



**CITY OF SANDUSKY COMMISSIONERS**  
**REGULAR SESSION AGENDA**  
**August 23, 2010 at 5 p.m.**  
**City Hall, 222 Meigs Street**

**INVOCATION, PLEDGE OF ALLEGIANCE**

**CALL TO ORDER**

**ROLL CALL**

J. Farrar, D. Waddington, D. Cole, P. Brown, D. Kaman, J. Hamilton & K. Nuesse

**APPROVAL OF MINUTES**

August 9, 2010

**PRESENTATIONS**

**Scott Watkins, Anderson Economic Group**

**AUDIENCE PARTICIPATION**

Agenda Items Listed Below Only (3 minute limit)

**COMMUNICATIONS**

Motion to accept all Communications submitted below

**ITEM #1 – This item was passed at first reading on August 9, 2010**

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed amending Part Three – Traffic Code, Title Seven – Parking, by the adoption of new Section 351.03.1 – parking in front of a church or funeral home, as set forth hereinbelow.

**ITEM #2 – This item was ordered in at the meeting of August 9, 2010**

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed amending Part Five – General Offenses Code, Chapter 533 – Obscenity and Sex Offenses, by the adoption of new Section 533.14 – Prohibitions on residency, as set forth hereinbelow.

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

**Budgetary Information:** This Urban Renewal Temporary Revenue Bonds sale includes renewal and original issues. \$1,200,000 in temporary revenue bonds will mature on October 1, 2010. The new Urban Renewal Temporary Revenue Bonds are for an amount not to exceed \$2,730,000 and to retire, along with funds collected from the payments in lieu of taxes, those maturing temporary revenue bonds, and to provide additional monies to pay a portion of additional costs of the city urban renewal project activities in the Bayfront Urban Revitalization area (the Paper District Marina project).

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed providing for the issuance and sale of Urban Renewal Temporary Revenue Bonds in the maximum principal amount of \$2,730,000, in anticipation of the issuance of definitive Urban Renewal Revenue Bonds, for the purpose of paying costs of city urban renewal project activities in the Bayfront Urban Revitalization area, and declaring an emergency.

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

**Budgetary Information:** This various purpose improvement note sale includes renewal issues. \$3,700,000 in notes will mature on October 15, 2010. The new various purpose improvement notes are in an amount of **\$1,925,000** (retire \$2,500,000) for Bayfront Urban Revitalization, **\$180,000** (retire \$205,000) for City Building, **\$175,000** (retire \$200,000) for Fire Boat, **\$450,000** (retire \$475,000) for Fire Truck and **\$300,000** (retire \$320,000) for Hayes Avenue Underpass.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed providing for the issuance and sale of \$3,030,000 notes, in anticipation of the issuance of bonds, for the purpose of: acquiring a fire boat and appurtenant equipment for the Fire Department; improving the city municipal building by replacing the air conditioning unit, modifying the roof at the air conditioning unit location, upgrading ductwork where necessary, and otherwise improving the same, all together with the necessary appurtenances thereto; acquiring a triple combination fire pumper truck and appurtenant equipment for the Fire Department; revitalizing the Bayfront Urban Revitalization area by acquiring, clearing and improving certain properties in that area, undertaking the environmental clean-up and remediation of certain properties in that area, constructing road improvements and related utility and infrastructure improvements in that area, and otherwise improving that area; and paying a portion of the cost of improving Hayes Avenue between certain termini by replacing sidewalks, rehabilitating the related underpass, including abutments, retaining walls and stairs, installing lighting and handrails, and otherwise improving the same, all together with the necessary appurtenances thereto; and declaring an emergency.

**ITEM #5 – Submitted by Hank S. Solowiej, CPA, Finance Director**

**Budgetary Information:** This submerged lands lease is payable by the City of Sandusky as the lease holder. The Sandusky Sailing Club will reimburse the city for the cost of the lease pursuant to their Lease Agreement with the city. ODNR does not allow a sub-lease holder to make a Submerged Lands Lease payment on the city's behalf. Since the amount is over \$10,000, it should be approved by the City Commission.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to make payment to the Ohio Department of Natural Resources (ODNR), Office of Coastal Management for rental payment on Submerged Lands Lease File No. SUB-0530-ER for the period of September 1, 2010 through August 31, 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #6 – Submitted by Charlie Sams, Interim Chief of Police**

**Budgetary Information:** The total cost for this annual maintenance agreement fee for the period of June 10, 2010 through June 9, 2011 is \$11,166.29 and has been budgeted for and approved in the Police Department's 2010 budget.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing payment to L3 Communications of Boonton, New Jersey for the annual maintenance agreement fee for the period June 10, 2010 through June 9, 2011; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #7 – Submitted by Peggy A. Rice, Clerk of Court**

**Budgetary Information:** The cost for the purchase of this equipment is \$16,373.25 plus shipping, which is estimated not to exceed \$250.00, for a total approximate cost of \$16,623.25. The entire cost of the upgrade will be paid for with monies from the Court Capital Fund. This purchase will have no impact on the General Fund.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to purchase Tandberg video conferencing equipment and services from ID Solutions of Noblesville, Indiana, for the Sandusky Municipal Court; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #8 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The city contributes 50% of all capital improvements to the facility, which cost more than \$1,000. For the resurfacing of the parking lot, the city's share is \$17,000, to be funded with city capital funds.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing the City Manager to enter into a Building Occupancy and Maintenance Agreement between the City of Sandusky, the Board of County Commissioners of Erie County and the Erie County General Health District for the period of January 1, 2010 through December 31, 2010; appropriating funds for the resurfacing and striping of the Erie County Health Department parking lot; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #9 – Submitted by Jane E. Cullen, E.I.T.**

**Budgetary Information:** The original contract price was \$880,993.45. The final contract cost including the change order in the amount of \$15,511.81 is \$896,505.26. Community Development Block Grant (CDBG) will fund \$299,968.75 from the regular CDBG allocation and from CDBG-R which is American Recovery and Reinvestment Act (ARRA) will fund \$218,407.00. The Sewer Fund will fund \$37,457.51 and Ohio Public Works Grant will fund \$340,672.00 which is the maximum 38% of the project cost that will be covered by OPWC.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to approve the first and final change order for work performed for the Hayes Avenue Corridor project – Perkins Avenue to Columbus Avenue project – in the amount of \$15,511.81 to be paid to Smith Paving & Excavating, Inc., of Norwalk, Ohio; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #10 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The cost of the engineering services is not to exceed \$91,000.00, to be paid with Water Funds.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to execute an Amendment to the Agreement for Professional Design Services with Arcadis U.S., Inc., for the Cedar Point Road water main looping project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #11 – Submitted by Kathryn K. McKillips, Engineer**

**Budgetary Information:** The total estimated project cost including inspection, advertising and miscellaneous expenses is \$284,757.00. \$15,000 is being funded with a Lake Erie Commission grant. The remaining balance of the project cost will be funded with CDBG and CDBG-RLF funds.

**RESOLUTION NO. \_\_\_\_:** It is requested a Resolution be passed declaring the necessity for the City of Sandusky, Ohio, to proceed with the Lions Park project, Phase I, approving the specifications and engineer's estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #12 – Submitted by Kelly L. Kresser, City Commission Clerk**

**Budgetary Information:** The cost of the revisions of the Codification Supplements and the Code in Folio VIEWS for internet reinstallation will be taken from the Contractual Services line item in the City Commission Clerk's budget. This item is appropriated each year.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed approving current replacement pages to the Sandusky Codified Ordinances; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #13**

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and approving a Supplement to Compensation Agreement with the Sandusky City School District, and declaring an emergency.

**CITY MANAGER'S REPORT**

**OLD BUSINESS**

**NEW BUSINESS**

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

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

**AN ORDINANCE AMENDING PART THREE - TRAFFIC CODE, TITLE SEVEN - PARKING, BY THE ADOPTION OF NEW SECTION 351.03.1 - PARKING IN FRONT OF CHURCH OR FUNERAL HOME, AS SET FORTH HEREINBELOW.**

**WHEREAS**, in order to regulate the common practice by funeral directors of blocking off parking spaces on City streets during funeral services, it is requested to amend Part Three - Traffic Code, Title Seven - Parking, by the addition of a new section to the Codified Ordinances; and

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

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

Section 1. Part Three - Traffic Code, Title Seven - Parking, be amended by the adoption of New Section 351.03.1 - Parking in Front of Church or Funeral Home as follows:

**NEW SECTION 351.03.1  
PARKING IN FRONT OF CHURCH OR FUNERAL HOME**

(a) No person shall stop, stand or park any vehicle in front of any church, funeral home, residence or other building where and during the time a funeral is being conducted therein, or for a period of two (2) hours before the funeral services are to begin, provided standards or signs are placed on the street, curb or sidewalk during the time the funeral services are fixed by a police officer detailed for this purpose.

(b) It shall be the duty of the funeral director having charge of or conducting the funeral to furnish and place the necessary standards or signs to be so used, and these standards or signs shall meet with the approval of the Chief of Police. The hearse and vehicles necessary for the conveyance of the family, relatives and friends of the deceased, as designated by the funeral director in charge, may park in the space or spaces properly designated pursuant to this Ordinance during the funeral 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 shall take effect at the earliest time permitted by Law.

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

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

Passed: August 23, 2010 (effective after 30 days)

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

**AN ORDINANCE AMENDING PART FIVE - GENERAL OFFENSES CODE, CHAPTER 533 - OBSCENITY AND SEX OFFENSES, BY THE ADOPTION OF NEW SECTION 533.14 - PROHIBITIONS ON RESIDENCY, AS SET FORTH HEREINBELOW.**

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

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

Section 1. Part Five - General Offenses Code, chapter 533 - Obscenity and Sex Offenses, be amended by the adoption of New Section 533.14 - Prohibitions of Residency, as follows:

**NEW SECTION 533.14  
PROHIBITIONS ON RESIDENCY**

(a) It is unlawful for any person who is required to register as a sexually oriented offender under Ohio R.C. 2950.04 and classified as a "Tier III sex offender" or whose conviction was of a "child-victim oriented offense" as those terms are defined by Ohio R.C. 2950.01, to reside within one thousand (1,000) feet of a school premises, preschool premises, child day-care center premises, library or a municipally owned park, playground or recreation facility.

(b) Any person who violates this section is guilty of a misdemeanor in the first degree.

(c) This section applies to any person registering on or after the effective date of this legislation.

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

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

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time permitted by Law.

PAGE 2 - ORDINANCE NO. \_\_\_\_\_

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

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

Passed:



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

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

TO: City Commission  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: August 12, 2010  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

City Commission approval of an Ordinance and Fiscal Officer's Certificate for the issuance and sale of a maximum of \$2,730,000 in Urban Renewal Temporary Revenue Bonds.

**BUDGETARY INFORMATION:**

This Urban Renewal Temporary Revenue Bonds sale includes renewal and original issues. \$1,200,000 in temporary revenue bonds will mature on October 1, 2010. The new Urban Renewal Temporary Revenue Bonds are for an amount not to exceed \$2,730,000 and to retire, along with funds collected from the payments in lieu of taxes, those maturing temporary revenue bonds, and to provide additional moneys to pay a portion of additional costs of the City urban renewal project activities in the Bay Front Urban Revitalization area (the Paper District Marina Project).

**ACTION REQUESTED:**

It is requested that the City Commission accept the Fiscal Officer's Certificate and approve the ordinance in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is to allow the City adequate time to find a buyer of the new temporary revenue bonds prior to the maturity of the current temporary revenue bonds on October 1, 2010.

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

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

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

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF URBAN RENEWAL TEMPORARY REVENUE BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,730,000, IN ANTICIPATION OF THE ISSUANCE OF DEFINITIVE URBAN RENEWAL REVENUE BONDS, FOR THE PURPOSE OF PAYING COSTS OF CITY URBAN RENEWAL PROJECT ACTIVITIES IN THE BAYFRONT URBAN REVITALIZATION AREA, AND DECLARING AN EMERGENCY.

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

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

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

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

WHEREAS, pursuant to the Act, and particularly Section 725.05(A) of the Ohio Revised Code, and Ordinance No. 09-075 (the Prior Bond Ordinance) passed on September 14, 2009, the City issued its \$1,200,000 Urban Renewal Temporary Revenue Bond, Series 2009-1, dated October 1, 2009 and maturing on October 1, 2010, in anticipation of the issuance of definitive urban renewal revenue bonds under the Act, for the purpose of paying costs of the Project described in Section 1 (the Outstanding Bond); and

WHEREAS, pursuant to the Act, and particularly Section 725.05(A) of the Ohio Revised Code, the City has determined to issue the Temporary Bonds described in Section 3, to be issued in anticipation of the issuance of Definitive Bonds, for the purpose of refunding a portion of the Outstanding Bond at its maturity and paying additional costs of the Project described in Section 1; and

WHEREAS, this City Commission has requested that the Finance Director, as fiscal officer, certify the estimated life or period of usefulness of the Project described in Section 1 and the estimated maximum maturity of the Definitive Bonds described in Section 1 and the Temporary Bonds described in Section 3, to be issued in anticipation of the Definitive Bonds, and also provide the requisite certification pursuant to Section 10 of the Prior Bond Ordinance; and

WHEREAS, the Finance Director has certified that the estimated life or period of usefulness of that Project is at least five years and that the maximum maturity of both the Definitive Bonds and the Temporary Bonds is at least twenty-nine years, and has also provided the requisite certification pursuant to Section 10 of the Prior Bond Ordinance; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to issue and sell the Temporary Bonds in order to enable the City to retire the Outstanding Bond and thereby preserve its credit, and by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW, THEREFORE,

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

Section 1. It is necessary to issue definitive urban renewal revenue bonds of this City in the maximum aggregate principal amount of \$2,730,000 (the Definitive Bonds) for the purpose of paying costs of carrying out City urban renewal project activities in the Bayfront Urban Revitalization Area in accordance with the Urban Renewal Plan and the Act, including without

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

Section 2. The Definitive Bonds shall be dated approximately September 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable on June 1 and December 1 of each year, commencing December 1, 2011, until the principal amount is paid, and are estimated to mature in twenty-eight annual principal installments, commencing December 1, 2012.

Section 3. It is necessary to issue and this City Commission determines that urban renewal temporary revenue bonds in the maximum aggregate principal amount of \$2,730,000 (the Temporary Bonds) shall be issued in anticipation of the preparation and issuance of the Definitive Bonds and to retire the Outstanding Bond as defined in the preambles hereto, and to provide additional money for the purpose stated in Section 1. The Temporary Bonds shall bear interest at a rate not exceeding 6% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. If requested by an original purchaser, the Temporary Bonds may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Temporary Bonds, the principal amount of the Temporary Bonds shall bear interest at a different rate not to exceed 11% per year from the maturity date until the City pays or makes provision to pay that principal amount. The aggregate principal amount of the Temporary Bonds and the rate or rates of interest on the Temporary Bonds shall be determined by the Finance Director in the Certificate of Award. The Temporary Bonds shall be dated the date of issuance and shall mature not earlier than six months from the date of issuance nor later than one year from the date of issuance, as

determined by the Finance Director in the Certificate of Award. The Temporary Bonds shall be designated "Urban Renewal Temporary Revenue Bonds, Series 2010-1", or such other designation as set forth in the Certificate of Award.

Section 4. The debt charges on the Temporary Bonds shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent (the Paying Agent), at the office of a bank or trust company designated by the Finance Director in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Finance Director if agreed to by the Finance Director and an original purchaser of the Temporary Bonds (the Original Purchaser). If agreed to by the Original Purchaser and set forth in the Certificate of Award, the Temporary Bonds shall be prepayable without penalty or premium at the option of the City at any time prior to maturity as provided in this ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Temporary Bonds together with interest accrued thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the date of prepayment and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser not less than seven days prior to the date of that deposit, unless that notice is waived by the Original Purchaser. If money for prepayment is on deposit with the Paying Agent on the specified prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the Director of Finance the Original Purchaser shall arrange for the delivery of the Temporary Bonds at the designated office of the Paying Agent for prepayment and surrender and cancellation.

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

Temporary Bonds, as to both principal and interest, are not a general obligation of the City but are payable solely from receipts pledged for their payment.

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

Section 7. The proceeds from the sale of the Temporary Bonds shall be paid into the special fund established for those proceeds, and those proceeds are appropriated thereto and shall be used for the purpose for which the Temporary Bonds are being issued, including the reimbursement of moneys advanced or applied by the City to pay costs of the Project.

Section 8. The City Commission hereby creates and orders maintained a separate fund of the City that constitutes an urban renewal debt retirement fund within the meaning of the Act (and particularly Sections 725.03 and 725.05 of the Ohio Revised Code) and that shall be designated the "Urban Renewal Debt Retirement Fund" (the Debt Retirement Fund). There shall be deposited into the Debt Retirement Fund, as and when received, (a) the Net Urban Renewal Service Payments (as defined below); (b) any proceeds of the Temporary Bonds, the Definitive Bonds or any Additional Bonds (as defined below in Section 10) (collectively, Urban Renewal Bonds) which remain following the payment of all costs of the project to be paid therefrom; (c) the proceeds received from the sale of any Additional Bonds issued to refund any outstanding Urban Renewal Bonds; and (d) any other "urban renewal service payments", as defined in the Act, that the City determines to deposit in the Debt Retirement Fund. As used herein, the term "Net Urban Renewal Service Payments" means "urban renewal service payments", as defined in the Act, required to be paid with respect to the "improvements", as defined in the Act, on the Property by the Developer and its successors and assigns to the Property or any part thereof pursuant to the Development Agreement and the Act and which are received by the City less the amount of such

urban renewal service payments paid by the City to the Sandusky City School District pursuant to a Compensation Agreement entered into among the City, the Developer and the Sandusky City School District in 2004 in connection with the Development Agreement.

Section 9. The Temporary Bonds and any Urban Renewal Bonds issued to refund the Temporary Bonds shall be special obligations of the City, and the payment of debt charges thereon is secured by a pledge of and lien on the Net Urban Renewal Service Payments on deposit in the Debt Retirement Fund. The Temporary Bonds and any Urban Renewal Bonds issued to refund the Temporary Bonds are not and shall not be secured by an obligation or pledge of any money raised by taxation. The Temporary Bonds and any Urban Renewal Bonds issued to refund the Temporary Bonds do not and shall not represent or constitute a debt or pledge of the faith and credit or taxing power of the City, and the holder or holders thereof have and shall have no right to have taxes levied by the City for the payment of debt charges on the Temporary Bonds or debt charges on any Urban Renewal Bonds issued to refund the Temporary Bonds.

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

The Debt Retirement Fund is pledged to and shall be used, so long as any Urban Renewal Bonds are outstanding, solely and exclusively for the payment of debt charges on outstanding Urban Renewal Bonds when due as provided in this ordinance and in any ordinance authorizing the issuance of the Definitive Bonds or any Additional Bonds. As used herein, the term "Additional Bonds" means urban renewal bonds issued (other than the Temporary Bonds or the Definitive Bonds) or other obligations entered into by the City pursuant to or as described in the Act and as permitted by Section 10.

The City hereby covenants and agrees that so long as any Urban Renewal Bonds are outstanding, it will deposit or cause to be deposited in the Debt Retirement Fund, Net Urban Renewal Service Payments, to the extent received, sufficient in time and amount to pay the debt charges on any outstanding Urban Renewal Bonds, as the same become due and payable, and the City covenants and agrees that, so long as any Urban Renewal Bonds are outstanding, it will diligently and promptly proceed in good faith and use its best efforts to cause the urban renewal service payments required by the Development Agreement to be paid to the City, and that, should there be a default in the payment thereof, the City shall cooperate with the any holder of any such Urban Renewal Bonds to fully protect the rights and security of that holder and shall diligently and promptly proceed in good faith and use its best efforts to enforce the payments of the urban renewal service payments under the Development Agreement to the end that, at all

times, Net Urban Renewal Service Payments shall be derived sufficient in time and amount to pay the debt charges on outstanding Urban Renewal Bonds as the same become due and payable.

Nothing herein shall be construed as requiring the City to use or apply to the payment of debt service charges on the Temporary Bonds any funds or revenues from any source other than Net Urban Renewal Service Payments and the proceeds of any Urban Renewal Bonds issued to refund the Temporary Bonds. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this ordinance or of the Temporary Bonds.

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

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

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

provided that the proceeds of any Additional Bonds shall be used by the City solely to pay permissible costs under the Act. Such Additional Bonds shall be secured by a pledge of and be payable from money in the Debt Retirement Fund on a parity with the Urban Renewal Bonds theretofore or thereafter issued and shall be dated, mature, bear interest and be secured as provided by the ordinance authorizing such Additional Bonds.

The City covenants that, so long as any Urban Renewal Bonds are outstanding, it shall not issue any Additional Bonds on a parity therewith, unless, prior to passage of the ordinance authorizing such Additional Bonds, the Finance Director of the City shall have certified to the City Commission that the Net Urban Renewal Service Payments deposited in the immediately preceding twelve months aggregate in amount not less than 115% of the highest amount in any succeeding year of the sum of the (a) debt charges on any then outstanding Urban Renewal Bonds and (b) the estimated debt charges on the proposed Additional Bonds; provided further that with respect to such calculation: (1) the debt charges on any Urban Renewal Bonds originally issued (including for this purpose the Additional Bonds proposed to be issued) with a maturity of one year or less shall be deemed to be equal to the product of the principal amount thereof multiplied by 0.07265 and (2) in making such calculation with respect to any Additional Bonds being issued to refund all or any portion of any outstanding Urban Renewal Bonds, the debt charges on such outstanding Urban Renewal Bonds being refunded shall not be included in that calculation.

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

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

The Temporary Bonds are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Temporary Bonds are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code (including the Temporary Bonds, but excluding qualified 501(c)(3) bonds as defined in Section 145 of the Code so designated), in an aggregate amount in excess of \$30,000,000, and (ii) have not

issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Temporary Bonds, but excluding obligations that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$30,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Temporary Bonds as “qualified tax-exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Temporary Bonds as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Temporary Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

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

Section 12. In addition to other covenants of the City in this ordinance, the City further covenants and agrees as follows:

- (a) The City will, solely from the sources herein provided, pay or cause to be paid the debt charges on the Temporary Bonds, the Definitive Bonds, and any Additional Bonds on, as to the Temporary Bonds, the dates and in the manner provided herein and in the Temporary Bonds, and as to the Definitive Bonds and any Additional Bonds, on

the dates and in the manner provided in the ordinance or ordinances authorizing issuance thereof and as provided in the Definitive Bonds or Additional Bonds.

- (b) The City will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in this ordinance, in the Temporary Bonds as executed and delivered, and in all proceedings of the City Commission pertaining to the Temporary Bonds or the Development Agreement. The City warrants and covenants that it is, and upon delivery of the Temporary Bonds will be, duly authorized by the Constitution and laws of the State of Ohio, including particularly and without limitation the Act, to issue the Temporary Bonds and to provide the security for payment of the debt charges in the manner and to the extent herein set forth; that all actions on its part for the issuance of the Temporary Bonds have been or will be duly and effectively taken; and that the Temporary Bonds will be valid and enforceable special obligations of the City according to the terms thereof. Each provision of this ordinance and the Temporary Bonds is binding upon such officer of the City as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision; and each duty of the City and of its officers and employees undertaken pursuant to such proceedings for the Temporary Bonds is established as a duty of the City and of each such officer and employee having authority to perform such duty, resulting from an office, trust or station within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.
- (c) The City will not make any pledge or assignment of, or create any lien or encumbrance upon, the Debt Retirement Fund or the Net Urban Renewal Service Payments other than the pledge and assignment thereof, and the lien and encumbrance thereof, under this ordinance or under the ordinance or ordinances authorizing issuance of the Definitive Bonds or Additional Bonds.

Section 13. This City Commission hereby retains the firm of Squire, Sanders & Dempsey L.L.P. pursuant to an engagement letter which has been delivered to the City by that firm in order to furnish legal services in connection with the issuance of the Temporary Bonds and other matters related thereto and hereby authorizes the Finance Director to pay such fees and out-of-pocket expenses of such law firm in rendering such services as are approved by the Finance Director and the Law Director. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. That engagement letter, and the execution thereof by the Finance Director, the Law Director, or any one of them, is hereby authorized, ratified and approved. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 14. This City Commission hereby retains the firm of Sudsina & Associates, LLC in order to furnish financial advisory services in connection with the issuance and sale of the

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

Section 15. The Clerk of the City Commission is directed to deliver a certified copy of this ordinance to the County Auditor.

Section 16. This City Commission determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Temporary Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Temporary Bonds have been performed and have been met, in regular and due form as required by law; that the Net Urban Renewal Service Payments which are on deposit in the Urban Renewal Debt Retirement Fund are pledged for the timely payment of the debt charges on the Temporary Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Temporary Bonds.

Section 17. 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 18. That, for the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage and due authentication by the President and the Clerk of the City Commission.

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DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: 

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KELLY KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 23, 2010



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

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

TO: City Commission  
FROM: Hank S. Solowiej, CPA, Finance Director  
DATE: August 12, 2010  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

City Commission approval of an Ordinance and Fiscal Officer's Certificate for the issuance and sale of \$3,030,000 in Various Purpose Improvement Notes.

**BUDGETARY INFORMATION:**

This various purpose improvement note sale includes renewal issues. \$3,700,000 in notes will mature on October 15, 2010. The new various purpose improvement notes are in an amount of **\$1,925,000** (retire \$2,500,000) for Bay Front Urban Revitalization, **\$180,000** (retire \$205,000) for City Building, **\$175,000** (retire \$200,000) for Fire Boat, **\$450,000** (retire \$475,000) for Fire Truck and **\$300,000** (retire \$320,000) for Hayes Avenue Underpass.

**ACTION REQUESTED:**

It is requested that the City Commission accept the Fiscal Officer's Certificate and approve the ordinance in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is to allow the City adequate time to find a buyer of the new notes prior to the maturity of the current notes on October 15, 2010.

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

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

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

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$3,030,000 NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF: ACQUIRING A FIRE BOAT AND APPURTENANT EQUIPMENT FOR THE FIRE DEPARTMENT; IMPROVING THE CITY MUNICIPAL BUILDING BY REPLACING THE AIR CONDITIONING UNIT, MODIFYING THE ROOF AT THE AIR CONDITIONING UNIT LOCATION, UPGRADING DUCTWORK WHERE NECESSARY, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO; ACQUIRING A TRIPLE COMBINATION FIRE PUMPER TRUCK AND APPURTENANT EQUIPMENT FOR THE FIRE DEPARTMENT; REVITALIZING THE BAYFRONT URBAN REVITALIZATION AREA BY ACQUIRING, CLEARING AND IMPROVING CERTAIN PROPERTIES IN THAT AREA, UNDERTAKING THE ENVIRONMENTAL CLEAN-UP AND REMEDIATION OF CERTAIN PROPERTIES IN THAT AREA, CONSTRUCTING ROAD IMPROVEMENTS AND RELATED UTILITY AND INFRASTRUCTURE IMPROVEMENTS IN THAT AREA, AND OTHERWISE IMPROVING THAT AREA; AND PAYING A PORTION OF THE COST OF IMPROVING HAYES AVENUE BETWEEN CERTAIN TERMINI BY REPLACING SIDEWALKS, REHABILITATING THE RELATED UNDERPASS, INCLUDING ABUTMENTS, RETAINING WALLS AND STAIRS, INSTALLING LIGHTING AND HANDRAILS, AND OTHERWISE IMPROVING THE SAME, ALL TOGETHER WITH THE NECESSARY APPURTENANCES THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance Nos. 09-072, 09-073 and 09-074, each passed on September 14, 2009, notes in anticipation of bonds in the aggregate amount of \$3,700,000 were authorized for Project Nos. 1, 2, 3, 4 and 5 as so identified in Section 1 hereof, and were issued as a consolidated note issue pursuant to Section 133.30(B) of the Revised Code dated October 15, 2009 and maturing on October 14, 2010 (the Outstanding Note); and

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

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

WHEREAS, the Finance Director has certified that the estimated life or period of usefulness of that improvement is at least five years, that the maximum maturity of the Bonds is 10 years with respect to Project No. 1, 6 years with respect to Project No. 2, 10 ten years with respect to Project No. 3, 24 years with respect to Project No. 4, and 20 years with respect to Project No. 5, and that the maximum maturity of the Notes with respect to Project No. 1 is October 23, 2021, with respect to Project No. 2 is December 12, 2016, with respect to Project No. 3 is October 21, 2023, with respect to Project No. 4 is June 28, 2024, and with respect to Project No. 5 is October 15, 2029; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to issue and sell the Notes in order to enable the City to retire the Outstanding Note and thereby preserve its credit, and by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW, THEREFORE,

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

Section 1. It is necessary to issue bonds of this City in the aggregate principal amount of \$3,030,000 (the Bonds) for the purpose of: acquiring a fire boat and appurtenant equipment for the Fire Department (Project No. 1); improving the City Municipal Building by replacing the air conditioning unit, modifying the roof at the air conditioning unit location, upgrading ductwork where necessary, and otherwise improving the same, all together with the necessary appurtenances thereto (Project No. 2); acquiring a triple combination fire pumper truck and appurtenant equipment for the Fire Department (Project No. 3); revitalizing the Bayfront Urban Revitalization Area by acquiring, clearing and improving certain properties in that Area, undertaking the environmental

clean-up and remediation of certain properties in that Area, constructing road improvements and related utility and infrastructure improvements in that Area, and otherwise improving that Area (Project No. 4), in accordance with the Urban Renewal Plan, the Act, the Grant (as such terms are defined in Ordinance No. 09-073 passed on September 14, 2009) and Section 2o of Article VIII of the Ohio Constitution; and paying a portion of the cost of improving Hayes Avenue between certain termini by replacing sidewalks, rehabilitating the related underpass, including abutments, retaining walls and stairs, installing lighting and handrails, and otherwise improving the same, all together with the necessary appurtenances thereto (Project No. 5). For internal accounting purposes, the allocation of that principal amount is as follows: Project No. 1, \$175,000; Project No. 2, \$180,000; Project No. 3, \$450,000; Project No. 4, \$1,925,000; and Project No. 5, \$300,000.

Section 2. The Bonds shall be dated approximately October 1, 2011, shall bear interest at the now estimated rate of 6% per year, payable on June 1 and December 1 of each year, commencing December 1, 2011, until the principal amount is paid, and are estimated to mature in 10 annual principal installments with respect to Project No. 1, in 5 annual principal installments with respect to Project No. 2, in 10 annual principal installments with respect to Project No. 3, in 23 annual principal installments with respect to Project No. 4, and in 20 annual principal installments with respect to Project No. 5, and in each case such that the total principal and interest payments on the portion of the Bonds with respect to each of those respective Projects in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. Based on the foregoing, the principal installments payable on the Bonds on December 1 of each year commencing December 1, 2012 are estimated to be as follows: \$55,000; \$60,000; \$70,000; \$80,000 \$95,000; \$110,000; \$115,000; \$120,000; \$125,000; \$130,000; \$135,000; \$135,000; \$140,000; \$150,000; \$155,000; \$160,000; \$160,000; \$165,000; \$170,000; \$175,000; \$175,000; \$175,000; and \$175,000.

Section 3. It is necessary to issue and this City Commission determines that notes in the aggregate principal amount of \$3,030,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Note as defined in the preambles hereto. The Notes shall bear interest at a rate not exceeding 6% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. If requested by the original purchaser, the Notes may provide that, in the event the City does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate not to exceed 11% per year from the maturity date until the City pays or makes provision to pay that principal amount. The rate or rates of interest on the Notes shall be determined by the Finance Director in the certificate awarding the Notes in accordance with Section 6 (the Certificate of Award). The Notes shall be dated the date of issuance and shall mature not

earlier than six months from the date of issuance nor later than one year from the date of issuance, as determined by the Finance Director in the Certificate of Award.

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

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

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

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

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

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

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

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

Section 6. The Notes shall be sold at not less than par plus accrued interest at private sale by the Finance Director in accordance with law and the provisions of this ordinance. The Finance Director shall, in accordance with his determination of the best interests of and financial advantages to the City and its taxpayers and based on conditions then existing in the financial markets, consistently with the provisions of Section 3, establish the interest rate or rates to be borne by the Notes and their maturity, sign the Certificate of Award referred to in Section 3 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The Ex-Officio Mayor, the Finance Director, the Law Director, the Clerk of the City Commission (which term as used herein includes any Interim Clerk of the City Commission) and other City officials, as appropriate, are

each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance. The Finance Director is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

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

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

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

The Notes are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which it issues obligations, in or during the calendar year in which the Notes are issued, (i) have not issued and will not issue tax-exempt obligations designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code (including the Notes, but excluding qualified 501(c)(3) bonds as defined in Section 145 of the Code so designated), in an aggregate amount in excess of \$30,000,000, and (ii) have not issued, do not reasonably anticipate issuing, and will not issue, tax-exempt obligations (including the Notes, but excluding obligations that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$30,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Notes as “qualified tax-exempt obligations”. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations”, it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

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

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

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

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

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

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

Section 14. This City Commission determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed

and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 15. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 16. That, for the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage and due authentication by the President and the Clerk of the City Commission.

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

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

Passed: August 23, 2010

To: City Commission  
FROM: Hank S. Solowiej, Finance Director  
DATE: August 10, 2010  
RE: Sandusky Sailing Club Submerged Land Lease

ITEM FOR CONSIDERATION:

City Commission approval of an ordinance authorizing payment to Ohio Department of Natural Resources (ODNR) for submerged land lease SUB-0530-ER, the Sandusky Sailing Club, for the period of September 1, 2010 – August 31, 2011.

BACKGROUND INFORMATION:

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

BUDGETARY INFORMATION:

This submerged land lease is payable by the City of Sandusky as the lease holder. The Sandusky Sailing Club will reimburse the City for the cost of the lease pursuant to their Lease agreement with the City. ODNR does not allow a sub-lease holder to make a Submerged Land Lease payment on the City's behalf. Since the amount is over \$10,000 it should be approved by the City Commission.

ACTION REQUIRED:

It is requested the City Commission approve an ordinance authorizing payment in the amount of \$18,104.36 to ODNR for the September, 2010 through August, 2011 rental period. Request item be passed under suspension of the rules and in accordance with Section 14 of the City Charter, in order to make payment by the September 1, 2010, deadline set by ODNR.

I concur with this recommendation.

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Donald C. Icsman, Acting City Manager

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO MAKE PAYMENT TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), OFFICE OF COASTAL MANAGEMENT FOR RENTAL PAYMENT ON SUBMERGED LANDS LEASE FILE NO. SUB-0530-ER FOR THE PERIOD OF SEPTEMBER 1, 2010 THROUGH AUGUST 31, 2011; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

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

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

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

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

**WHEREAS**, this 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 make payment in a timely manner before the due date of September 1, 2010; 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 and/or Finance Director is authorized and directed to make payment to the Ohio Department of Natural Resources (ODNR), Office of Coastal Management, Sandusky, Ohio, for rental payment for Submerged Lands Lease File No. SUB-0530-ER, for the period September 1, 2010, through August 31, 2011, in an amount **not to exceed** Eighteen Thousand One Hundred Four and 36/100 Dollars (\$18,104.36), consistent with the invoice submitted to the City.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such

portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

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

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

Passed: August 23, 2010



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

TO: Donald Icsman, Acting City Manager  
FROM: Charlie Sams, Interim Chief of Police  
DATE: August 10, 2010  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Requesting legislation for approval by City Commissioners to expend funds to L3 Communications of Boonton, New Jersey for the annual maintenance agreement fee for the mobile-vision in car video system for the period of 6/10/10 through 6/9/11.

**BACKGROUND INFORMATION:** In March of 2006, the City Commission authorized the purchase of fourteen (14) in-car cruiser video cameras from L3 Communications that are currently being utilized in the Sandusky Police Department. The police department's annual maintenance agreement provides for repairs to the system and hardware.

**BUDGETARY INFORMATION:** The total cost for this annual maintenance agreement fee for the period of 6/10/10 through 6/9/11 is \$11,166.29 and has been budgeted for and approved in the Police Department's 2010 budget.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared authorizing payment to L3 Communications in the amount of \$11,166.29 for the annual maintenance agreement fee for the period of 6/10/10 through 6/9/11. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to meet the net 30 days terms of the invoice.

Approved:

I concur with this recommendation:

\_\_\_\_\_  
Charlie Sams, Interim Police Chief

\_\_\_\_\_  
Donald Icsman, Acting City Manager

Cc: Hank Solowiej, Finance Director  
Donald Icsman, Law Director

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO L3 COMMUNICATIONS OF BOONTON, NEW JERSEY FOR THE ANNUAL MAINTENANCE AGREEMENT FEE FOR THE PERIOD 6/10/2010 THROUGH 6/9/2011; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission authorized the purchased of fourteen (14) in-car cruiser video cameras from L3 Communications through the State of Ohio Cooperative Purchasing Program by Ordinance No. 06-034, passed on March 27, 2006; and

**WHEREAS**, this annual maintenance agreement provides repairs to the system and hardware; and

**WHEREAS**, the cost for this annual maintenance agreement fee for the period 6/10/2010 through 6/9/2011 is \$11,166.29 and will be paid with funds budgeted for and approved in the Police Department's 2010 budget; and

**WHEREAS**, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow payment to be made to L3 Communications as soon as possible as the service period began June 10, 2010, and to meet the net 30 days term of the invoices dated July 30, 2010; 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. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to L3 Communications of Boonton, New Jersey in an amount **not to exceed** Eleven Thousand One Hundred Sixty Six and 29/100 Dollars (\$11,166.29) for the annual maintenance agreement fee for the Sandusky Police Department for the period 6/10/2010 through 6/9/2011.

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.

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DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

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

Passed: August 23, 2010

TO: Donald C. Icsman, Acting City Manager

FROM: Peggy A. Rice, Clerk of Court

DATE: August 10, 2010

RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Requesting legislation authorizing the City Manager to purchase Tandberg Video conferencing equipment and services from ID Solutions of Noblesville, Indiana for the Sandusky Municipal Court.

**BACKGROUND INFORMATION:** Sandusky Municipal Court has a video arraignment system that is obsolete and needs to be replaced. The present system uses an old cable company connection that was abandoned by the cable company 2 years ago and there are no longer any available parts for this system. The last time the system broke, City IT staff had to use the City bucket truck and used parts scrounged from the cable company to make repairs.

The Erie County Jail and Common Pleas Court have a new specialized system designed for video arraignments they use for (or in) other courts and correctional facilities. Sandusky Municipal Court would like to be able to continue our cost saving video arraignments with the Erie County Jail. In order to connect to this system it is necessary to purchase a system from the same vendor that the County uses. The maintenance and set up of the unit can only be performed by this vendor due to the IP addressing scheme as well as the fact that interconnections are proprietary to this vendor. In addition, it is recommended this system be purchased for security reasons as it would be maintained by one company.

**BUDGETARY INFORMATION:** The cost of for the purchase of this equipment is \$16,373.25 plus shipping, which is estimated not to exceed \$250.00, for a total approximate cost of \$16,623.25. The entire cost of the upgrade will be paid for with monies from the Court Capital Fund. This purchase will have no impact on the General Fund.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to purchase the Tandberg Video Conferencing equipment, project management program and maintenance contract at a total cost of \$16,373.25 (plus shipping) from ID Solutions of Noblesville, Indiana. It is further requested that this legislation take immediate effect in full accordance with section 14 of the City Charter to allow the order to be placed before the proposal expires on October 1, 2010 and allow the Sandusky Municipal Court to operate with continued efficiency while minimizing costs.

Approved:

I concur with this recommendation:

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cc: Hank Solowiej, Finance Director

Donald C. Icsman, Acting City Manager

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE TANDBERG VIDEO CONFERENCING EQUIPMENT AND SERVICES FROM ID SOLUTIONS OF NOBLESVILLE, INDIANA FOR THE SANDUSKY MUNICIPAL COURT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Sandusky Municipal Court has a video arraignment system that is obsolete and needs to be replaced as replacement parts are no longer available for the system; and

**WHEREAS**, the Erie County Jail and Common Pleas Court have a new specialized system designed for video arraignments that is used in other courts and correctional facilities and the Sandusky Municipal Court desires to be able to continue their cost savings video arraignments with the Erie County Jail; and

**WHEREAS**, in order to connect to this new system it is necessary for the Sandusky Municipal Court to purchase a system from the same vendor as the maintenance and set up of the system needs to be performed by this vendor due to the IP addressing scheme as well as the fact that interconnections are proprietary to this vendor; and

**WHEREAS**, the total cost for the purchase of the equipment & services is 16,373.25 plus shipping, which is estimated not to exceed \$250.00, for a total approximate cost of \$16,623.25 and will be paid for with Court Capital Funds; 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 before the proposal expires on October 1, 2010, and allow the Sandusky Municipal Court to continue to operate with efficiency while minimizing costs and place an order ; 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 Sandusky Municipal Court 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 purchase Tandberg video conferencing equipment and services for the Sandusky Municipal Court from ID Solutions of Noblesville, Indiana at an amount **not to exceed** Sixteen Thousand Six Hundred Twenty Three and 25/100 Dollars (\$16,623.25).

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

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

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

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

ATTEST:

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

Passed: August 23, 2010

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: August 10, 2010  
Subject: Commission Agenda Item

**Item for Consideration:** Authorization for the Acting City Manager to enter into a Building Occupancy and Maintenance Agreement with Erie County and the Erie County General Health District for a period of one year and approving the expenditure of \$17,000 for the Capital expense of repairing the health department parking lot.

The City and Erie County jointly own and operate 420 Superior Street. The Erie County General Health District has and wishes to continue to maintain office space in this facility. The facility includes approximately 17,400 square feet of office space. The contract dating from January 2005 through December 31, 2009 included a \$0.50 annual increase resulting in a \$10.50 per square foot fee in 2009 to be paid to the County by the Health District. The new agreement contains a fee of \$11.00 per square foot or \$191,400.00 for 17,400 square feet in 2010. This agreement is retroactive to January 1, 2010 and ends on December 31, 2010.

In the agreement, the County supplies the heat, electricity, water, janitorial services, lawn care and snow removal. Mr. Peter Schade, Director of the Erie County Health Department has approved this agreement.

The existing parking lot is in need of maintenance in order to ensure the safety of the community using the services of the health department. The estimated cost to resurface and restripe the parking lot is \$34,000.00. The City is responsible for 50% of the cost of capital improvement over \$1,000, as contained in the proposed agreement. Therefore, the City's share of the project is \$17,000.00.

**Budgetary Information:** The City contributes 50% of all capital improvements to the facility, which cost more than \$1,000. For the resurfacing of the parking lot, the City's share is \$17,000, to be funded with City Capital Funds.

**Action Requested:** It is recommended that the necessary legislation authorizing the Acting City Manager to enter into an agreement with Erie County and the Erie County General Health District for the Building Occupancy and Maintenance 420 Superior Street and approving the expenditure of \$17,000.00 for the resurfacing of the Health Department parking lot, be approved. It is further requested that this legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order to execute the agreement as soon as possible as the previous agreement expired on 12/31/09 and in order to appropriate the funds necessary for the resurfacing and striping so the County can arrange for the work to be performed. Erie County is working towards executing the agreement between the three parties within the next two weeks.

I concur with this recommendation:

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Donald C. Icsman, Acting City Manager

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

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

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A BUILDING OCCUPANCY AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF SANDUSKY, THE BOARD OF COUNTY COMMISSIONERS OF ERIE COUNTY AND THE ERIE COUNTY GENERAL HEALTH DISTRICT FOR THE PERIOD OF JANUARY 1, 2010 THROUGH DECEMBER 31, 2010; APPROPRIATING FUNDS FOR THE RESURFACING AND STRIPING OF THE ERIE COUNTY HEALTH DEPARTMENT PARKING LOT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City and County own and operate the administration buildings known as the Erie county Health Department; and

**WHEREAS**, the City of Sandusky and the Board of County Commissioners of Erie County are desirous of maintaining office space provided to the Combined Health District, 420 Superior Street and 414 Superior Street; and

**WHEREAS**, under provisions of Section 307.15 of the Revised Code of Ohio, the City and County are fully authorized to enter into this Building Occupancy and Maintenance Agreement; and

**WHEREAS**, this City Commission approved a Building Occupancy and Maintenance Agreement with the Board of County Commissioners of Erie County and The Erie County General Health District for a five (5) year period, by Ordinance No. 05-060, passed on January 10, 2005, and this agreement expired on December 31, 2009; and

**WHEREAS**, the existing parking lot is in need of maintenance in order to ensure the safety of the community using the services of the Health Department and the estimated cost to resurface and restripe the parking lot is \$34,000.00; and

**WHEREAS**, In this proposed agreement as in the past agreement, the cost of capital improvements over \$1,000.00 shall be equally divided between the County and City; and

**WHEREAS**, the estimated total cost for the resurfacing and striping of the parking lot is \$34,000.00 and pursuant to the agreement, the City's share is \$17,000.00 (50%) and will be funded with City Capital 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 execute the agreement as soon as possible as the previous agreement expired on December 31, 2009, and in order to appropriate the funds necessary for the resurfacing and striping of the parking lot so the County can arrange for the work to be performed; and

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

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

Section 1. This City Commission approves the Building Occupancy and Maintenance Agreement with the Board of County Commissioners of Erie County and

the Erie County General Health District , a copy of which is marked Exhibit "1", and attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms of this Ordinance, and authorizes and directs the City Manager to sign the Agreement on behalf of the City.

Section 2. This City Commission authorizes and directs the City Manager and/or Finance Director to appropriate funds for the resurfacing and striping of the Health Department parking lot in an amount **not to exceed** Seventeen Thousand and 00/100 Dollars (\$17,000.00).

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

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

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

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

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

Passed: August 23, 2010



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

KATHRYN K. MCKILLIPS, P.E. DEPUTY DIRECTOR

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

To: Donald C. Icsman, Acting City Manager  
From: Jane E. Cullen, E.I.T.  
Date: August 16, 2010  
Subject: Commission Agenda Item

**Item for Consideration:** This communication is requesting the first and final change order for the Hayes Avenue Corridor - Perkins Avenue to Columbus Avenue Project to in the amount of \$15,511.81 to account for actual work performed in the field by the contractor. Attached please find a detailed listing for each of the differing quantities from the plan quantity. Smith Paving and Excavating, Inc. of Norwalk, Inc. of Sandusky, Ohio was the contractor on this job.

**Budgetary Information:** The original contract price was \$880,993.45. The final contract cost including the change order in the amount \$15,511.81 is \$896,505.26. Community Development Block Grant (CDBG) will fund \$299,968.75 from the regular CDBG allocation and from CDBG-R which is American Recovery and Reinvestment Act (ARRA) will fund \$218,407.00. The Sewer Fund will fund \$37,457.51 and Ohio Public Works Grant will fund 340,672.00 which is the maximum 38% of the project cost that will be covered by OPWC.

**Action Requested:** It is requested that the first and final change order in the amount of \$15,511.81 for the Hayes Avenue Corridor - Perkins Avenue to Columbus Avenue Project be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter so that the project may be closed out and reimbursement requests with OPWC be completed.

I concur with this recommendation:

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Donald C. Icsman  
Acting City Manager

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Kathryn K. McKillips, P.E.  
Deputy Engineer

cc: Hank S. Solowiej, CPA, Interim Finance Director  
Kelly Kresser, City Commission Clerk

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED FOR THE HAYES AVENUE CORRIDOR PROJECT - PERKINS AVENUE TO COLUMBUS AVENUE PROJECT IN THE AMOUNT OF \$15,511.81 TO BE PAID TO SMITH PAVING & EXCAVATING, INC., OF NORWALK, OHIO; 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 an application by the City Manager for financial assistance and to enter into a Project Agreement with the Ohio Public Works Commission for the proposed Hayes Avenue Corridor Project by the passage of Resolution No. 019-08R, passed on August 25, 2008; and

**WHEREAS**, this City Commission authorized the City Manager to enter into a contract for Professional Design Services with Richland Engineering Limited for the proposed Hayes Avenue Corridor Project by the passage of Ordinance No. 09-054, passed on July 13, 2009; and

**WHEREAS**, this City Commission declared the necessity for the City to proceed with the Hayes Avenue Corridor Project - Perkins Avenue to Columbus Avenue by Resolution No. 025-09R passed on September 14, 2009; and

**WHEREAS**, this City Commission previously authorized a contract to Smith Paving & Excavating, Inc., of Norwalk, Ohio for the Hayes Avenue Corridor Project - Perkins Avenue to Columbus Avenue Project by Ordinance No. 09-089, passed on October 26, 2009; and

**WHEREAS**, this First & Final Change Order reflects the difference between actual work performed in the field and the estimate in the original plans; and

**WHEREAS**, the original contract with Smith Paving & Excavating, Inc., was \$880,993.45 and with the addition of this First & Final Change Order in the amount of \$15,511.81, the revised contract cost is \$896,505.26, of which \$299,968.75 will be funded with regular Community Development Block Grant (CDBG) funds, \$218,407.00 will be funded with additional CDBG -American Recovery and Reinvestment Act (CDBG-R) funds, \$37,457.51 will be paid with Sewer Funds, and the remaining \$340,672.00, which is the maximum 38% of the project cost, will be funded with an Ohio Public Works Commission grant; and

**WHEREAS**, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order for this completed project to be closed out and the reimbursement requests with Ohio Public Works Commission can be completed; 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 Division of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Hayes Avenue Corridor Project - Perkins Avenue to Columbus Avenue in an amount **not to exceed** Fifteen Thousand Five Hundred Eleven and 81/100 Dollars (\$15,511.81), resulting in the final contract

cost of Eight Hundred Ninety Six Thousand Five Hundred Five and 26/100 Dollars (\$896,505.26) with Smith Paving & Excavating, Inc., of Norwalk, Ohio.

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

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

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

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

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

Passed: August 23, 2010



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

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

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: August 16, 2010  
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Amendment to the Agreement for Professional Engineering Services with ARCADIS U.S., Inc., Toledo, Ohio for the Cedar Point Road Water Main Looping Project.

The Cedar Point Road Water Main Looping Project will connect the existing water main on Cedar Point Road to the water main on Cleveland Road. The existing Cedar Point Road water main is a dead-end water main. The road also has a City owned 100,000 gallon water tower which has exceeded its useful life. The City is repairing the water tower on a regular basis. The new water main will provide the peninsula with a second source of water for not only water quality but also fire protection.

This ordinance will authorize ARCADIS to perform bidding assistance and review, construction administration, and resident inspection services for the water main project. See Attachment A (scope of work) of the Amendment for detailed information. Inspection is based on a full time inspector for two (2) months. Also, discussions with Cedar point has resulted in the City requesting to monitor Cedar point's pumps to better coordinate their usage with BIWW's production and pumpage of finished water. Monitoring is to be included in the project. The City Manager and Engineering Liaison were notified on July 9, 2010 of this change in scope pertaining to the monitoring.

1. Construction Administration	\$50,000.00
2. Inspection	\$31,000.00
3. Design for CP Monitoring	<u>\$10,000.00</u>
• Monitoring the 3 pump starters at Cedar Point,	
• Transmitting the signals back to the WTP via new radio communication equipment to be housed in the pump station,	
• Designing for the existing telemetry system at the WTP to accommodate the new signals.	

**TOTAL** **\$91,000.00**

BUDGETARY INFORMATION: The cost of the Engineering Services is not to exceed \$91,000.00, to be paid with Water Funds.

ACTION REQUESTED: It is recommended that the Amendment to the Agreement for Professional Engineering Services with ARCADIS U.S., Inc., be approved and that the necessary legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter. The project is currently out to bid, and construction will begin as soon as a contract is awarded.

I concur with this recommendation:

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Donald C. Icsman  
Acting City Manager

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

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH ARCADIS U.S., INC., FOR THE CEDAR POINT ROAD WATER MAIN LOOPING 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 submission of an application by the City Manager for financial assistance and to enter into a Project Agreement with the Ohio Public Works Commission for the proposed Cedar Point Road Water Main Looping Project by the passage of Resolution No. 020-09R, passed on August 24, 2009; and

**WHEREAS**, this City Commission authorized the City Manager to enter into an agreement for Professional Design Services with ARCADIS U.S., Inc., for the proposed Cedar Point Road Water Main Looping Project by the passage of Ordinance No. 10-001, passed on January 11, 2010; and

**WHEREAS**, this City Commission declared the necessity to proceed with the proposed Cedar Point Road Water Main Looping Project by the passage of Resolution No. 023-10R, passed on August 9, 2010; and

**WHEREAS**, the City owns a 100,000 gallon water tower on Cedar Point Road which has exceeded its useful life and is being repaired on a regular basis; and

**WHEREAS**, the Cedar Point Road Water Main Looping Project involves connecting the existing water main on Cedar Point Road, which is a dead-end water main, to the water main on Cleveland Road that will provide the Cedar Point peninsula with a second source of water for not only water quality but fire protection as well; and

**WHEREAS**, this proposed First Amendment to the Agreement for Professional Design Services will authorize ARCADIS to perform bidding assistance and review, construction administration, and resident inspection services for the water main project; and

**WHEREAS**, the cost of these Engineering Services is \$91,000.00 and will be paid with Water Funds; 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 proceed with construction as soon as the contract is awarded as the project is currently out to bid; 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 Division of Engineering of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is authorized and directed to enter into an Amendment to the Agreement with ARCADIS FPS, Inc., for Professional Design Services for the Cedar Point Road Water Main Looping Project substantially in the same form as

attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, at an amount **not to exceed** Ninety One Thousand and 00/100 Dollars (\$91,000.00).

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

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

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

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

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

Passed: August 23, 2010



**DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT**

KATHRYN MCKILLIPS, P.E.

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

kmckillips@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: August 12, 2010  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Resolution of Necessity for the Lions Park Phase I. This phase of the overall improvement of Lions Park will re-grade the shoreline along Sandusky Bay, seed the regarded area and demolition the remaining concrete, building, power poles and appurtenances in the old trailer park area. Also, the removed concrete along the shoreline will be crushed and stockpiled on site for future use in the improvement of Lions Park.

**BUDGETARY INFORMATION:** The total estimated project cost including inspection, advertising and miscellaneous expenses is \$284,757.00. \$15,000 is being funded with a Lake Erie Commission Grant. The remaining balance of the project cost will be funded with CDBG and CDBG RLF funds.

**ACTION REQUESTED:** It is recommended that the proposed Lions Park Phase I be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid the project, receive competitive prices and complete work in time to put down seed in order to stabilize the regraded area before winter.

I concur with this recommendation:

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Donald C. Icsman

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

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

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE LIONS PARK PROJECT PHASE I, APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved and adopted the Lions Park Master Plan by the passage of Ordinance No. 09-131, passed on December 28, 2009; and

WHEREAS, Phase I of the improvements to Lions Park will include re-grading the shoreline along the Sandusky Bay, seeding the regarded area and demolition of the remaining concrete, building, power poles and appurtenances in the old trailer park area and the removed concrete along the shoreline will be crushed and stockpiled on site for future use in the improvement of Lions Park; and

WHEREAS, the total estimated cost for this project including engineering, inspection, advertising and miscellaneous expenses is \$284,757.00 of which \$15,000.00 will be funded with an Ohio Lake Erie Commission grant and the remaining \$269,757.00 will be funded with Community Development Block Grant (CDBG) funds and Community Development Block Grant (CDBG) Revolving Loan Funds;

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 obtain competitive bids, award a contract and complete the project in time to seed and stabilize the regarded area before winter; 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 **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

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

Section 1. The specifications and estimates of cost as prepared by the City's Deputy Engineer and submitted to this City Commission, and which are now on file with the Clerk of the City Commission, and the office of the Division of Engineering, for the Lions Park Project Phase I, be and the same are hereby approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the Lions Park Project Phase I at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the Lions Park Project Phase I as required by law.

Section 4. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion

shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

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

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

Passed: August 23, 2010



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## CITY COMMISSIONERS

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

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

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

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

TO: City Commission

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

DATE: August 10, 2010

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

**ITEM FOR CONSIDERATION:** It is requested the City Commission authorize the adoption of an Ordinance approving current replacement pages to the Codified Ordinances and the Folio VIEWS for the period August 1, 2009 – July 31, 2010 with Walter H. Drane Company.

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

**BUDGETARY INFORMATION:** The cost of the revisions of the Codification supplements and the Code in Folio VIEWS for internet reinstallation will be taken from the Contractual Services line item in the Commission Clerk's budget. This item is appropriated each year.

**ACTION REQUESTED:** It is recommended an Ordinance be approved ratifying payment to Walter H. Drane Company the amount of \$3,840.00 as reflected in the attached invoice and approving the replacement pages. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow for payment in a timely manner.

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

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 this City Commission; 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 ratify payment made to Walter H. Drane Company for services provided and approve the replacement pages to the Codified Ordinances in a timely manner; and

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

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

Section 1. The Ordinances of the City of Sandusky, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2010 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

- |         |                                                                                  |
|---------|----------------------------------------------------------------------------------|
| 303.082 | Private Tow-Away Zones. (Amended)                                                |
| 331.38  | Stopping for School Bus. (Amended)                                               |
| 333.031 | Approaching a Public Safety, Emergency or Road Service Vehicle. (Amended)        |
| 335.01  | Driver's License or Commercial Driver's License Required. (Amended)              |
| 335.02  | Permitting Operation Without a Valid License. (Amended)                          |
| 335.07  | Driving Under License Suspension or Restriction. (Amended)                       |
| 335.072 | Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended) |
| 335.10  | Expired or Unlawful License Plates. (Amended)                                    |
| 337.02  | Lighted Lights Required. (Amended)                                               |
| 337.03  | Headlights on Motor Vehicles and Motorcycles. (Amended)                          |
| 337.04  | Tail Light; Illumination of Rear License Plate. (Amended)                        |
| 337.05  | Rear Red Reflectors. (Amended)                                                   |
| 337.06  | Safety Lighting on Commercial Vehicles. (Amended)                                |
| 337.08  | Red Light or Red Flag on Extended Load. (Amended)                                |
| 337.10  | Lights on Slow Moving Vehicles. (Amended)                                        |
| 337.11  | Spotlight and Auxiliary Lights. (Amended)                                        |
| 337.12  | Cowl, Fender and Back-Up Lights. (Amended)                                       |

337.13	Display of Lighted Lights. (Amended)
337.14	Use of Headlight Beams. (Amended)
337.15	Lights of Less Intensity on Slow-Moving Vehicles. (Amended)
337.16	Number of Lights. (Amended)
337.17	Focus and Aim of Headlights. (Amended)
337.19	Horn, Siren and Theft Alarm Signal. (Amended)
337.20	Muffler; Excessive Smoke, Gas or Noise. (Amended)
337.21	Rear-View Mirror; Clear View to All Sides. (Amended)
337.22	Windshield and Windshield Wiper. (Amended)
337.24	Motor Vehicle Stop Lights. (Amended)
337.26	Child Restraint System Usage. (Amended)
337.27	Drivers and Passengers Required to Wear Seat Belts. (Amended)
351.04	Parking Near Curb; Angle Parking. (Amended)
375.05	Licensing Requirements of Operator. (Amended)

General Offenses Code

517.01	Gambling Definitions. (Amended)
525.02	Falsification. (Amended)
525.03	Impersonation of Peace Officer. (Amended)
525.05	Failure to Report a Crime, Injury or Knowledge of Death. (Amended)
537.10	Telecommunication Harassment. (Amended)
537.14	Domestic Violence. (Amended)
537.15	Temporary Protection Order. (Amended)
541.05	Criminal Trespass. (Amended)

Fire Prevention Code

1519.04	Possession, Sale or Discharge Prohibited. (Amended)
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Section 3. The complete text of the sections listed above are set forth in full in the current replacement pages to the Codified Ordinances, a copy of which is on file in the office of the Clerk of the City Commission. Any summary publication of this Ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. This City Commission approves and ratifies the payment made to Walter H. Drane Company for services provided in the amount of Three Thousand Eight Hundred Forty and 00/100 Dollars (\$3,840.00).

Section 5. 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 6. 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 7. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

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

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

Passed: August 23, 2010

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

AN ORDINANCE AUTHORIZING AND APPROVING A SUPPLEMENT TO COMPENSATION AGREEMENT WITH THE SANDUSKY CITY SCHOOL DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City and Sandusky City School District (the “District”) entered into the Compensation Agreement by and among the City, the School District and Mid-States Bayfront Development LLC (the “Developer”) dated November 24, 2004 (the “Compensation Agreement”) to compensate the School District for a portion of the real property taxes it would have received but for the real property tax exemption provided under the Development Agreement between the City and the Developer dated November 24, 2004 (the “Development Agreement”); and

WHEREAS, the Developer completed the first phase of private redevelopment under the Development Agreement, being the redevelopment of the Chesapeake Building, and the 30 year, 100% real property tax exemption for the parcels associated with that redevelopment has been approved and is in place in the records of the County Auditor; and

WHEREAS, the City and the Developer have terminated the Development Agreement with respect to the second phase of the redevelopment; and

WHEREAS, the City has requested and the School Board has agreed to enter into a Supplement to Compensation Agreement (the “Supplement”) to clarify certain matters in the Compensation Agreement in light of these changed circumstances;

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to approve the aforesaid Supplement, which is urgently required to expedite the carrying out of certain shoreline improvements to enable the City to carry out its public purpose of the elimination and prevention of the recurrence or spread of conditions of blight and deterioration in the Bayfront Urban Revitalization Plan area, and by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW, THEREFORE,

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

Section 1. This Commission hereby approves the Supplement, a copy of which is on file in the office of the Clerk of the City Commission, and the City Manager is hereby authorized to execute the Supplement on behalf of the City in substantially the form of the Supplement on file with the Clerk, and together with such revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this ordinance.

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

Section 4. For the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to approve the aforesaid Supplement which is urgently required to expedite the carrying out of certain shoreline improvements to enable the City to carry out its public purpose of the elimination and prevention of the recurrence or spread of conditions of blight and deterioration in the Bayfront Urban Revitalization Plan area, and by reason thereof, this ordinance shall take effect forthwith upon its passage and due authentication by the President and the Clerk of the City Commission.

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

ATTEST:

\_\_\_\_\_  
KELLY KRESSER  
CLERK OF THE CITY COMMISSION

Passed: August 23, 2010