fifty thousand dollars (\$150,000.00) shall be attributed to and become part of the funds and accounts related to the Division of Fire and shall be used to defray the costs of equipment and capital improvements directly related to the operation and provision of Fire and Emergency Medical/Ambulance Services.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to ensure that each person receiving emergency medical services from the City of Sandusky Fire Department shall pay a utilization charge as stated above effective January 1, 2007.

Approved

I concur with this recommendation

\_\_\_\_\_  
Michael R. Meinzer, Fire Chief

\_\_\_\_\_  
Michael J. Will, City Manager

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

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

AN ORDINANCE AMENDING PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE, CHAPTER 961 - EMERGENCY MEDICAL SERVICES, SECTION 961.01 - CHARGES, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, it is requested by the Fire Department to modify the current charge for Basic Life Support (BLS) to reflect current fluctuations in the current Consumer Price Index; and

WHEREAS, any amounts generated annually by fees, rates and charges in excess of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) be attributed to the funds and accounts related to the Division of Fire to be used to defray costs of equipment and capital improvements directly related to the operation and provision of Fire and Emergency Medical/Ambulance Services; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Fire Department of the City of Sandusky, that this amendment be made; and NOW, THEREFORE,

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

Section 1. That Part Nine - Streets, Utilities and Public Services Code, Chapter 961 - Emergency Medical Services, Section 961.01, of the Codified Ordinances of the City is hereby amended effective January 1, 2007, as follows:

**NEW LANGUAGE APPEARS IN BOLD PRINT**  
**LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT**  
**LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

961.01 CHARGES.

(a) Users of the emergency medical/ambulance services of the City shall pay, and be responsible for the charges set forth hereinbelow:

- (1) For each basic life support run: ~~two hundred forty-five dollars (\$245.00)~~ **three hundred dollars (\$300.00)**;
- (2) For each advanced life support (ALS 1) run: four hundred sixty-five dollars (\$465.00);
- (3) For each advanced life support II run (ALS II): Five hundred seventy-three dollars (\$573.00);
- (4) For each run—~~an additional~~ **an additional** mileage charge of six dollars (\$6.00) per ~~mile~~ **mile** or any portion of the same.

(b) The fees set in this chapter shall be subject to annual review by the City Manager and to annual modification and adjustment in conformity with the usual and customary charges in the industry. Each such annual review shall be conducted prior to August 1, and any modifications and adjustments effected in relation thereto shall be effective on and after January 1, next thereafter.

(c) The initial sum of one hundred fifty thousand dollars (\$150,000) generated annually by the fees, rates, and charges provided in this chapter shall be utilized to defray the costs of operation of the Division of Fire. Any amounts generated annually by the fees, rates and charges in excess of the sum of one hundred fifty thousand dollars (\$150,000.00) shall be attributed to and become part of the funds and accounts related to the Division of Fire and shall be used to defray the costs of equipment and capital improvements directly related to the operation and provision of Fire and Emergency Medical/Ambulance Services.

This allocation of fees, rates, and charges shall be reviewed by the City Commission, upon the report and recommendation of the City Manager, during the annual budget process of the City.

~~(Ord. 05-058. Passed 1-10-05.)~~

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. This Ordinance shall be in full force and effect from and after January 1, 2007.

---

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: Jeff W. Rosekelly, P.E.

DATE: September 13, 2006

SUBJECT: Commission Agenda Item

**ITEM FOR CONSIDERATION:** An Ordinance authorizing the City Manager to enter into a contract with Smith Paving, Inc., Norwalk, Ohio, for the CDBG Sanford Street/Tiffin Ave. Sidewalk and Community Distress 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.

One (1) bid was received on September 13, 2006 from the following company:

Smith Paving, Inc.                      Norwalk, OH                      Bid: \$139,530.00

The bid submitted by Smith Paving and Excavating, Inc., Norwalk, Ohio, is appropriate and accepted as the lowest and best.

