

SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
October 28, 2013 at 5 p.m.
City Hall, 222 Meigs Street

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

D. Cole, W. Poole, K. Grohe, J. Smith, J. Farrar, P. Brown & J. Hamilton

APPROVAL OF MINUTES

October 15 & 17, 2013

AUDIENCE PARTICIPATION

Agenda items listed below only (3 minute limit)

PROCLAMATION

U.S. Marine Corps 238th Birthday

COMMUNICATIONS

Motion to accept all communications submitted below

CURRENT BUSINESS

ITEM #1 – Submitted by Amanda Meyers, Paralegal

SALE OF PROPERTY THROUGH LAND REUTILIZATION PROGRAM LOCATED ON THE NORTH SIDE OF W. MARKET STREET

Budgetary Information: The cost associated with this purchase and sale agreement is the total amount of the title examination, deed preparation and recording fees charged in the normal course of the purchase and sale transaction. The city will recoup the cost of the expenses from the nonrefundable earnest money deposit of one hundred and ninety dollars (\$190) required to be paid by the purchaser. The sale of this nonproductive land will enhance the surrounding neighborhood and help to stabilize property values currently by responsibly maintaining open green space, and in the future with possible business expansion. The taxing districts will once again begin collecting real property taxes in the amount of eighty four dollars and eighty six cents (\$84.86) per year.

ORDINANCE NO. _____: It is requested an ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as Parcel #59-00188.000, located on the north side of West Market Street, Sandusky, is no longer needed for any municipal purpose and authorizing the execution of a purchase and sale agreement with respect to that real property; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #2 – Submitted by Amanda Meyers, Paralegal

APPROVING AND ACCEPTING PROPERTY FOR ACQUISITION INTO THE LAND REUTILIZATION PROGRAM LOCATED AT 124 HOMESTEAD STREET

Budgetary Information: The cost of this acquisition includes only the administrative staff time necessary for acquisition and recording fees, but upon sale the purchaser(s) shall be required to pay these costs and the city will recoup them. The demolition of the structure will be paid with city nuisance removal funds, some of which will be recouped by the city upon sale. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$11,405.58 whether the city accepts the property or not. However, it is presumed that the city will be maintaining the property in the event of forfeiture to the State of Ohio, in which case the property will be exempt from taxation and the city will not be able to assess the property for the costs of mowing and maintenance. By returning this abandoned nonproductive land to tax producing status, the taxing districts will begin collecting approximately \$272.96 yearly in real estate taxes.

RESOLUTION NO. _____: It is requested a resolution be passed approving and accepting certain real property for acquisition into the land reutilization program; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by John Orzech, Police Chief

APPROVING SUBMISSION OF GRANT APPLICATION FOR PURCHASE OF 16 NEW X26P TASERS

Budgetary Information: The total cost for a new X26P Taser is \$1,168.34 and the total cost for sixteen is \$18,693.44. The grant, if awarded, covers \$16,824.10 (90%) of the proposed expenditure and the required matching share of \$1,869.34 (10%) will be paid with funds from the police department's 2014 proposed budget.

RESOLUTION NO. _____: It is requested a resolution be passed approving the submission of a grant application to the Ohio Office of Criminal Justice Services for funding through the FY2013 Edward Byrne Memorial Justice Assistance Grant program for law enforcement for the Sandusky Police Department; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by John Orzech, Police Chief

PURCHASE OF ONE 2014 CHEVY IMPALA POLICE SPECIAL VEHICLE

Budgetary Information: The cost for the vehicle is \$21,112 which will be paid for with capital improvement funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to purchase one 2014 Chevy Impala police special vehicle through the State of Ohio cooperative purchasing program from Taylor Chevrolet of Lancaster, Ohio; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #5 – Submitted by Paul E. Ricci

AMENDMENT TO CONSULTING CONTRACT WITH SCOTT J. MULARONI

Budgetary Information: Mr. Mularoni will continue to be paid at the rate of \$55 per hour for work performed up to an additional amount not to exceed \$4,800. The cost of this contract will be paid with the building division operating budget. The Plan Review expense will be paid by the collection of plan review fees by the department of planning, engineering and development.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to enter into an amendment to the agreement for services of consultant Scott J. Mularoni for CY 2013; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #6 – Submitted by Victoria Kurt, Recreation Program Supervisor

APPROVING 2014 GOLF FEES AT MILLS CREEK GOLF COURSE

Budgetary Information: The current fee schedule will not negatively impact the general fund. It is the desire of these fees to continue to increase the overall usage of the course through memberships, punch cards and daily paid rounds while maintaining operations of the course. We will still strive to be the area's lowest priced golf course while still providing a quality experience to our golfers attracting both locals and visitors.

ORDINANCE NO. _____: It is requested an ordinance be passed approving the fee schedule for the Mills Creek Golf Course established by the city manager pursuant to Section 973.02 of the codified ordinances of the City of Sandusky; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

CITY MANAGER'S REPORT

OLD BUSINESS

NEW BUSINESS

AUDIENCE PARTICIPATION

Open discussion on any item (5 minute limit)

EXECUTIVE SESSION(S)

ADJOURNMENT

Buckeye CableSystem broadcasts on Cable Channel 81:

Monday, October 28 at 8:30 p.m.

Tuesday, October 29 at 5 p.m.

Monday, November 4 at 7 p.m.

PROCLAMATION

WHEREAS, the official birthday of the United States Marine Corps is November 10, 1775; and

WHEREAS, since that date, many thousands of men and women have borne the name “Marine” and in memory of them, it is fitting that we commemorate the birthday of the Corps by calling to mind the glories of its long and illustrious history; and

WHEREAS, the record of the U.S. Marine Corps is one which will bear comparison with that of the most famous military organizations in the world’s history; and

WHEREAS, since its creation, the Marine Corps has been in action against the Nation’s foes and have won foremost honors in war, and

WHEREAS, in the long eras of tranquility at home, generation after generation of Marines have grown gray in war in both hemispheres and in every corner of the seven seas that our country and its citizens might enjoy peace and security; and

WHEREAS, in every battle and skirmish since its birth, the U.S. Marines have acquitted themselves with the greatest distinction, winning new honors on each occasion until the term “Marine” has come to signify all that is highest in military efficiency and soldierly virtue; and

WHEREAS, so long as this spirit continues to flourish, Marines will be found equal to every emergency in the future as they have been in the past, and the men and women of our Nation will regard them as worthy successors to the long line of illustrious men and women who have served as “Soldiers of the Sea” since the founding of the Corps; NOW THEREFORE,

I, John F. Hamilton, President of the Sandusky City Commission, do hereby proclaim and designate Sunday, November 10, 2013, as a day to recognize the:

“U.S. Marine Corps 238th Birthday”

and declare the period from November 10 through November 16 as **U.S. Marine Week** in the City of Sandusky and urge all citizens to join with me in expressing our gratitude to those who have served and those who are now serving to protect our nation and its freedoms.

Dated this 28th day of October, 2013.

John F. Hamilton, President
Sandusky City Commission



LAW DEPARTMENT

DONALD C. ICSMAN

LAW DIRECTOR

e-mail: dicsman@ci.sandusky.oh.us

222 MEIGS STREET
SANDUSKY, OHIO 44870

PHONE (419) 627-5852

FAX (419) 627-5912

TO: Nicole C. Ard, City Manager

FROM: Amanda Meyers, Paralegal

DATE: October 17, 2013

RE: City Commission Agenda Item

ITEMS FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase & Sale Agreement' for this property currently in the City of Sandusky's Land Reutilization Program. The property is located on the north side of the W. Market Street, Sandusky, Ohio, and identified by the Auditor as Erie County Parcel No. 59-00188.000, and is no longer needed for any municipal purpose.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City has acquired this nonproductive land by foreclosure for delinquent real estate taxes, which was approved by the City Commission for acceptance into the Land Reutilization Program by Resolution No. 010-13R, passed on March 11, 2013. The City of Sandusky's Land Reutilization Policies and Procedures facilitate reutilization of nonproductive land situated within the City of Sandusky and supports neighborhood revitalization and promotes residential and economic development.

The property is a vacant lot that is not buildable. SIRECO III, LLC, the owner of three vacant lots surrounding this property has requested to purchase this property through the Mow to Own Program. The adjoining property owner to the east has not responded to an invitation to purchase half of the property.

SIRECO III, LLC intends to utilize the property for possible future business expansion. In the meantime it will be kept as open green space. The Land

Bank Administrator has verified that SIRECO III, LLC qualifies pursuant to the requirements of the Land Reutilization Policies and Procedures and the Land Bank Committee has met and approved this acquisition and sale on January 30, 2013.

BUDGET IMPACT: The cost associated with this purchase and sale agreement is the total amount of the title examination, deed preparation and recording fees charged in the normal course of the purchase and sale transaction. The City will recoup the cost of the expenses from the nonrefundable earnest money deposit of one hundred and ninety dollars (\$190.00) required to be paid by the Purchaser. The sale of this nonproductive land will enhance the surrounding neighborhood and help to stabilize property values currently by responsibly maintaining open green space, and in the future with possible business expansion. The taxing districts will once again begin collecting real property taxes in the amount of eight four dollars and eighty six cents (\$84.86) per year.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a purchase and sale agreement and to sell the property no longer needed for any municipal purpose located on the north side of Market Street, Sandusky, Ohio, and identified as Erie County Parcel No. 59-00188.000 to SIRECO III, LLC. It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing.

Amanda J. Meyers, Paralegal

I concur with this recommendation:

Donald C. Icsman, Law Director

Nicole C. Ard, City Manager

ORDINANCE NO. _____

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NO. 59-00188.000, LOCATED ON THE NORTH SIDE OF W. MARKET STREET, SANDUSKY, IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, this City Commission previously authorized the acquisition of the property located on the north side of W. Market Street, Parcel No. 59-00188.000 by Resolution No. 010-13R, passed on March 11, 2013, under said Land Reutilization Program which property is more specifically described in Exhibit "A", which is no longer needed for any municipal purposes; and

WHEREAS, a request was made on behalf of the adjoining property owner to acquire this property for yard expansion pursuant to the City's "Mow to Own" Side Lot Disposition Program that was approved by this City Commission by Resolution No. 024-11R, passed on July 11, 2011, and effective on August 11, 2011; and

WHEREAS, adjoining property owner, SIRECO III, LLC, desires to purchase Parcel No. 59-00188.000, which is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase and Sale Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"); and

WHEREAS, the cost associated with this purchase and sale agreement is the total cost of the title examination, deed preparation, and recording fees and any other customary fees that may be due and payable in the ordinary course of the purchase and sale transaction and the City will recoup these expenses incurred from the nonrefundable earnest money deposit required to be paid by the Purchasers; 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 promptly execute the closing; and

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

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

Section 1. This City Commission finds, determines and declares that the Property, Parcel No. 59-00188.000, located on the north side of W. Market

Street, Sandusky, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and that the execution of the Purchase and Sale Agreement providing for the sale, pursuant to Section 25 of the Charter of this City, to the Purchaser of the Property at the purchase price set forth in the Purchase and Sale Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase and Sale Agreement on behalf of the City, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose. Upon the exercise by the Purchaser to purchase the Property pursuant to the Purchase and Sale Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchaser, which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by 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 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.

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: October 28, 2013

PURCHASE AND SALE AGREEMENT

This Agreement is made and entered into this ___ day of _____ 2013, by and between the City of Sandusky, Erie County, Ohio, a Municipal Corporation, 222 Meigs Street, Sandusky, Ohio 44870, hereinafter referred to as the "Seller" and SIRECO III, LLC, 615 W. Market Street, Sandusky, Ohio 44870, hereinafter referred to as the "Purchaser".

WITNESSETH:

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

1. The Seller agrees to sell to the Purchaser and the Purchaser agrees to purchase from the Seller, an unimproved parcel of real property located on the north side of W. Market Street identified as Erie County Parcel Number 59-00188.000, Sandusky, Ohio, and more fully described in the legal description of the deed marked Exhibit "A", attached hereto and hereinafter referred to as the "Property." The Property is surrounded by real property that is owned by the Purchaser located on the north side of W. Market Street, identified as Erie County Parcel Numbers 59-01218.000, 59-01021.000, and 59.01094.000.

2. The total purchase price for the Property is four thousand seven hundred and fifty dollars (\$4,750.00), which is not less than the fair market value as determined by the appraised valuation of the Erie County Auditor. Purchaser shall pay a non-refundable earnest money deposit of one hundred and ninety dollars (\$190.00) in cash, certified check or cashier's check made payable to Seller. The remaining balance of four thousand five hundred and sixty dollars (\$4,560.00) shall be paid by in-kind service of the Purchaser by mowing and maintaining the Property in a nuisance free condition for a minimum of two (2) years according to

the terms of the City of Sandusky's "Mow to Own" Side Lot Disposition Program, a copy of which is attached hereto, marked as Exhibit B and specifically incorporated herein. The Purchaser has maintained the Property for over two (2) years and will be given credit for two (2) years of previous maintenance. The purchase price shall be considered paid in full upon closing.

4. At closing, Seller shall execute and deliver to Purchaser a quit claim deed conveying marketable record title to the Property to Purchaser free and clear of all liens, delinquent real estate taxes and special assessments. Purchaser shall pay all of the taxes and assessments due and payable after the date of closing.

5. Seller shall not furnish a title insurance policy.

6. The closing date of this transaction shall be no later than November 28, 2013, or at such other time as may be mutually agreed upon, in writing, by the parties.

7. The Seller and the Purchaser represent that no real estate broker or agent was involved in this transaction and that no brokerage fees, commissions, or other compensation is due any real estate broker or agent because of this transaction.

8. On the closing date, the Purchaser shall file for record the deed, and other instruments, if any, required to be recorded pursuant to this Agreement.

9. Purchaser shall be entitled to possession of the Property upon the closing of this transaction.

10. The Purchaser has examined the Property, has had the opportunity to fully inspect and ask questions about conditions of the same, and acknowledges that they are accepting the Property "AS IS" subject to no warranties as of the date of the execution of this Purchase

Agreement and that there have been no representations by the Seller as to the condition of the Property.

11. In the event that the Purchaser breaches this Agreement by not closing this transaction on or before November 28, 2013, Seller may sell the Property to another adjoining property owner or may retain the Property for devotion to public use.

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

13. This Agreement shall be binding upon and inure to the benefit of Seller and Purchasers and their respective heirs, legal representatives, and assigns.

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

SIGNATURE PAGES TO FOLLOW

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

PURCHASER:

Edward R. Ryan
SIRECO III, LLC

State of Ohio)
) ss:
County of Erie)

On this _____ day of _____, 2013, before me, a Notary Public in and for said County and State, personally appeared Edward R. Ryan of SIRECO III, LLC and acknowledged his execution of the foregoing instrument as said officer of said SIRECO III, LLC on behalf of said SIRECO III, LLC and by its authority and that the same is his voluntary act and deed as said officer on behalf of said SIRECO III, LLC and the voluntary act and deed of said SIRECO III, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

NOTARY PUBLIC

Richard H. Jeffrey

Transferred In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code.
FEE \$ _____
Exempt: <input checked="" type="checkbox"/>
R.E. TRANSFER: \$ _____
Richard H. Jeffrey Erie County Auditor
Trans. Fees: \$ <u>.56</u>
Date: <u>9/25/13</u> By: <u>MB</u>

SHERIFF'S DEED
Revised Code Sec. 2329.36

I, Paul A. Sigsworth, Sheriff of Erie County, and pursuant to a Judgment Entry entered on August 23, 2013 and the statutory provisions of O.R.C. 5721.19(I) and O.R.C. 5722, does hereby **GRANT, SELL AND CONVEY** unto the **CITY OF SANDUSKY** all rights, title and interest of the parties in Court of Common Pleas, Erie County, Ohio, case 2013-CV-0228, JoDee Fantozz, Erie County Treasurer vs. Moddie Lee Cole, et al., and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Erie, City of Sandusky, and State of Ohio, whose Prior Owner was Moddie Lee Cole and whose Prior Deed Reference is Erie County Deed Volume 415, Page 771 and, is known and further described as follows:

Situated in the City of Sandusky, County of Erie and State of Ohio: Being the east one-half (1/2) of the west one-third (1/3) of Lot Number Eight (8) McDonough Street, be the same more or less, but subject to all legal highways.

Property Address: W. Market Street, Sandusky, Ohio 44870
Tax ID No.: 59-00188.000

Tax Mailing Address: 222 Meigs Street, Sandusky, Ohio 44870

This deed does not reflect any restrictions, conditions or easements of record.

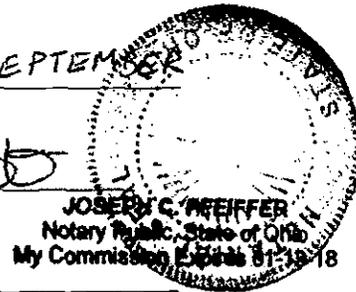
Executed this 18TH day of SEPTEMBER 2013.

[Signature]
Paul A. Sigsworth, Sheriff of Erie County, Ohio

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

The foregoing was acknowledged before me this 18TH day of SEPTEMBER
by Paul A. Sigsworth, Sheriff of Erie County, Ohio.

[Signature]
Notary Public
State of Ohio
My Commission Expires: _____



This instrument was prepared by:
Jason R. Hinners 0077051
Assistant Prosecutor, Erie County
247 Columbus Ave. Suite 319
Sandusky, Ohio 44870



LAW DEPARTMENT

DONALD C. ICSMAN

LAW DIRECTOR

e-mail: dicsman@ci.sandusky.oh.us

222 MEIGS STREET
SANDUSKY, OHIO 44870

PHONE (419) 627-5852

FAX (419) 627-5912

TO: Nicole Ard, City Manager

FROM: Amanda Meyers, Paralegal

DATE: October 17, 2013

RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation requesting approval for the City Manager to accept a parcel of tax delinquent nonproductive land with a structure located within the City of Sandusky at 124 Homestead Street through the City of Sandusky's Land Reutilization Program for the purpose of facilitating reutilization of the nonproductive land. The parcel will be placed in the Land Reutilization Inventory until sold.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City has been conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code to acquire vacant and abandoned tax delinquent property with the goal of productive reuse of the land. The City's ability to assemble land for reuse and redevelopment is critical to stabilizing and rebuilding Sandusky's neighborhoods and is necessary for neighborhood revitalization.

The parcel of property located at 124 Homestead has been deemed to be necessary and/or beneficial to the Land Reutilization Program efforts and approved by the following quorum of the Land Bank Committee:

1. Julie Farrar – City Commissioner
2. John Orzech - Chief of Police
3. Megan Stookey – Permit Technician
4. Anna Enderle – Assistant Planner
5. Dave Trent – Code Enforcement Officer

The City will assume possession and control of the parcel of property which will be deposited in the City's Land Reutilization Inventory. The City will receive title free and clear of all liens and encumbrances except easements and covenants of record running with the land. The County Auditor will remove from the tax lists and duplicates all taxes, assessments, charges, penalties, and interest that are due and payable on the land at the time of sale to the City. All lands acquired and

held in the Land Reutilization Inventory are deemed to be real property used for a public purpose and are exempt from taxation until sold.

This parcel of property will be forfeited to the City upon petition to the Erie County Common Pleas Court and placed in the Land Reutilization Inventory. The property contains a two-story single-family dwelling that is in poor condition and will be demolished with funds from the City's Nuisance Removal Account. The vacant lot will not be buildable and will be eligible for the Mow to Own Program. If this Resolution is approved, a request for approval of an Ordinance to enter into a purchase agreement for the sale of the parcel will be presented to the City Commission for approval at a future date.

BUDGET IMPACT: The cost of this acquisition includes only the administrative staff time necessary for acquisition and recording fees, but upon sale the purchaser(s) shall be required to pay these costs and the City will recoup them. The demolition of the structure will be paid with City Nuisance Removal Funds, some of which will be recouped by the City upon sale. The taxing districts will not collect the delinquent taxes, assessments, penalties and interest currently due and owing in the amount of \$ 11,405.58 whether the City accepts the property or not. However, it is presumed that the City will be maintaining the property in the event of forfeiture to the State of Ohio, in which case the property will be exempt from taxation and the City will not be able to assess the property for the costs of mowing and maintenance. By returning this abandoned nonproductive land to tax producing status, the taxing districts will begin collecting approximately \$272.96 yearly in real estate taxes.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to accept the parcel of land through the City of Sandusky's Land Reutilization Program. It is further requested that this legislation be passed under suspension of the rules in accordance with Section of the city Charter in order to accept the parcels and allow the process of forfeiture through the Erie County Common Pleas Court to continue in a timely manner.

Amanda J. Meyers, Paralegal

I concur with this recommendation:

Donald C. Icsman, Law Director

Nicole C. Ard, City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ACCEPTING CERTAIN REAL PROPERTY FOR ACQUISITION INTO THE LAND REUTILIZATION PROGRAM; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, it is requested that the City accept a parcel of tax delinquent nonproductive land situated within the City of Sandusky, identified as Parcel No. 57-02339.001, located at 124 Homestead Street, and as further described in attached Exhibit "A", for placement in the Land Reutilization Program Inventory; and

WHEREAS, it is necessary to acquire the nonproductive land parcels in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City; and

WHEREAS, upon City Commission approval, this parcel of land, which contains a two-story, single-family dwelling that will be demolished leaving a vacant unbuildable lot, will be eligible for the Mow to own Program and offered to adjoining property owners and will be presented to this City Commission by Ordinance in the future for approval of disposition and sale; and

WHEREAS, the cost associated with this acquisition is the administrative staff time necessary for acquisition and the recording fees which will be recouped by the City upon sale of the property and the cost for demolition of the structure will be paid with the City's Nuisance Removal Funds, some of which will be recouped upon sale of the property; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to acquire the parcel and allow the process of forfeiture through the Erie County Common Pleas Court to continue in a timely manner; and

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

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

Section 1. This City Commission hereby approves and accepts for acquisition into the Land Reutilization Program a parcel of tax delinquent nonproductive land situated within the City of Sandusky, identified as Parcel No. 57-02339.001, located at 124 Homestead Street, and as further described in Exhibit "A", a copy of which is attached to this Resolution and specifically incorporated herein.

Section 2. This City Commission authorizes and directs the City Manager to acquire the nonproductive land in accordance with the City of Sandusky's Land Reutilization Program in order to facilitate reutilization of the nonproductive land to support neighborhood revitalization and development within the City.

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

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

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

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: October 28, 2013

EXHIBIT A

Parcel	Address	Owner(s)	Del. Taxes	Assessments	P&I*	Total Owed	Yearly Taxes and Assessments
57-02339.001	124 Homestead	Loretta Wright	6,422.34	2,958.51	2,024.73	11,405.58	505.02

Proposed Use: This parcel was foreclosed on for delinquent property taxes and has been to at least 2 sheriff's sales with no bidders. It will be forfeited to the State of Ohio if not accepted by the City. It is a 2 story, single-family residential structure. If acquired it will be demolished leaving an unbuildable lot eligible for the Mow to Own Program.



SANDUSKY POLICE DEPARTMENT

JOHN ORZECH, POLICE CHIEF

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

www.ci.sandusky.oh.us

TO: Nicole Ard, City Manager

FROM: Chief John Orzech

DATE: 10-16-2013

RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Legislation approving the submission of a grant application to Edward Byrne memorial Justice Assistance Grant (JAG), through the Office of Criminal Justice Services (OCJS), a division of the Ohio Department of Public Safety for the purchase of sixteen (16) new X26P Tasers, with holsters and extended warranty for the Sandusky Police Department and authorizing the City Manager to enter into any grant agreements and accept funds if awarded.

BACKGROUND INFORMATION:

The City of Sandusky Police Department (S.P.D.) had eighteen (18) X26 Tasers. Currently four (4) of these are permanently out of service and not able to be repaired. The X26 Tasers are being phased out by the manufacturer and are being replaced by the new X26P Tasers. The X26 Tasers will not be able to be repaired any longer, as the warranties have expired. The X26 Tasers are at or near the end of life expectancy and as previously mentioned, won't be able to be repaired as they become damaged or unserviceable.

BUDGETARY INFORMATION:

The total cost for a new X26P Taser is \$1,168.34 and the total cost for sixteen (16) is \$18,693.44. The grant, if awarded, covers \$16,824.10 (90%) of the proposed expenditure and the required matching share of \$1,869.34 (10%) will be paid with funds from the Police Department's 2014 proposed budget.

ACTION REQUESTED:

It is requested that legislation be prepared approving the submission of a grant application to the Office of Criminal Justice Services for the purchase of sixteen (16) new X26P Tasers for the Sandusky Police Department and if awarded, to execute any required agreements and expend funds consistent to the agreements. It is further requested that this be passed in accordance with Section 14 of the City Charter in order to submit the grant application prior to the deadline of 10/31/13.

Approved:

I concur with this recommendation:

John Orzech, Police Chief

Nicole C. Ard, City Manager

cc: Hank Solowiej, Finance Director
Don Icsman, Law Director

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES (OCJS) FOR FUNDING THROUGH THE FY 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR LAW ENFORCEMENT (JAG LE) FOR THE SANDUSKY POLICE DEPARTMENT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Ohio Office of Criminal Justice Services (OCJS) is a division of the Ohio Department of Public Safety and by statute is the lead justice planning and assistance office for the State, administering millions of dollars in State and Federal criminal justice funding every year and the OCJS also evaluates programs and develops technology, training and products for criminal justice professionals and communities and has been designated by the Governor to administer the FY 2013 Edward Byrne Memorial Justice Assistance Grant Law Enforcement (JAG LE) funds; and

WHEREAS, JAG LE funds projects that reduce crime, increase public safety, and support the Ohio Incident-Based Reporting System (OIBRS) which is a crime reporting system that allows criminal justice agencies to submit data directly to state and federal government in an automated format; and

WHEREAS, the Sandusky Police Department currently has eighteen (18) Taser devices, four (4) of which are permanently out of service as they are unable to be repaired, and are all X26 models which are being phased out by the manufacturer and replaced with the new X26P model; and

WHEREAS, the Sandusky Police Department desires to purchase sixteen (16) new Taser X26P devices to replace the current Taser devices which are being phased out; and

WHEREAS, the total cost to purchase sixteen (16) Taser X26P devices with holsters is \$18,693.44 with the grant providing \$16,824.10 (90%), if awarded, and the City providing the required matching share of \$1,869.34 (10%) which will be paid with funds from the Police Department's 2014 proposed budget; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to submit the grant application to the Ohio Office Of Criminal Justice Services (OCJS) for funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program prior to the submission deadline of October 31, 2013; and

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

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

Section 1. This City Commission hereby approves the submission of a grant application to the Ohio Office Of Criminal Justice Services (OCJS), a copy of which is on file in the Sandusky Police Department, for funding through the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for the purchase of sixteen (16) Taser X26P devices for the Sandusky Police Department and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds consistent with the application should they be awarded.

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

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

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

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

PAGE 2 - RESOLUTION NO. _____

Passed: October 28, 2013



SANDUSKY POLICE DEPARTMENT

JOHN ORZECH, POLICE CHIEF

222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5869
FAX: 419.627.5862

www.ci.sandusky.oh.us

To: Nicole C. Ard, City Manager
From: John Orzech, Police Chief
Date: October 16, 2013
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City Manager to purchase one (1) 2014 Chevy Impala Police Special vehicle through the State of Ohio's Cooperative Purchasing Program (Schedule # GDC050) from Taylor Chevrolet of Lancaster, Ohio, at an amount not to exceed \$21,112.

BACKGROUND INFORMATION: The need to replace one (1) police cruiser has been determined by the Police Chief and Fleet Maintenance Foreman, Troy Vaccaro. The one (1) police cruiser that will be replaced has exceeded the useful life for the police department. The existing vehicle will be put in the maintenance fleet to replace an older vehicle for another city department.

The above listed vehicle is available through the State of Ohio Department of Administrative Services Cooperative Purchasing Program from Taylor Chevrolet of Lancaster, Ohio.

The State of Ohio's Cooperative Purchasing Program through the Department of Administrative Services allows local political subdivisions to purchase items that have been competitively bid from the successful State vendor thereby giving the City the benefit of the State's competitively bid price and eliminating the necessity of formal bidding by the City.

BUDGETARY INFORMATION: The cost for the vehicle is \$21,112 which will be paid for with Capital Improvement Funds.

ACTION REQUESTED: It is requested that the proper legislation be prepared to purchase one (1) 2014 Chevy Impala Police Special vehicle from Taylor Chevrolet of Lancaster, Ohio in an amount not to exceed \$21,112.00 through the State of Ohio Cooperative Purchasing Program (Schedule # GDC050). It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to expedite the purchase of the vehicle as there is a three month delivery time period and allows the vehicle to be upfitted with equipment at the earliest opportunity so the Police Department can begin using the new vehicle.

Approved:

I concur with this recommendation:

John Orzech, Police Chief

Nicole C. Ard, City Manager

cc: Hank Solowiej, Finance Director
Don Icsman, Law Director

TAYLOR DEALERSHIP FLEET OPERATIONS

TAYLOR CHEVROLET INC.

2510 N. MEMORIAL DR.

LANCASTER, OHIO 43130

740-652-2234

REQUEST FOR QUOTE FORM

MAKE Chevrolet MODEL Impala-Police YEAR 2014

BASE PRICE \$20,780. (see bid award for included options in base)

OPTIONS (additional options)	PRICE
<u>7Y6-Dome light and courtesy light In-Op</u>	<u>\$0.00</u>
<u>6A3-heavy duty vinyl flooring (floor mat delete-\$68 credit)</u>	<u>\$89.00</u>
<u>6C7-Lighting Front auxiliary dome (red/white)</u>	<u>\$99.00</u>
<u>Temp Tag</u>	<u>\$20.00</u>
<u>Extra Keys (2 per vehicle @ \$25 each)</u>	<u>\$50.00</u>
<u>6E8 Common Key (keyed alike)</u>	<u>\$0</u>
<u>Order with exterior color Silver Ice Metallic</u>	<u>No Charge</u>

*** One unit only to be ordered with extra AMF Option – extra key FOBS (which contain 6 extra key FOBS only – cost \$74.00

TOTAL \$21,112.

PREPARED BY Carmella Earich DATE 10/23/2013

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE ONE (1) 2014 CHEVY IMPALA POLICE SPECIAL VEHICLE THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FROM TAYLOR CHEVROLET OF LANCASTER, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, a determination was made by the Police Chief and Fleet Maintenance Foreman that there is a need to replace one (1) police vehicle that has exceeded its useful life for the Sandusky Police Department and to place this vehicle in the maintenance fleet to replace an older vehicle in another City Department; and

WHEREAS, the new 2014 Chevy Impala Police Special Vehicle from Taylor Chevrolet of Lancaster, Ohio, is available through the State of Ohio Cooperative Purchasing Program thereby allowing local political subdivisions to purchase items that have been competitively bid from the successful state vendor giving the City the benefit of the State's negotiated price and eliminating the necessity of formal bidding; and

WHEREAS, the total cost for the vehicle is \$21,112.00 which will be paid with Capital Improvement 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 expedite the purchase of the vehicle as there is a three month delivery time period and allow the vehicle to be upfitted with equipment at the earliest opportunity so the Police Department can begin using the new vehicle; and

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

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

Section 1. The City Manager is authorized and directed to purchase a new 2014 Chevy Impala Police Special Vehicle through the State of Ohio Cooperative Purchasing Program from Taylor Chevrolet of Lancaster, Ohio, at an amount **not to exceed** Twenty One Thousand One Hundred Twelve and 00/100 Dollars (\$21,112.00).

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

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

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: October 28, 2013

To: Nicole C. Ard, City Manager
From: Paul E. Ricci
Date: October 16, 2013
Subject: Commission Agenda Item

Item for Consideration: An amendment to the consulting contract with Mr. Scott J. Mularoni to carry out the activities of Alternate Building Official and Alternate Plan Reviewer for the City of Sandusky.

Background Information: A consulting contract with Mr. Mularoni was previously approved at the November 26, 2012 meeting. Mr. Mularoni was approved to be paid a fee of \$55.00 an hour not to exceed a maximum of \$5,000.

Mr. Mularoni has performed these activities for the City for a number of years and is currently certified to do so. During the year of 2013 he has already performed work which would exceed the \$5,000 maximum because of an increase number of plans submitted which were required to be sent out to him for review. It is anticipated that several large projects will be submitted to the City before the end of the year that will require the services of the Alternate Plan Reviewer.

Approving the additional amount will continue to allow the City of Sandusky to meet the State of Ohio Board of Building Standards Certified Building Department requirements. Under state regulations, a certified building department may contract out the activities of alternate building official and plan reviewer to state certified professionals.

Budgetary Information: Mr. Mularoni will continue to be paid at the rate of \$55.00 per hour for work performed up to an additional amount not to exceed \$4,800. The cost of this contract will be paid with the Building Division operating budget. A portion of the plan review expense will be paid by the collection of plan review fees by the Department of Planning, Engineering, and Development.

Action Requested: It is requested that the proper legislation be prepared to amend the current consulting contract with Mr. Mularoni's for an additional amount not to exceed \$4,800 for consulting services and that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to allow Mr. Mularoni to be compensated for services already provided and to continue the activities of Alternate Building Official and Alternate Plan Reviewer throughout the remainder of CY 2013.

I concur with this recommendation:

Nicole C. Ard
City Manager

cc: Kelly Kresser, Clerk of the City Commission
George Poulos, Chief Building Official
Hank Solowiej, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR SERVICES OF CONSULTANT SCOTT J. MULARONI FOR CY 2013; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission previously approved a consulting contract with Scott J. Mularoni for the CY 2013 by Ordinance No. 12-124, passed on December 10, 2012, to carry out the activities of Alternate Building Official and Alternate Plan Reviewer for the City which Mr. Mularoni has done for a number of years and is certified to do so; and

WHEREAS, Mr. Mularoni has already performed work which would exceed the \$5,000.00 maximum allowable in the agreement for CY 2013 due to an increase number of plans submitted that required review by the Alternate Plan Reviewer and it is anticipated that several large projects will be submitted to the City before the end of the year that will also require the services of the Alternate Plan Reviewer; and

WHEREAS, it is requested to amend the agreement to allow for an additional \$4,800.00 for a total maximum of \$9,800.00 for the CY 2013; and

WHEREAS, the additional funds in the amount of \$4,800.00 will be paid with funds from the Building Division's operating budget, with a portion of the cost for plan review to be paid by the collection of plan review fees by the Department of Planning, Engineering and Development; 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 to allow Mr. Mularoni to be compensated for services already provided and to continue the activities of Alternate Building Official and Alternate Plan Reviewer throughout the remainder of CY 2013; and

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

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

Section 1. The City Manager is hereby authorized and directed to enter into an Amendment to the Agreement for Services of Consultant Scott J. Mularoni for CY 2013 for services as Alternative Building Official and Alternate Plan Reviewer, substantially in the same form as Exhibit "A"

which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes, and authorizes the City Manager and/or Finance Director to expend funds as required pursuant to the amendment. This Contract is necessary to meet the State of Ohio Board of Building Standards Certified Building Department requirements.

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.

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

AMENDMENT
TO
AGREEMENT FOR SERVICES OF CONSULTANT

This Amendment to the Agreement for services of consultant is made on and entered into on this ___ day of _____ 2013, between the City of Sandusky, Ohio, a Municipal Corporation of the State of Ohio, located in the County of Erie, herein referred to as "City," and Scott J. Mularoni herein referred to as "Consultant."

WHEREAS, the City and Consultant entered into an agreement for services of consultant on December 11, 2012;

WHEREAS, the City and the Consultant desire to amend Section VI of the Agreement;

WHEREAS, pursuant to Section XI of the Agreement, amendments may be made upon written agreement signed by both parties; and

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

1. Section VI (Compensation) of the Agreement shall allow for an additional \$4,800.00 per year for up to a total maximum of \$9,800.00 for the CY 2013 and the first paragraph shall be amended to state as follows:

Consultant shall be paid at the rate of Fifty-Five and 00/100 Dollars (\$55.00) per hour for work performed in accordance with this agreement up to a maximum of ~~\$5,000~~ **\$9,800.00** per year.

2. All other terms of Section VI of the Agreement shall remain unchanged.
3. All other terms and provisions of the original Agreement for Services of Consultant shall remain unchanged and in full force and effect during the duration of the Agreement.

SIGNATURE PAGE TO FOLLOW

WITNESSES:

CITY OF SANDUSKY:

Nicole C. Ard
City Manager

WITNESSES:

CONSULTANT:

Scott J. Mularoni

Approved as to Form:

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

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2013 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Date

Hank Solowiej
Director of Finance

Account Number

TO: Nicole Ard, City Manager
FROM: Victoria Kurt, Recreation Program Supervisor
DATE: October 16, 2013
RE: Item for Commission Agenda (2014 Mills Creek Golf Course Fees)

ITEM FOR CONSIDERATION: City Commission approval of the proposed 2014 golf fees at Mills Creek Golf course

BACKGROUND INFORMATION: The 2014 golf season will run March 15-November 15. The current fee proposal has been brought to the Recreation Board's attention and approved for the 2014 season at their meeting on October 8, 2013. After review of the analysis of 2013 (*Figures taken from Revenue and Expense reports ending October 8, 2013*) expenses per round total \$16.64 and revenue per round total \$15.39. Currently Mills Creek Golf Course is losing \$1.25 per round played.

The proposal includes Weekday and Weekend Regular 9 holes, and Senior 9 holes to increase by \$1.00 as well as Holiday and Weekend Regular 9 Holes and Senior 9 Holes by \$1.00. Season Passes play a huge role in Revenue coming into Mills Creek Golf Course, as we are the only course that allows a Season Pass holder to utilize their pass at all times; weekdays, weekends, Holidays, and all league play. The proposed Season Pass changes include; Regular Pass from \$337.75 to \$350.00, Senior/Employee/Military Pass from \$225.00 to \$250.00, Junior Pass from \$100.00 to \$150.00, and a Family Pass from \$576.80 to \$580.00. Lunch Time Special would increase from \$12.00 to \$13.00, Family Fun Days from \$25.00 to \$30.00 and the 6 o'clock Special from \$12.00 to \$13.00.

It is in the Recreation Boards best interest to operate Mills Creek Golf Course in the "black" and also continue to be the most affordable course in our area and an increase in Season Passes and Golf Rounds is a necessity to accommodate both of those interests. (See attached document of proposed rates.)

BUDGET IMPACT: The current fee schedule will not negatively impact the General Fund. It is the desire of these fees to continue to increase the overall usage of the course through memberships, punch cards, and daily paid rounds while maintaining operations of the course. As stated above, we will still strive to be the area's lowest priced golf course while still providing a quality experience to our golfers attracting both locals and visitors.

ACTION REQUESTED: It is requested that the City Commission approve the proposed golf fees at Mills Creek Golf Course to replace the current fee structure. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to approve the proposed fee modifications, effective January 1, 2014, and allow for advertising and pre-sale of season passes.

I concur with this recommendation.

Nicole Ard, City Manager

MILLS CREEK GOLF COURSE

2014 PROPOSED RATES & SPECIALS

WEEKDAY RATES – Green Fees

9 Holes- \$10.00
9 Holes (Sr/Emp/Military) - \$9.00
Jr. Golf (17 and under) - \$6.00
18 Holes- \$16.00
18 Holes (Sr/Emp/Military) - \$15.00

WEEKEND & HOLIDAY RATES – Green Fees

9 Holes - \$11.00
9 Holes (Sr/Emp/Military) - \$10.00
Jr. Golf (17 and under) - \$6.00
18 Holes - \$17.50
18 Holes (Sr/Emp/Military) - \$16.50

RENTALS

Gas Cart – 9 Holes, 1 Rider - \$6.00
Gas Cart – 9 Holes, 2 Riders - \$12.00
Gas Cart – 18 Holes, 1 Rider - \$12.00
Gas Cart – 18 Holes, 2 Riders - \$24.00
Pull Cart - \$2.00
Club Rental - \$5.00
Big Locker (Yearly) - \$25.00
Small Locker (Yearly) - \$15.00

SEASON PASS SALES

Regular - \$350.00
Senior (60+), Employee or Military - \$250.00
Junior (17 and under) - \$150.00
Family Pass (2 Adults, 2 Children) - \$580.00
Additional Youth (Family Pass) - \$95.00
Gas Cart (1 person per pass) - \$370.00

PUNCH CARDS

Green Fees – 12 punches - \$100.00
Gas Cart – 24 punches – Single Rider - \$180.00
Frequent Player Card – 10 punches to receive
9 Holes, ½ Cart –FREE

TRAIL FEES

Seasonal Cart - \$100.00
9 Holes - \$3.00
18 Holes- \$6.00

STORAGE

Personal Cart w/o electric - \$250.00
Personal Cart with electric- \$300.00

2014 SPECIALS

Lunch Time Special

Monday-Friday 11 a.m. to 1 p.m. - \$13.00
Includes 9 Holes, ½ cart, a hot dog, chips and a
can of pop

Family Fun Days

Saturdays & Sundays after 4 p.m. - \$30.00
Includes 9 holes per player and 2 carts
(2 adults, 2 children)

Spectacular 6 o'clock Special

Monday-Friday after 6 p.m. - \$13.00
Includes 9 holes, ½ cart

Mother's/Father's Day Special

Moms and Dads play 9 holes for \$6.00

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE FEE SCHEDULE FOR THE MILLS CREEK GOLF COURSE ESTABLISHED BY THE CITY MANAGER PURSUANT TO SECTION 973.02 OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Section 973.02 of the Codified Ordinances of the City of Sandusky the City Manager has authority to establish fees charged at the Municipal Golf Course which are subject to approval by the City Commission; and

WHEREAS, after reviewing the Golf Course Analysis for 2013, the Recreation Supervisor is recommending to the City Manager to increase the Weekday, Weekend & Holiday Regular 9 Holes and Senior 9 Holes by \$1.00 as well as increasing season passes which include the Regular Pass from \$337.75 to \$350.00, Senior/Employee/Military Pass from \$225.00 to \$250.00, Junior Pass from \$100.00 to \$150.00, and Family Pass from \$576.80 to \$580.00 and in addition increases to the Lunch Time Special from \$12.00 to \$13.00, Family Fun Days from \$25.00 to \$30.00 and the 6 o'clock Special from \$12.00 to \$13.00; and

WHEREAS, the City Manager has concurred and is now recommending these changes to this City Commission, which if approved, will become effective on January 1, 2014; and

WHEREAS, the proposed fee schedule for the 2014 operating season was approved by the Recreation Board at their meeting on October 8, 2013; 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 approving the proposed fee schedule, effective January 1, 2014, to allow for advertising and pre-sale of season passes; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Recreation 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. Pursuant to Section 973.02 of the Codified Ordinances this City Commission approves the proposed fee schedule for the Mills Creek Golf Course as recommended by the City Manager to become effective on

January 1, 2014, and that these fees shall be published in the Index of Fees maintained by the Department of Recreation.

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.

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: October 28, 2013