

AGENDA

City Commission Meeting

Monday, June 8, 2009

City Commission Chambers

City Hall, 222 Meigs Street

5:00 p.m.

Invocation – Pledge of Allegiance

Meeting – Called to Order

Roll Call – BF, PB, BW, DW, DK, JF, CS

Minutes – May 18th, May 26th

CHARTER OFFICERS

Matthew Kline, City Manager

Don Icsman, Law Director

Edward Widman, Finance Director

B. Joyce Brown, Clerk of the City Commission

ADMINISTRATIVE STAFF

John Hancock, Engineering Director

Mike Meinzer, Fire Chief

Charlie Sams, Interim Police Chief

Scott Schell, Economic Development Specialist

Carrie Handy, Chief Planner

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

PRESENTATION

Economic Development Opportunities on Brownfield Sites – Dan Brown of Partner Environmental

PROCLAMATION – UNITED STATES ARMY'S 234TH BIRTHDAY

PREVIOUS BUSINESS

ITEM #1 – This item was read at first reading at the meeting of May 26th.

ORDINANCE NO. _____ Authorizing and approving an agreement to further implement Waterfront Development and terminate litigation. (Sandusky Yacht Club)

NEW BUSINESS

ITEM #2 – Lieutenant Phillip J. Frost

BUDGETARY INFORMATION: There is no budgetary impact with either grant. All projects and programs will be paid through grant funds from the U.S. Department of Justice. There are NO matching funds with either of these grants.

RESOLUTION NO. _____ A Resolution approving the submission of grant applications to the U.S. Department of Justice (DOJ), Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) for the FY 2009 Gang Prevention Youth Mentoring Program and the FY 2009 Promoting Child and Youth Safety: Community Initiatives and Public Awareness Grant Funds and, if awarded, authorizing the City Manager to execute any required agreements. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #3 – Lieutenant Phillip J. Frost

BUDGETARY INFORMATION: The total cost for the listed ammunition is \$12,367.88 and will be paid from the Police Department's 2009 Budget.

ORDINANCE NO. _____ Enter into an agreement to purchase 14,000 rounds of .40 Caliber Practice Ammunition, 6,000 rounds of .40 Caliber Duty Ammunition, 24,000 rounds of .223 Ammunition, 1,000 rounds of #4 Buck Shotgun Ammunition and 3,000 rounds of 7.5 Shotgun Ammunition from Vance's Law Enforcement of Columbus, Ohio, for the Sandusky Police Department. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #4 – Carrie Handy, Chief Planner, and Sharon Evanich, Grants Administrator

BUDGETARY INFORMATION: The City of Sandusky submitted its second Five-Year Consolidated Plan (2009-2013) and PY2009 Action Plan to HUD's Ohio Regional Office on May 13, 2009. Pending approval of the PY2008 Action Plan CDBG-R Substantial Amendment, CDBG-R funding will increase the level of the Hayes Avenue Corridor Project FY 2009 Action Plan Budget of \$347,656 by \$218,407 for an estimated total of \$566,063.

ORDINANCE NO. _____ Accept a grant, under Title XII of Division A of the American Recovery and Reinvestment Act of 2009, in the amount of \$218,407, ratifying the submission to the U.S. Department of Housing and Urban Development a substantial amendment to the City's Fifth Program Year 2008 Action Plan. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #5 – Carrie Handy, Chief Planner, and Sharon Evanich, Grants Administrator

BUDGETARY INFORMATION: The revised project cost based on the proposal including engineering, inspection, advertising and miscellaneous costs are \$130,000. The cost of the project includes materials, labor, plumbing, electrical, site preparation, concrete, and stone base for splash pad, ramps and sidewalks, grading and seeding and miscellaneous expenses regarding permits and park benches. The contract amount is \$116,520.00, plus a 5% contingency in the amount of \$5,826.00 for benches, trash cans and other miscellaneous items for a total contract amount of \$122,346.00. The contract will be implemented under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant. There is no impact to the City’s General Fund.

ORDINANCE NO. _____ Enter into a contract with Emerald FX, LLC/Mazur North America of Norwalk, Ohio, for the Huron Park Splash PAD Project. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #6 – Submitted by B. Joyce Brown, Clerk of the City Commission on behalf of ODOL
A new D5J Liquor Permit request from Sandusky Sailing Club dba Sandusky Sailing Club, 814 E. Water Street, Sandusky, Ohio 44870. **Request the Clerk notify the Ohio Department of Liquor Control that the City has no objections to this request.**

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NEXT OFF-WEEK MEETING

5:45 p.m. – June 15th City Hall Commission Chambers

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING AN AGREEMENT TO FURTHER IMPLEMENT WATERFRONT DEVELOPMENT AND TERMINATE LITIGATION.

WHEREAS, the City and the Sandusky Yacht Club have a history of working together cooperatively in a mutually beneficial manner for the development of the Sandusky Yacht Club's waterfront property most recently evidenced by the Club's expansion and improvements project which resulted in the execution of a new lease and sublease of submerged lands together with the Ohio Department of Natural Resources; and

WHEREAS, on or about September 18, 2008, the Sandusky Yacht Club commenced a Declaratory Judgment Action in the Erie County Common Pleas Court captioned, The Sandusky Yacht Club v. The City of Sandusky, Ohio, et al., case no. 2008-CV-0864, advancing certain claims to property within the Perry Street right-of-way north of Water Street in the City; and

WHEREAS, the City and the Sandusky Yacht Club are now desirous of resolving their differences in order to implement further coordinated mutual development of the City's waterfront by entering into an agreement a copy of which is on file with the Clerk of this City Commission and a copy of which is marked Exhibit "A" and is attached to this Ordinance and is specifically incorporated as if fully rewritten herein; and

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

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

Section 1. This City Commission approves the Agreement, a copy of which is on file with the Clerk of this City Commission and a copy of which is marked Exhibit "A" and is attached to this Ordinance and is specifically incorporated as if fully rewritten herein and the City Manager is hereby authorized to execute the Agreement on behalf of the City in substantially the form of the Agreement on file with the Clerk and attached to this Ordinance together with such revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

Section 2. This City Commission hereby authorizes the City Manager, the Director of Law, the Director of Finance, the Director of Engineering Services, and other City officials as appropriate to prepare, execute and deliver or accept delivery of such other easements, instruments, licenses or agreements, in form satisfactory to the Director of Law, to provide such information, carry out such investigations and studies, and do such other things, as are necessary for and incidental to carrying out the requirements of this Ordinance and the terms of the Agreement.

PAGE 2 - RESOLUTION NO. _____

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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

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

Passed:

TO: Matt Kline, City Manager
FROM: Lt. Phillip J. Frost
DATE: 05-27-2009
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Legislation for the approval of the submission of two (2) grant applications to the U.S. Department of Justice, Office of Juvenile Justice & Delinquency Prevention for the FY 09 Gang Prevention Youth Mentoring Program and the FY 09 Promoting Child and Youth Safety: Community Initiatives and Public Awareness and authorizing the City Manager enter into any grant agreement and accept funds if awarded.

BACKGROUND INFORMATION:

The City of Sandusky much like the rest of the country have experienced a rise in juvenile crime over the years as well as a rise in gang membership, activity and related crimes.

Sandusky Police Department has tried proactive ways in the past to combat juvenile crime and the gang problem, such as the School Resource Officer Program, DARE. and most recently the Gang Resistance and Education Training (GREAT) Program to help with these two issues.

The Gang Prevention Youth Mentoring Program grant will allow the Sandusky Police Department to hire an officer and start a gang prevention youth mentoring program and run it in conjunction with our SPD youth academy, SRO program and our COP program.

The City of Sandusky also has two areas, that if addressed would make our City's youth safer: Safe Boating and Safe Bicycling.

The Promoting Child and Youth Safety: Community Initiatives and Public Awareness grant will allow SPD to hire a new officer and start a safe boating initiative and a safe bicycling initiative. This will also be run in conjunction with our SPD youth academy, SRO program and our COP program.

BUDGETARY INFORMATION:

There is no budgetary impact with either grant. All projects and programs will be paid through grant funds from the U.S. Department of Justice.

There are NO matching funds with either of these grants.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to allow for the approval of the submission of the grant applications to the U.S. Department of Justice, Office of Juvenile

Justice & Delinquency Prevention for the FY 09 Gang Prevention Youth Mentoring Program and the FY 09 Promoting Child and Youth Safety: Community Initiatives and Public Awareness and if awarded, to execute any required agreement and expend funds consistent to the agreement. It is further requested that this be passed in accordance with Section 14 of the City Charter in order to submit the grant applications to the U.S. Department of Justice by the submission deadline of June 15, 2009 deadline and accept any funds as soon as possible if awarded.

Phillip J. Frost
Lieutenant, Sandusky Police Department

City Commission:

Approved:

I concur with this recommendation:

Charlie Sams, Acting Police Chief

Matthew D. Kline, City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMISSION OF GRANT APPLICATIONS TO THE U.S. DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) FOR THE FY 2009 GANG PREVENTION YOUTH MENTORING PROGRAM AND THE FY 2009 PROMOTING CHILD AND YOUTH SAFETY: COMMUNITY INITIATIVES AND PUBLIC AWARENESS GRANT FUNDS AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the OJJDP FY 2009 Gang Prevention Youth Mentoring Program provides assistance to establish mentoring programs that offer a mixture of core services and engage youth with activities that enable them to practice healthy behaviors with a positive pro-social peer group targeting youth at risk of gang activity, delinquency and youth violence and if awarded, these funds would allow the Sandusky Police Department to hire an officer to establish a gang prevention youth mentoring program which would operate in conjunction with the SPD Youth Academy, SRO Program and COP Program; and

WHEREAS, the OJJDP FY 2009 Promoting Child and Youth Safety: Community Initiatives and Public Awareness Program provides assistance to help communities develop and implement evidence-based, field-initiated demonstration projects that promote child and youth safety and to provide resources and expertise to help communities develop effective public awareness strategies about youth safety and if awarded, these funds would allow the Sandusky Police Department to hire an officer to establish safe boating and safe bicycling programs which would operate in conjunction with the SPD Youth Academy, SRO Program and COP Program as well; 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 submit the grant applications to the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention by the submission deadline of June 15, 2009, and to accept any awarded funds and implement these programs at the earliest opportunity; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Police Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves and authorizes the submission of the grant applications to the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice & Delinquency Prevention, copies of which are on file in the Sandusky Police Department, for FY 2009 Gang Prevention Youth Mentoring Program and FY 2009 Promoting Child and Youth Safety: Community Initiatives and Public Awareness grant funding and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds should they be awarded.

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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

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

Passed:



SANDUSKY POLICE DEPARTMENT

CHARLIE SAMS, INTERIM POLICE CHIEF

222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5870
FAX: 419.627.5862

www.ci.sandusky.oh.us

TO: Matt Kline, City Manager
FROM: Lt. Phillip J. Frost
DATE: 05-27-2009
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

An ordinance authorizing the City Manager to enter into an agreement to purchase fourteen thousand (14,000) rounds of .40 caliber practice ammunition, six thousand (6,000) rounds of .40 caliber duty ammunition, twenty-four thousand (24,000) rounds of .223 ammunition, one thousand (1,000) rounds of #4 buck shotgun ammunition, and three thousand (3,000) rounds 7.5 shot shotgun ammunition from Vance's Law Enforcement, Columbus, Ohio.

BACKGROUND INFORMATION:

New ammunition is needed for practice sessions, qualifications, and "on duty" use. Best practices for the police department are to train its officers at least twice a year in firearms proficiency. There are several U.S. Supreme Court cases that confirm these best practices. It is mandated by the State of Ohio to have all officers qualify at least once a year in firearms proficiency.

While gathering information to begin the process of competitive bidding, it was discovered that delivery of ammunition this year might be problematic if not ordered relatively soon.

Since there was insufficient time within which to conduct formal competitive bidding, three vendors were then contacted for quotations for the listed ammunition and they are as follows: Matre Ammunition - \$13,974.00, Kielser's - \$12,739.80 and Vance's - \$12,367.88.

Vance's Law Enforcement was the lowest and best quote and the only vendor that would guarantee delivery of the ammunition this year but in order to guarantee this price and delivery the ammunition must be ordered before June 26, 2009.

BUDGETARY INFORMATION:

The total cost for the listed ammunition is \$12,367.88 and will be paid from the police department's 2009 budget.

SANDUSKY, OHIO – HOME OF 'AMERICA'S ROLLER COAST'®

ACTION REQUESTED:

It is requested that the proper legislation be prepared approving the purchase of fourteen thousand (14,000) rounds of .40 caliber practice ammunition, six thousand (6,000) rounds of .40 caliber duty ammunition, twenty-four thousand (24,000) rounds of .223 ammunition, one thousand (1,000) rounds of #4 buck shotgun ammunition, and three thousand (3,000) rounds 7.5 shot shotgun ammunition from Vance's Law Enforcement, Columbus, Ohio, at an amount not to exceed \$12,367.88. It is further requested that this be passed and take immediate effect in accordance with Section 14 of the City Charter to allow the order for the new ammunition to be placed as soon as possible which is necessary to guarantee the price and a 2009 shipping date. It has been our experience in the past few years that due to the war, ammunition deliveries have taken a great deal longer than in the past.

Phillip J. Frost
Lieutenant, Sandusky Police Department

Approved:

Charlie Sams, Acting Police Chief

I concur with this recommendation:

Matthew D. Kline, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PURCHASE 14,000 ROUNDS OF .40 CALIBER PRACTICE AMMUNITION, 6,000 ROUNDS OF .40 CALIBER DUTY AMMUNITION, 24,000 ROUNDS OF .223 AMMUNITION, 1,000 ROUNDS OF #4 BUCK SHOTGUN AMMUNITION AND 3,000 ROUNDS OF 7.5 SHOT SHOTGUN AMMUNITION FROM VANCE'S LAW ENFORCEMENT OF COLUMBUS, OHIO, FOR THE SANDUSKY POLICE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, new ammunition is required for the Sandusky Police Department for practice sessions, qualifications and "on duty" use; and

WHEREAS, best practices for the Police Department are to train its officers at least twice a year in firearms proficiency and it is mandated by the State of Ohio to qualify all officers at least once a year in firearms proficiency; and

WHEREAS, the total cost for the ammunition is \$12,367.88 and will be paid from the Police Department's 2009 budget; 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 to allow the order to be placed for the new ammunition before June 26, 2009, in order to guarantee the price and a 2009 delivery date; and

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

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

Section 1. The City Manager of the City of Sandusky, Ohio, be and hereby is authorized and directed to purchase 14,000 rounds of .40 caliber practice ammunition, 6,000 rounds of .40 caliber duty ammunition, 24,000 rounds of .223 ammunition, 1,000 rounds of #4 buck shotgun ammunition and 3,000 rounds of 7.5 shot shotgun ammunition from Vance's Law Enforcement Of Columbus, Ohio for the Sandusky Police Department at an amount **not to exceed** Twelve Thousand Three Hundred Sixty Seven and 88/100 Dollars (\$12,367.88).

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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

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

Passed:



**CITY OF SANDUSKY
DEPARTMENT OF DEVELOPMENT**

TO: Matthew D. Kline
City Manager

FROM: Carrie Handy Sharon Evanich
Chief Planner Grants Administrator

DATE: May 29, 2009

SUBJECT: Commission Agenda Item – Approval and ratification of the submission of the U.S. Department of Housing and Urban Development: Community Development Block Grant – American Recovery and Reinvestment Act of 2009, Fifth Program Year 2008 Action Plan Substantial Amendment.

ITEMS FOR CONSIDERATION:

The Department of Housing and Urban Development (HUD) intends to award \$218,407 to the City of Sandusky under the Title XII of Division A of the American Recovery and Reinvestment Act of 2009. In order to receive this funding the Department of Housing and Urban Development (Docket No. FR-5309-N-01) is requiring a substantial amendment to the City of Sandusky's Community Development Block Grant (CDBG): Fifth Program Year 2008 Action Plan. The funds identified under the Title XII grant program are commonly referred to as the CDBG Recovery (CDBG-R) program.

The City of Sandusky and its citizens have determined that the most effective manner in which to spend the additional funds would be for street improvements. In the First Program Year (PY) 2009 Action Plan, which was submitted to HUD along with the second Five-Year Consolidated Plan on May 13, 2009, the Hayes Avenue Corridor was proposed as an eligible public infrastructure project. Because of expenditure time constraints, the City of Sandusky intends to use CDBG-R funds to increase the scope of repairs to the Hayes Avenue Corridor project by increasing the length of the street repair by almost a half mile. Once completed, the entire project will involve 1.16 miles of improved roadway instead of the initial plan of three-quarters of a mile.

BUDGETARY INFORMATION:

The City of Sandusky submitted its second Five-Year Consolidated Plan (2009-2013) and PY2009 Action Plan to HUD's Ohio Regional Office on May 13, 2009. Pending approval of the PY2008 Action Plan CDBG-R Substantial Amendment, CDBG-R funding will increase the level of the Hayes Avenue Corridor Project FY2009 Action Plan budget of \$347,656 by \$218,407 for an estimated total of \$566,063.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to allow for the approval and ratification of the submission of the Substantial Amendment to U.S. Department of Housing and Urban Development, Community Development Block Grant- R and if awarded, to execute any required agreement and expend \$218,407 consistent to the agreement. It is further requested that this be passed in accordance with Section 14 of the City Charter to ratify the submission of the application to HUD which was due on June 5, 2009, and to accept any awarded funds at the earliest opportunity.

Grants Administrator

Chief Planner

I concur with this recommendation:

City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT A GRANT, UNDER TITLE XII OF DIVISION A OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, IN THE AMOUNT OF \$218,407.00, RATIFYING THE SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A SUBSTANTIAL AMENDMENT TO THE CITY'S FIFTH PROGRAM YEAR 2008 ACTION PLAN; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission authorized the submission of a One-Year Consolidated Plan for the Fifth Program Year 2008 to the United States Department of Housing and Urban Development by Ordinance No. 08-067, passed on July 28, 2008, that creates economic opportunity, self-sufficiency and sustains community development through holistic planning and a resource allocation approach with activities that include programs to address affordable housing and community development; and

WHEREAS, the U.S. Department of Housing and Urban Development has allocated \$218,407.00 to the City of Sandusky through the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111-5) signed into law by President Obama on February 17, 2009, and is commonly referred to as the CDGB Recovery (CDBG-R) program and in order to receive the additional funding is requiring a "substantial amendment" to the City of Sandusky's Community Development Block Grant (CDBG): Fifth Program Year 2008 Action Plan; and

WHEREAS, this City Commission authorized the submission of a 5-year Consolidated Plan including a One-year Action Plan for FY 2009 to the United States Department of Housing and Urban Development by Ordinance No. 09-039, passed on May 11, 2009, in which the Hayes Avenue Corridor was proposed as an eligible public infrastructure project; and

WHEREAS, the City of Sandusky intends to use the additional CDBG-R funds to increase the scope of repairs to the Hayes Avenue Corridor project by increasing the length of the street repair by approximately a half mile; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to ratify the submission of the amended Fifth Program Year 2008 Action Plan to the United States Department of Housing and Urban Development which was due June 5, 2009, and to accept awarded funds at the earliest opportunity; and

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

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

Section 1. This City Commission ratifies the submission to the U.S. Department of Housing and Urban Development of a substantial amendment to the City's Fifth Program Year 2008 Action Plan which was due on or before June 5, 2009.

Section 2. This City Commission authorizes and directs the City Manager to accept a grant, under Title XII of Division A of the American Recovery and Reinvestment Act of 2009, in the amount of Two Hundred Eighteen Thousand Four

Hundred Seven and 00/100 Dollars (\$218,407.00) for the program year of July 1, 2008 through June 30, 2009, from the U.S. Department of Housing and Urban Development and to execute any required certifications and agreements in relation to the acceptance of the grant and to administer program expenditures consistent with the substantial amendment to the Fifth Program Year 2008 Action Plan.

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

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

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

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

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

Passed:



Department of Development

Planning 419-627-5872
Grants Administration 419-627-5973
Transit 419-621-8462
Economic Development 419-627-5827
Code Enforcement 419-627-5913

222 MEIGS STREET
SANDUSKY, OH 44870
FAX: 419-627-5945

TO: Matthew D. Kline
City Manager

FROM: Carrie Handy Sharon Evanich
Chief Planner Grants Administrator

DATE: May 29, 2009

SUBJECT: Commission Agenda Item – U.S. Department of Housing and Urban
Development: FY2008 Community Development Block Grant – Huron Park
Splash Pad.

ITEM FOR CONSIDERATION:

An Ordinance awarding a contract to Emerald FX, LLC/Mazur North America is being requested for the Huron Park Splash Pad. The splash pad will be accessible and be located in Huron Park - a low-moderate area in Sandusky. The splash pad will be ADA compliant, include a variety of accessible water features and be self-activated. Community Development Block Grant Funds shall be utilized to fund the construction project and the Department of Engineering will oversee the management of the project.

Two proposals were opened on May 26, 2009 from the following companies:

Emerald FX, LLC/Mazur North America	Norwalk, OH	Proposal: \$116,520.00
Janotta & Herner, Inc.	Monroeville, OH	Proposal: \$131,827.00

Emerald FX, LLC/Mazur North America of Norwalk, Ohio is recommended as the lowest and best proposal.

BUDGETARY INFORMATION:

The revised project cost based on the proposal including engineering, inspection, advertising and miscellaneous costs is \$130,000. The cost of the project includes materials, labor, plumbing, electrical, site preparation, concrete and stone base for splash pad, ramps and sidewalks, grading and seeding and miscellaneous expenses regarding permits and park benches.

The contract amount is \$116,520.00, plus a 5% contingency in the amount of \$5,826.00 for benches, trash cans and other miscellaneous items, for a total contract amount of \$122,346.00. The contract will be implemented under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant. There is no impact to the City's General Fund.

ACTION REQUESTED:

It is recommended that the Ordinance awarding a contract to Emerald FX, LLC/Mazur North America of Norwalk, Ohio for the Huron Park Splash Pad Project, in the amount of \$122,346.00 be approved. It is requested that the legislation be passed in accordance with Section 14 of the City Charter in order to authorize the contractor to proceed with the work in order to complete the project by the deadline of July 31, 2009.

Carrie R. Handy
Chief Planner

Sharon Evanich
Grants Administrator

I concur with this recommendation:

Matthew D. Kline
City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH EMERALD FX, LLC / MAZUR NORTH AMERICA OF NORWALK, OHIO, FOR THE HURON PARK SPLASH PAD PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Huron Park Splash Pad project involves the construction of a splash pad to be located in Huron Park, a low-moderate area in Sandusky, that will be ADA compliant and include a variety of self-activated accessible water features and park benches; and

WHEREAS, a request for proposals was issued on May 11, 2009, in which two (2) proposals were received and the proposal from Emerald FX, LLC / Mazur North America of Norwalk, Ohio was determined to be the lowest and best proposal; and

WHEREAS, the revised total project cost based on the proposal including engineering, inspection, advertising and miscellaneous costs is \$130,000.00 which will be paid with FY 2008 Community Development Block Grant (CDBG) funds; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the contractor to proceed with the work and complete the project by the deadline of July 31, 2009; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with Emerald F, LLC / Mazur North America of Norwalk, Ohio, for the Huron Park Splash Pad Project in an amount **not to exceed** One Hundred Twenty Two Thousand Three Hundred Forty Six and 00/100 Dollars (\$122,346.00) consistent with the proposal submitted by Emerald FX, LLC / Mazur North America of Norwalk, Ohio, currently on file in the office of the Director of Engineering Services and authorizes the City Manager and/or Finance Director to expend funds from the FY 2008 Community Development Block Grant (CDBG) funds.

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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

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

Passed:

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

7724203 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	SANDUSKY SAILING CLUB DBA SANDUSKY SAILING CLUB 814 E WATER ST SANDUSKY OH 44870	
05 15 2009 <small>ISSUE DATE</small>				
05 15 2009 <small>FILING DATE</small>				
D5J <small>PERMIT CLASSES</small>				
22 <small>TAX DISTRICT</small>	077 <small>RECEIPT NO.</small>	B	Y67907 <small>RECEIPT NO.</small>	

FROM 05/21/2009

<small>PERMIT NUMBER</small>		<small>TYPE</small>		
<small>ISSUE DATE</small>				
<small>FILING DATE</small>				
<small>PERMIT CLASSES</small>				
<small>TAX DISTRICT</small>			<small>RECEIPT NO.</small>	



MAILED 05/21/2009

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/22/2009

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 7724203**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

George Brown
(Signature)

June 16, 2009
(Date)

(Title)- Clerk of County Commissioner

Clerk of City Council

Township Fiscal Officer

**CLERK OF SANDUSKY MUNICIPAL COUNCIL
222 MEIGS STREET
SANDUSKY OHIO 44870**

OHIO DEPARTMENT OF COMMERCE
DIVISION OF LIQUOR CONTROL

6606 Tussing Road, P.O. Box 4005,
Reynoldsburg, Ohio 43068-9005

Telephone: (614) 644-2431 - <http://www.com.gov/liqr>

FOR OFFICE USE ONLY	
NEW	TRANSFER
PERMIT #	7724203

NON PROFIT ENTITY DISCLOSURE FORM
(This form should be used by all non profit businesses, municipal corporations and educational institutions organized not for profit.)

Section A

Name of Non Profit Entity Sandusky Sailing Club	DBA Name Sandusky Sailing Club	
Permit Premises Address 814 East Water Street	City, State Sandusky, Ohio	Zip Code 44870
Township, if in Unincorporated Area N/A	Tax Identification No. (TIN)	

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

SECTION B. If the non profit entity has officers, indicate the top five individuals. If there are no officers, please indicate by writing NONE.

NAME OF OFFICER	SOCIAL SECURITY NUMBER	DATE OF BIRTH
1) CEO Commodore 1 Park McRitchie	[REDACTED]	11/2/53
2) President- Vice Commodore Mike Fleming	[REDACTED]	10/26/49
3) Vice President Rear Commodore Mike Austin	[REDACTED]	11/5/60
4) Secretary Mark Swabley	[REDACTED]	9/23/54
5) Treasurer Dave Brink	[REDACTED]	1/14/60

SECTION C. Indicate the officer or individual who is responsible for overseeing the food and beverage service operations of the business/organization.

➡ THE INDIVIDUAL LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

Name Mike Austin	Social Security No. (if individual)
Residence Address 268 Mount Pleasant Street	
City and State Canton, Ohio	Zip Code 44216-9550
Telephone No.	Date of Birth 11/5/60

State of Ohio, County, ss **Rear Commodore**
I, **Mike Austin** being first duly sworn, according to law, deposes and says that he/she is (Title)

of the **Sandusky Sailing Club, Inc.**, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the foregoing affidavit are true.


(Signature) _____ (Print Name and Title) **Mike Austin, Rear Commodore**

Sworn to and subscribed in my presence this _____ day of _____

(Notary Public)

(Notary Expiration)

DEPARTMENT OF COMMUNITY DEVELOPMENT
Inter-Office Communication

DATE: May 22, 2009
TO: Joyce Brown, City Commission Clerk
FROM: Mary Grendow, Administrative Assistant 
SUBJECT: Liquor License – 814 E. Water Street

Be advised that this office has received a copy of a notice from the Ohio Division of Liquor Control regarding a liquor license at 814 E. Water Street – Sandusky Sailing Club.

This property is zoned "DB"/Downtown Business and the sale of alcoholic beverages is a permitted use in this zoning district.

This office has no objection to the proposed license.

Sandusky Police Department

Inter-Office Communication

DATE: 5-27-2009

To: Joyce Brown

From: Interim Chief Sams

RE: Ohio Department of Liquor Control (Sandusky Sailing Club)

There are no pending cases at that location and I have no objections.

A handwritten signature in black ink, appearing to read 'CS', written over a horizontal line.

Interim Chief Charlie Sams

From: Joyce Brown
To: Charmayne Brown
Date: 5/27/2009 9:13 AM
Subject: Fwd: Liquor Permit for Sandusky Sailing Club

>>> Ben Higgenbotham 5/26/2009 1:12 PM >>>

Dear Joyce,

I am in receipt of your request for comments regarding the Liquor License for the Sandusky Sailing Club. At this time, the Sandusky Fire Department (SFD) has no objections to renewal.

SFD has this recommendation for all businesses where the members of the public assemble; "The Maximum Number of Occupants Permitted " in the establishment should be posted, at the entry way(s), in a conspicuous manner and in the areas where patrons assemble. The process to establish the maximum number of occupants begins by applying at the Sandusky Building Department.

In conclusion, thanks for the opportunity to give input in this matter.

With Safety in Mind,

Benny F. Higgenbotham
Director of Code Enforcement
Sandusky Fire Department
600 W. Market St.
Sandusky, Ohio 44870
419-627-5823