**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 \$164,645.40 including construction, advertising, legal opinion and miscellaneous

costs. \$57,907.00 is to be funded by a Community Development Block Grant, \$85,008 is to be funded by the Community Distress Grant, and \$21,730.40 is to be funded by the Sewer Fund.

**ACTION REQUESTED:** It is recommended that the Ordinance awarding contract to Smith Paving, Inc., of Sandusky, Ohio for the CDBG Sanford Street/Tiffin Ave. Sidewalk and Handicap Ramp Project, in the amount of \$139,530.00 be approved. It is requested that the legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter thereby allowing the contractor sufficient time to complete this project by the October 25th completion deadline.

\_\_\_\_\_  
Jeffrey W. Rosekelly, P.E.

I concur with this recommendation:

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

\_\_\_\_\_  
Michael J. Will  
City Manager

JWR/cal

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO AWARD A CONTRACT TO SMITH PAVING, INC., OF NORWALK, OHIO, FOR THE SANFORD STREET / TIFFIN AVENUE SIDEWALK AND COMMUNITY DISTRESS AREA HANDICAP RAMP PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission declared the necessity for the City to proceed with the Sanford Street / Tiffin Avenue Sidewalk and Community Distress Area Handicap Ramp Project by Resolution No. 040-06R passed on August 28, 2006; and

**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**, upon public competitive bidding as required by law one (1) appropriate bid was received from Smith Paving, Inc. of Norwalk, Ohio, and it was accepted as appropriate and the lowest and best bid; and

**WHEREAS**, the total estimated project cost including construction, advertising, legal opinion and miscellaneous costs is \$164,645.40 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 \$21,730.40 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 to allow the contractor sufficient time to completed this project the completion deadline of October 25, 2006; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with Smith Paving, Inc., of Norwalk, Ohio, for the Sanford Street / Tiffin Avenue

Sidewalk and Community Distress Area Handicap Ramp Project in an amount **not to exceed** One Hundred Thirty Nine Thousand Five Hundred Thirty and 00/100 Dollars (\$139,530.00) consistent with the bid submitted by Smith Paving, Inc., of Norwalk, Ohio, currently on file in the office of the Director of Engineering Services.

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

Section 3. This 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: September 14, 2006

SUBJECT: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Approval to contract with Malcolm Pirnie, Inc., Columbus, Ohio, for Certified Professional Services for the Sandusky Cabinets Redevelopment Project. The Certified Professional will oversee all environmental work outlined in the Clean Ohio Assistance Fund Grant, as well as participate in the decision-making of alternative funding options and prepare a grant application to fund remediation of the site.

The City sent the Request for Proposals to 64 environmental consulting firms throughout the state. Six (6) companies responded to the invitation with proposals. The six (6) companies were evaluated based on previous experience working on soil/groundwater assessment, asbestos survey, UST investigation, interpretation of geophysical survey data, and other relevant experience required for an ASTM compliant Phase II Environmental Site Assessment. Previous experience working with the City of Sandusky, the Clean Ohio Fund Program and grant application writing, US EPA, Ohio EPA, Ohio Department of Development, and the Office of Urban Development was also considered. Malcolm Pirnie, Inc. was selected based on these criteria.

Malcolm Pirnie, Inc. will perform all necessary tasks to complete an American Society for Testing and Materials (ASTM) compliant Phase II Environmental Site Assessment and Asbestos Inspection report. The certified professional and technical support shall furnish all resources required by these items. The certified professional shall complete the proposed work in sufficient time to assist the City of Sandusky in evaluating alternate funding mechanisms for remediation of the site. Preliminary results should be available by the end of 2006 to allow for completion of a grant application for submittal to ODOD and the Ohio EPA. The deadline for the CORF Round 4 application submittals is April 2, 2007.

**BUDGETARY INFORMATION:** The estimated cost for the Certified Professional Services is \$121,051.70, which is a 'Not to Exceed' figure (only actual costs incurred will be billed up to a ceiling). The Certified Professional Services cost is included in the Clean Ohio Assistance Fund Grant which will contribute 100% of the costs

**STRATEGIC PLAN:** This action is consistent and necessary in order for the City to be successful in Brownfield Development.

**ACTION REQUESTED:** It is recommended that an Ordinance authorizing the City Manager to enter into a contract on behalf of the City of Sandusky with Malcolm Pirnie, Inc., for certified professional services for the Sandusky Cabinets Redevelopment Project, and that the necessary legislation be approved under suspension of the rules and in accordance with Section 14 of the City Charter in order for the Certified Professional to schedule the work pertaining to the oversight of the Phase II Environmental Site Assessment and Asbestos Survey of the Sandusky Cabinets site.

---

Jeffrey W. Rosekelly, P.E.  
Project Engineer

I concur with this recommendation:

---

Michael J. Will, City Manager

KKM/cal

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MALCOLM PIRNIE, INC., OF COLUMBUS, OHIO, FOR CERTIFIED PROFESSIONAL SERVICES FOR THE SANDUSKY CABINETS REDEVELOPMENT PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission authorized the application for a Clean Ohio Assistance Fund Grant by Resolution No. 012-06R, passed on March 13, 2006; and

**WHEREAS**, this City Commission approved an Economic Development Agreement with Bay Area Neighborhood Development Corporation relating to the acquisition and development of the Sandusky Cabinets property by Ordinance No. 06-069, passed on July 24, 2006; and

**WHEREAS**, upon competitive bidding as required by law, six (6) proposals were received and evaluated based on prior experience working on soil / groundwater assessment, asbestos survey, UST investigation, interpretation of geophysical survey data, and other relevant experience required for an ASTM compliant Phase II Environmental Site Assessment in addition to experience working with the Clean Ohio Fund Program and grant writing, US EPA, Ohio EPA, Ohio Department of Development and the Office of Urban Development and Malcolm Pirnie, Inc., of Columbus, Ohio was selected based on this criteria; and

**WHEREAS**, The Certified Professional will oversee all environmental work outlined in the Clean Ohio Assistance Fund Grant and will perform all necessary tasks to complete an American Society for Testing and Materials (ASTM) compliant Phase II Environmental Site Assessment and Asbestos Inspection report; and

**WHEREAS**, the estimated cost for the Certified Professional Services is \$121,051.70.00 where only actual costs incurred will be billed and the Certified Professional Services cost is included in the Clean Ohio Assistance Fund Grant which will contribute 100% of the costs; 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 to allow the Certified Professional to schedule the work necessary to the oversight of the Phase II Environmental Site Assessment and Asbestos Survey of the Sandusky Cabinets site and for preliminary results to be available by the end of 2006 to allow for completion of the CORF Grant application due in April of 2007 if necessary; and

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

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

Section 1. The City Manager is authorized and directed to enter into an agreement with Malcolm Pirnie, Inc., of Columbus, Ohio, for Certified Professional Services for the Sandusky Cabinets Redevelopment Project, in an amount **not to exceed** One Hundred Twenty One Thousand Fifty One and 70/100 Dollars (\$121,051.70).

The services shall be provided in accordance with the proposal of Malcolm Pirnie, Inc., a copy of which is on file in the Department of Engineering Services and attached to this Ordinance, marked Exhibit "A", and the specifications contained therein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose.

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

Passed:

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

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED ERIE COUNTY/CITY OF SANDUSKY WATER CONTRACT AND A RELATED REGIONAL WATER AGREEMENT.

WHEREAS, Erie County (the "County") has arranged pursuant to a contract with the City made and entered into as of June 6, 1989 (as heretofore amended and supplemented, the "Existing Contract") for the purchase from the City of a supply of water to be furnished and sold by the County to the inhabitants of its Erie County Sewer District (the "District") and to others outside of the County through the water distribution facilities now located within and outside the District and additional facilities to be acquired, constructed and installed by the County; and

WHEREAS, Burgess & Niple, Inc., a firm of consulting engineers has reviewed the operations of the City's water system and the components which make up that system and has recommended to both the City and County a fair and equitable wholesale water rate to be charged to the County for its purchase of surplus water from the City, which wholesale rate the City is amenable to providing to the County in reliance upon the County agreeing to purchase a minimum amount of surplus water from the City each year and the City's expectation that over time the County will also increase the amount of surplus water purchased from the City as the County continues to expand its system and continues its program of bulk water sales to other users within the region; and

WHEREAS, in order to implement that recommendation as well as other understandings and agreements reached between the City and the County in furtherance of the above and a regional approach to the provision of water, the City and the County desire to further amend the Existing Contract, and for ease of use and future reference, have determined that it is appropriate to amend and restate the Existing Contract by means of an Amended and Restated Erie County/City of Sandusky Water Contract (the "County Water Contract");

WHEREAS, in furtherance of that regional approach to the provisions of water, the parties hereto have determined that it is appropriate to supplement that County Water Contract by entering into a Regional Water Agreement among the City, the County and the City of Huron (the "Regional Water Agreement") to foster and promote further cooperation among those parties in the provision of a reliable supply of safe water for the health and welfare of the residents of the City, the County, the City of Huron and the rest of the region, and to enhance economic development opportunities therein, including the establishment of an advisory board as provided for therein in order to continue to focus on, to review and address, and to make recommendations with respect to, regional water issues, NOW, THEREFORE,

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

Section 1. For the reasons set forth in the preambles hereto, this Commission hereby approves both the County Water Contract and the Regional Water Agreement, a copy of each of which is on file in the office of the Clerk of the City Commission, and the City Manager and any four or more members of the City Commission are hereby authorized and directed to execute both the County Water Contract and the Regional Water Agreement, on behalf of the City and in substantially the form thereof on file with the Clerk, and together with such revisions or additions thereto as are approved by the Law Director, the Director of Engineering Services and the City's signatories thereto, as not being substantially adverse to the City and as being consistent with the purpose thereof as set forth in the preambles hereto.

Section 2. 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 3. This ordinance shall take effect at the earliest time permitted by law.

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

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

Passed: \_\_\_\_\_, 2006

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE SANDUSKY CODIFIED ORDINANCES; 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 Council;

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; NOW THEREFORE,

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

Section 1: That 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 2006 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)
- 337.29 Bumper Heights. (Amended)
- 341.02 Exemptions. (Repealed)
- 375.01 All-Purpose Vehicle Definitions. (Amended)

General Offenses Code

- 501.05 Criminal Law Jurisdiction. (Amended)
- 501.06 Limitation of Criminal Prosecution. (Amended)
- 513.01 Definitions. (Amended)
- 513.03 Drug Abuse; Controlled Substance Possession or Use. (Amended)
- 513.04 Possessing Drug Abuse Instruments. (Amended)
- 513.08 Illegally Dispensing Drug Samples. (Amended)
- 513.12 Drug Paraphernalia. (Amended)
- 525.02 Falsification. (Amended)
- 525.15 Assaulting Police Dog or Horse or an Assistance Dog. (Amended)
- 525.17 Refusal to Disclose Personal Information in Public Place. (Added)
- 529.08 Hours of Sale or Consumption. (Amended)
- 533.01 Obscenity and Sex Offense Definitions. (Amended)
- 533.06 Voyeurism. (Amended)
- 533.07 Public Indecency. (Amended)
- 537.07 Endangering Children. (Amended)
- 541.12 Trespass on a Place of Public Entertainment. (Added)
- 545.01 Theft and Fraud Definitions. (Amended)
- 545.21 Identity Fraud. (Repealed)

Section 3: The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A. 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: That for the reasons set forth in the preamble hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in full force from and after its adoption and due authentication by the President and the Clerk of the City Commission.

\_\_\_\_\_  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
CLERK OF THE CITY COMMISSION

PASSED: