



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
October 14, 2014 at 5 p.m.
City Hall, 222 Meigs Street**

INVOCATION	Julie Farrar
PLEDGE OF ALLEGIANCE	
CALL TO ORDER	
ROLL CALL	S. Schell, J. Farrar, D. Brady, D. Murray, N. Twine, W. Poole & J. Smith
APPROVAL OF MINUTES	September 22, 2014
AUDIENCE PARTICIPATION	Agenda items listed below only (3 minute limit)
PRESENTATIONS	Dr. Kirk Halliday, Erie/Ottawa Counties Mental Health & Recovery
COMMUNICATIONS	Motion to accept all communications submitted below

CURRENT BUSINESS

ITEM #1

PASSED AT FIRST READING 9.22.14

CHANGE TO BUILDING CODE REGARDING FORECLOSED PROPERTIES AND BUILDINGS

ORDINANCE NO. _____: It is requested an ordinance be passed amending part thirteen (Building Code), Title Five (additional local provisions), by the addition of Chapter 1339 (foreclosed properties and buildings), of the codified ordinances in the manner and way specifically set forth hereinbelow.

ITEM #2 – Submitted by Kim Piotrowski, Clerk

PURCHASE APPLICATION SERVER HP ML350 G8 TOWER, SOFTWARE & ACCESSORIES/INSTALLATION & CONFIGURATION WITH HENSCHEN & ASSOCIATES

Budgetary Information: There will be no impact to the general fund. The cost of the application server, software and accessories with installation/configuration is \$11,797. The funds used to pay for the server, software and accessories with the installation and configuration will be from the court's computer fund, Account number 244 9890.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to purchase an application server, software and accessories with installation and configuration from Henschen & Associates, Inc. of Bowling Green, Ohio, for the Sandusky Municipal Court; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

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

ANNUAL SUPPORT FEE WITH SOFTWARE SOLUTIONS INCORPORATED

Budgetary Information: The total cost for the annual support fee is \$12,147.65. Of this amount, \$6,073.83 will be paid by the general fund, \$3,036.91 by the water fund and \$3,036.91 by the sewer fund. The prior year ordinance was passed by the City Commission on October 15, 2013 (Ordinance 13-111) that covered the period November 1, 2013 through October 31, 2014.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing payment to Software Solutions Incorporated of Lebanon, Ohio, for the annual software support fee for the period November 1, 2014, through October 31, 2015; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by Donald C. Icsman, Law Director

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 \$6,500. 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.

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 2014; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #5 – Submitted by Jane E. Cullen, P.E.

CONTRACT WITH STATE OF OHIO FOR COMPLETION OF PERKINS AVENUE AND MILAN ROAD INTERSECTION IMPROVEMENT PROJECT

Budgetary Information: The city is responsible for one hundred percent of the waterline costs which is estimated to be \$236,880 and will be paid with water funds. The funds are due to ODOT by October 20, 2014.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to enter into a contract with the Director of the Ohio Department of Transportation for the ODOT Perkins Avenue and Milan Road intersection improvement project, PID #84556; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #6 – Submitted by Jane E. Cullen, P.E.

CHANGE ORDER #2 FOR FIRST STREET RESURFACING AND WATER MAIN REPLACEMENT PROJECT WITH ERIE BLACKTOP, INC.

Budgetary Information: The original contract amount was \$955,943.93. The revised contract amount with change order #1 was \$888,179.63. The revised contract amount with Change Order #2 is \$895,056.98. The breakdown of the revised contract costs is as follows: \$335,012.46 from the Federal Highway Administration funds through the Ohio Department of Transportation and the Erie County Metropolitan Planning Organization, \$154,584.60 from Ohio Public Works funds, \$321,706.80 from the water fund and \$83,753.12 from the street fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to approve the second change order for work performed for the First Street resurfacing and water main replacement project in the amount of \$6,877.35 to be paid to Erie Blacktop, Inc., of Sandusky, Ohio; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #7 – Submitted by Assistant Chief Phillip J. Frost

AGREEMENT WITH VANCE OUTDOORS FOR PURCHASE OF TASERS AND ACCESSORIES

Budgetary Information: The total cost for this purchase of eleven tasers and accessories is \$13,164.69 and \$130 will be credited for the exchange of two tasers for a total expense of \$13,034.69. The grant award amount is \$12,398. The remaining \$636.69 will be paid with funds from the police department's operating budget.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to dispose of two tasers from the police department as having become unnecessary and unfit for city use pursuant to Section 25 of the city charter; and authorizing the city manager to purchase eleven X26P tasers and accessories through the State of Ohio Cooperative Purchasing program from Vance Outdoors, Inc. of Columbus, Ohio, for the Sandusky Police Department; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #8 – Submitted by Assistant Chief Phillip J. Frost

AGREEMENT WITH PHYSIO CONTROL, INC. FOR PURCHASE OF NINE NEW LIFE PAK CR PLUS AED UNITS, NINE INFANT ELECTRODE PACKS AND THREE AED TRAINING MODEL AED'S

Budgetary Information: The total cost for this purchase of nine Life Pak CR Plus AED's, nine Infant electrode packs and three AED training model AED's for a total of \$15,486. The grant award amount is \$16,736. The remaining \$1,250 will be returned to the community foundation's donor.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to purchase nine Lifepak CR Plus automated external defibrillators, nine infant electrode pads and three Lifepak trainer automated external defibrillators through the State of Ohio cooperative purchasing program from Physio-Control, Inc. of Redmond, Washington, for the Sandusky Police Department; 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:

Tuesday, September 14 at 8:30 p.m.

Monday, September 29 at 7 p.m.

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART THIRTEEN (BUILDING CODE), TITLE FIVE (ADDITIONAL LOCAL PROVISIONS), BY THE ADDITION OF CHAPTER 1339 (FORECLOSED PROPERTIES AND BUILDINGS), OF THE CODIFIED ORDINANCES, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, foreclosed properties, properties in the foreclosure process and those about to be foreclosed upon that remain vacant and unoccupied for an appreciable period can become a nuisance in a myriad of ways which can contribute to the growth of blight, interfere with the use and enjoyment of neighboring properties, and necessitate additional government services and costs adversely affecting the public and requiring a means by which such nuisance conditions may be prevented and abated; 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 Thirteen (Building Code), Title Five (Additional Local Provisions) of the Codified Ordinances of the City be amended by the addition of New Chapter 1339 (Foreclosed Properties and Buildings) as follows:

**NEW CHAPTER 1339
Foreclosed Properties and Buildings**

- 1339.01 Findings and purpose.
- 1339.02 Definitions.
- 1339.03 Registry.
- 1339.04 Registration of properties in default and REO properties.
- 1339.05 Inspection, maintenance, and security requirements.
- 1339.06 Public nuisance.
- 1339.07 Severability.

1339.01 FINDINGS AND PURPOSE.

The City of Sandusky finds, determines and declares that:

(a) Foreclosed properties and buildings, and properties in the foreclosure process, that remain vacant and unoccupied for any appreciable period of time become an attractive nuisance to children, a harborage for rodents, an increased fire hazard, and an invitation to derelicts, vagrants and criminals as a temporary residence and as a place to engage in illegal conduct, frequently including illegal drug-related activity; that unkempt and unsecured grounds surrounding such buildings invite the dumping of garbage and trash thereon and the congregation of unauthorized persons who use the property for illegal activity; that such buildings contribute to the growth of blight within the City, necessitate additional governmental services and costs, significantly interfere with the use and enjoyment of neighboring properties, and depress market values of surrounding properties, thereby reducing tax revenues; and that such buildings accordingly create an unhealthy and unsafe condition affecting the public and constitute an unreasonable use of property and a public nuisance.

(b) Protection of the public health, safety and welfare requires the establishment and enforcement of the means by which such nuisance conditions may be prevented and abated.

(c) Vacant properties that are going through or have been through the foreclosure process are frequently the responsibility of banks, lenders, and/or servicers.

(d) Properties in default and Real-Estate Owned ("REO") properties are at a greater risk of becoming unmaintained vacant properties than other properties.

(e) Even one vacant property that is not actively and well maintained can cause blight and crime.

(f) It is in the interest of the welfare of neighborhoods in the city that banks, lenders, and/or servicers which fail to maintain vacant properties that they own or have an interest in be subject to the imposition of fines.

1339.02 DEFINITIONS.

For the purposes of this chapter:

(a) "Beneficiary" means the current beneficiary (either the original beneficiary or the assignee(s)), including, but not limited to, a lender, under a note secured by a deed of trust.

(b) "Beneficiary's designated agent" means an entity, including, but not limited to, a servicing company that has contracted with the Beneficiary to perform duties related to the note secured by a deed of trust, including, but not limited to, the collection of installment payments on the note and administration of any default and foreclosure process.

(c) "Days" means calendar days.

(d) "Evidence of vacancy" means any condition visible from the exterior of the property that alone or in combination with other existing conditions would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation; unmaintained pools or spas; an accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; an accumulation of trash, junk and/or debris; the absence of window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation; statements by neighbors, passersby, delivery agents, and/or government employees that the property is vacant.

(e) "Legal owner" means the person or entity having record title to the property as shown in the county recorder's office.

(f) "Legal owner's designated agent" means an entity, including, but not limited to, a servicing company, that has contracted with the legal owner to perform duties related to the property.

(g) "Neighborhood standard" means those conditions that are present on a simple majority of properties within a 300 foot radius of the relevant property. A property in default or a REO property that is vacant or shows evidence of vacancy within a 300 foot radius of the relevant property shall not be counted toward the simple majority.

(h) "Property in default" means a residential property within the city that is subject to a current Notice of Default and/or Notice of Trustee's Sale.

(i) "REO property" ("Real-Estate Owned" property) means a residential property within the city for which title has transferred to the mortgagee, including, but not limited to, a lender or servicing company, as the result of a foreclosure sale or deed in lieu of foreclosure.

(j) "Responsible party" means, for a property in default, the beneficiary and/or the beneficiary's designated agent; and for a REO property, the legal owner and/or the legal owner's designated agent. In the event that there is more than one responsible party

for a single property, each responsible party shall be jointly and severally liable for compliance with the provisions of this ordinance.

(k) "Vacant" means property that is unoccupied by the legal owner or by persons with the consent of the legal owner for a period of more than 30 days; or which presents evidence of vacancy for a period of more than 30 days and which is not occupied by the legal owner or an individual with the consent of legal owner for the purposes of occupation.

1339.03 REGISTRY.

The City of Sandusky shall maintain a registry of the properties described in Section 1339.01(a) in order to permit the City to determine which properties are at risk of becoming subject to and/or in violation of Section 1339.05, and to inspect such properties for compliance with Section 1339.05 and any other applicable requirements. The City shall regularly inspect registered properties at times and in a manner to be determined by the Chief Building Official (or designee). The Chief Building Official (or designee) may have all registered properties inspected, or a sample of such properties selected randomly or by criteria determined by the Chief Building Official (or designee).

1339.04 REGISTRATION OF PROPERTIES IN DEFAULT AND REO PROPERTIES.

(a) Application. The registration requirements contained in this section shall apply to:

- (1) All properties in default.
- (2) All REO properties.

(b) Registration. The responsible party for a property in default, including, but not limited to, a lender or servicing company, shall register the property with the Building Department within 30 days of the recording of the notice of default or, if the notice of default was issued prior to the effective date of this chapter, within 60 days of the effective date of this chapter.

The responsible party for a REO property, including, but not limited to, a lender or servicing company, shall register the property with the Code Enforcement Department within 30 days of the transfer of title or, if the title was transferred prior to the effective date of this chapter, within 60 days of the effective date of this chapter.

The registration shall be filed on city-approved forms which shall require the following information, as well as any additional information deemed necessary by the Chief Building Official (or designee):

(1) The name and mailing address of the responsible party, and whether the party is the beneficiary, beneficiary's designated agent, legal owner, or legal owner's designated agent.

(2) A direct contact name and phone number for the responsible party.

(3) Whether the property is vacant or shows evidence of vacancy.

(4) If the property is vacant or shows evidence of vacancy, a statement describing the expected period of vacancy, a detailed plan for the regular maintenance of the property during the period of vacancy, and a timeline for the lawful re-occupancy of the property or for the rehabilitation or demolition of the property is required.

(5) If the property is vacant or shows evidence of vacancy and the responsible party is located more than 30 miles outside of the city limits, the name, street address,

telephone and facsimile number of a local property management or property preservation company responsible for the maintenance and security of the property is required.

(c) **Maintenance Bond.** Any owner of a vacant and/or foreclosing property shall provide a cash bond acceptable to the Chief Building Official (or designee), in the sum of not less than ten thousand dollars (\$10,000.00), to secure the continued maintenance of the property throughout its vacancy and remunerate the city for any expenses incurred in inspecting, securing, marking or making such building safe. A portion of said bond shall be retained by the city as an administrative fee to fund an account for expenses incurred in inspecting, securing, and marking said building and other such buildings that are not in compliance with this section. Any owner of a vacant or foreclosing property providing a bond pursuant to this section must also provide bonds for all other vacant or foreclosing properties owned in the city.

(d) **Updating the Registry.** Any change in the information provided to the registry including, but not limited to, a change in the identity of the responsible party, a change in the vacancy status of the property, and any change in contact information, shall be provided to the registry within ten (10) days of the date of the change.

(e) **Annual Renewal.** The initial registration shall be effective for the duration of the calendar year in which it is made. For any registered property that is still subject to the registration requirements of this section on January 1 of each year, the responsible party must submit a renewed registration by no later than January 31 of that year.

(f) **Fees.** The responsible party shall pay a non-refundable fee of one hundred twenty-five dollars (\$125.00) for each registered property to cover the costs of the registry including, but not limited to, initial creation of the registry; ongoing maintenance of the registry; inspection and investigation of registered properties to ensure that the information recorded in the registry is current and accurate; inspection and investigation of registered properties conducted by Code Enforcement Department to ensure that they have not fallen into disrepair or are otherwise not in compliance with the requirements of Section 1339.05 and/or any other applicable requirements; and the administrative costs incurred in determining the appropriate fee. These costs shall be determined annually by the City.

This fee shall be paid with the initial registration and with each annual renewal.

(g) **Penalties.** Any responsible party that fails to comply with the registration requirements of this section shall become personally responsible for a penalty of three hundred dollars (\$300.00) per day for each day of non-compliance; except that commencing ten (10) calendar days after the date of the Chief Building Official's (or designee's) notification of failure to comply, the penalty shall be five hundred dollars (\$500.00) per day for each day for non-compliance, with a maximum total penalty of one hundred thousand dollars (\$100,000.00).

If the Chief Building Official (or designee) determines that a responsible party has failed to comply with the registration requirements of this section, the Chief Building Official (or designee) shall notify such party within ten (10) days of this determination at the last known address of the failure to comply with this section, the penalties currently due, and the daily accrual of penalties.

A responsible party shall be liable for interest on any unpaid penalties accrued at the same annual rate as civil judgments.

(h) **Terminating Registration.** If a registered property becomes no longer subject to the registration requirements of this section, the responsible party shall report this information to the registry within ten (10) days.

(a) Application. This section shall apply to all properties that are both:

- (1) A property in default or a REO property; and
- (2) Vacant or showing evidence of vacancy

A responsible party that presents the Chief Building Official (or designee) with documentary evidence that it does not have the legal right to inspect, maintain, and/or secure the property, where such evidence is accepted as adequate by the Chief Building Official (or designee), shall be exempt from the requirements of this section.

(b) Inspections. The responsible party for a property subject to this section shall perform an inspection of the property no less than once every seven (7) days to ensure the property is in compliance with this section.

(c) Maintenance. Properties subject to this section shall be, in comparison to the neighborhood standard, kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), discarded personal items including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is vacant.

(1) The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

(2) Visible front and side yards shall be landscaped and maintained to the neighborhood standard. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings; and decorative rock, bark or artificial turf/sod designed specifically for residential installation. Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, indoor-outdoor carpet or any similar material. Maintenance of yards includes, but is not limited to, regular watering, irrigation, cutting, pruning, mowing and removal of all trimmings.

(3) Pools and spas shall be kept in working order so the water remains clear or free of pollutants and debris or drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of the Ohio.

(d) Security. Properties subject to this section shall be maintained in a secure manner so as to not be accessible to unauthorized persons.

Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding, and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structures(s). In the case of broken windows, securing means the re-glazing or boarding of the window.

(e) Additional Authority. In addition to the requirements of this section, the Chief Building Official (or designee) shall have the authority to require the responsible party for any property subject to the requirements of this section to implement additional maintenance and/or security measures including, but not limited to, securing any door, window or other openings; installing additional security lighting; increasing on-site inspection frequency; employment of an on-site security guard; or other measures as may be reasonably required to arrest the decline of the property.

1339.06 PUBLIC NUISANCE.

(a) Public Nuisance. It shall be a public nuisance for any property subject to the requirements of Section 1339.05 to fail to comply with any of those requirements.

(b) **Notice of Violation/Demand to Abate.** Whenever the Chief Building Official (or designee) determines that a property is a public nuisance pursuant to paragraph (a), the Chief Building Official shall issue a notice of violation and demand to abate directed to the responsible party and to the legal owner, if the legal owner is different than the responsible party.

The notice shall contain:

(1) The street address and such other description as is required to identify the property.

(2) A statement that specifies the conditions that constitute the violation.

(3) A description of the measures necessary to correct the violation.

(4) An order that the responsible party take the necessary measures to correct the violation and abate the nuisance within ten (10) days from the date of the notice; unless the violation constitutes a violation of any provision of the Ohio Building Standards Code, in which case the notice shall order the responsible party to take the necessary measures to correct the violation and abate the nuisance within thirty (30) days from the date of the notice.

(5) A statement that if the responsible party fails to take the necessary measures to abate the nuisance within the specified time period, the responsible party will be subject to penalties pursuant to paragraph (d), and the City may take all necessary legal or administrative action, including performing the necessary measures, with the cost of such performance to be assessed against the responsible party.

(6) A statement that the responsible party may, during the specified time period in which it is ordered to correct and abate, request in writing a hearing before the Chief Building Official (or designee) regarding the conditions that constitute the violation and the measures necessary to correct the violation.

(7) A notice of the fee due, as provided in paragraph (c).

(8) The written notice shall be served on the responsible party and legal owner either by personal delivery or by first class mail.

(c) **Fees.** A responsible party to whom the Chief Building Official (or designee) has sent a notice of violation and demand to abate pursuant to paragraph (b) shall pay a fee of one hundred fifty dollars (\$150.00) to cover the costs of the notice of violation and demand to abate including, but not limited to, administrative costs related to the notice; inspection and investigation of properties to determine whether they are public nuisances (other than inspections or investigations conducted pursuant to Section 1339.05); inspection and investigation of properties subject to a notice of violation and demand to abate to determine whether they have complied with such demand; increased inspection and investigation of properties formerly subject to a notice of violation and demand to abate to ensure that such properties remain in compliance; and the administrative costs incurred in determining the appropriate fee. These costs shall be determined annually by the city.

(d) **Penalty for Failure to Abate.** Any responsible party served with a notice of violation that fails to take the necessary measures set forth in the notice shall become personally responsible for an administrative penalty in an amount up to one thousand dollars (\$1,000.00) per day for each day of non-compliance after the specified time period set forth in the notice has passed, with a maximum total penalty of five hundred thousand dollars (\$500,000.00), unless the responsible party provides documentary evidence to the Chief Building Official (or designee) that the structure is the subject of an active building permit for repair, rehabilitation or demolition and the responsible party is proceeding

diligently in good faith to complete the repair, rehabilitation or demolition, where such evidence is accepted as adequate by the Chief Building Official (or designee).

A responsible party shall be liable for interest on any unpaid penalties accrued at the same annual rate as civil judgments.

(e) **Abatement by City.** In the event the violation is not abated within the time specified in the notice, the city may take all necessary actions to abate such violation, and the responsible party shall become personally indebted to the city for the actual and reasonable costs of abatement as adopted by the city at a public hearing.

After the city has taken abatement actions, the Chief Building Official (or designee) shall send a notice to the responsible party by first class mail advising the responsible party of the abatement action by the city. The notice shall also inform the responsible party that he/she is responsible for the actual and reasonable costs of abatement and notify the responsible party of the date and location of the public hearing at which the costs will be determined.

(f) **Summary Abatement.** If, in the opinion of the Chief Building Official (or designee), there exists a specific condition on any property subject to the requirements of this section which is of such a nature as to be an imminent threat to the public health, safety or welfare, the same may be abated by the city forthwith without compliance with the provisions of paragraph (b). The actual and reasonable costs of any abatement measures taken by the City pursuant to this paragraph shall be the responsibility of the responsible party as provided in paragraph (e).

(g) **Appeals.** Any person aggrieved by any of the requirements of this section may appeal as provided under Chapter 1305, Board of Building Appeals.

1339.07 SEVERABILITY.

Should any provision, section, paragraph, sentence or word of this chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

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 allowed by law.

PAGE 8 - ORDINANCE NO. _____

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 14, 2014 (effective after 30 days)

MUNICIPAL COURT

222 MEIGS STREET
SANDUSKY, OHIO 44870
PHONE 419-627-5920 • FAX 419-627-5950
www.sanduskymunicipalcourt.org

ERICH J. O'BRIEN, JUDGE

KIM PIOTROWSKI, CLERK
Email: Kim.Piotrowski@ci.sandusky.oh.us

TO: Eric Wobser, City Manager

FROM: Kim Piotrowski, Clerk

DATE: September 30, 2014

RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation authorizing the City Manager to purchase an Application Server HP ML350 G8 Tower, Software and Accessories with the Installation and Configuration from Henschen and Associates, Inc. of Bowling Green, Ohio in the amount of \$11,797.00.

BACKGROUND INFORMATION: The Court has been notified that the support for our existing server has expired. The Sandusky Municipal Court has had our existing server for approximately six years. Henschen and Associates, Inc., Bowling Green, Ohio is our sole and exclusive provider on all of our software, hardware and installation and they have stated that our server needs to be replaced.

BUDGET IMPACT: There will be no impact to the general fund. The cost of the Application Server, Software and Accessories with Installation/Configuration is \$11,797.00. The funds used to pay for the Server, Software and Accessories with the Installation and Configuration will be from the Court Computer Fund, Account # 244 9890.

ACTION REQUESTED: It is requested that the proper legislation be prepared authorizing the City Manager to purchase the Application Server, Software and Accessories with Installation/Configuration in the amount of \$11,797.00 to be paid from the Court Computer Fund. It is further requested that this legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter in order to purchase and install the server in the court as soon as possible to avoid potential service costs for our existing server's warranty has expired.

Approved:

I concur with this recommendation:

Kim Piotrowski, Clerk of Court

Eric Wobser, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE AN APPLICATION SERVER, SOFTWARE AND ACCESSORIES WITH INSTALLATION AND CONFIGURATION FROM HENSCHEN AND ASSOCIATES, INC. OF BOWLING GREEN, OHIO, 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 had an existing server for approximately six (6) years and the warranty on the server has recently expired; and

WHEREAS, Henschen and Associates, Inc. of Bowling Green, Ohio, is the sole and exclusive provider for all of the Court's software and hardware and has indicated the server needs to be replaced; and

WHEREAS, the total cost for the purchase, installation and configuration of the server, software and accessories is \$11,797.00 and will be paid with Court Computer 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 purchase and install the server, software and accessories as soon as possible to avoid potential service costs as the existing server's warranty has expired; 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 an Application Server, Software and Accessories with installation and configuration for Sandusky Municipal Court from Henschen and Associates, Inc. of Bowling Green, Ohio, at an amount **not to exceed** Eleven Thousand Seven Hundred Ninety Seven and 00/100 Dollars (\$11,797.00).

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 14, 2014



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: October 1, 2014
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

It is requested that an Ordinance be approved authorizing payment to Software Solutions Incorporated of Lebanon, Ohio, for the annual support fee for the period November 1, 2014 through October 31, 2015. The City uses this software for utility billing and financial management. The City has used Software Solutions Incorporated since 1995.

BUDGETARY INFORMATION:

The total cost for the annual support fee is \$12,147.65. Of this amount, \$6,073.83 will be paid by the General Fund, \$3,036.91 by the Water Fund, and \$3,036.91 by the Sewer Fund. The prior year ordinance was passed by City Commission on October 15, 2013 (Ordinance No 13-111) that covered the period November 1, 2013 through October 31, 2014.

ACTION REQUESTED:

It is requested that legislation be approved authorizing payment in the amount of \$12,147.65 to Software Solutions Incorporated, for the annual support fee for the period November 1, 2014 through October 31, 2015, in accordance with Section 14 of the City Charter under suspension of the rules. The need for immediate action is because the payment due date is October 31, 2014.

CC: Eric L. Wobser, City Manager
Donald C. Icsman, Law Director



Software Solutions

Personal Attention. Public Solutions.

September 2, 2014

City of Sandusky
Mr. Hank Solowiej
222 Meigs Street
Sandusky, OH 44870

Dear Hank,

Our records indicate your current contract renews on November 1, 2014. You are currently on the **Silver** level of Support. To continue at that level your cost for the coming year would be \$12,147.65. Your price could be affected by applications you have added throughout the year, or by whether or not you qualify for the discount for submitting your calls over the Internet. This price does reflect the discount you received for entering your Support calls via the Internet. Enclosed you will find information on this plan.

Your support plan will cover the following software modules:

Financial Management
Work Orders
Asset Management

Payroll
Bar Coding - Intelligent Mail
Crystal Reports with ODBC

Utility Billing
Central Cash

Other support options you might want to consider include:

Report Service Subscriptions - this option provides report writing services through Crystal Reports. With this plan you will receive 6 credits to use towards report writing services during your plan year.

Network Support - which is designed to assist customers without a full time network administrator with the routine tasks associated with administering a network. This includes things like creating new users, changing security, and assisting with backup and restore issues.

CASS Certification is an option that can be added to your contract that will allow us to CASS certify your address information from the Utility Billing Master file. Up to 4 times a year you can contact the Support Line to update your address information.

If you wish to remain on your current plan, no action is required. You will receive an invoice in a couple of weeks. If you have any questions or concerns about your support contract, or would like to make changes to the existing contract, please feel free to contact me.

Sincerely,

David Griesmeyer
Director of Professional Services

Enclosures

RECEIVED
SANDUSKY FIRE DEPT
2014 SEP -4 PM 3:45



Software Solutions

Personal Attention. Public Solutions.
420 East Main Street, Lebanon, OH 45036

Phone: 513-932-6667

Fax: 513-932-4058

INVOICE

SOFTWARE SOLUTIONS, INC.
420 East Main Street
Lebanon, OH 45036
5139326667

Invoice Number: 0063764-IN

Invoice Date: 9/29/2014

Salesperson: RF

Tax Code: EX

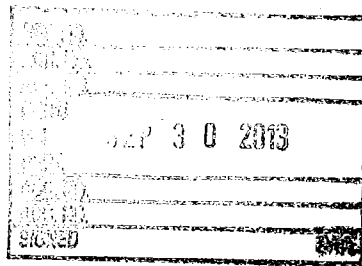
Sandusky, City of
222 Meigs St
Sandusky, OH 44870

Customer Number: SANDUSK
PO Number: SW Support

Ship Via:
Terms: Net 30 Days

DESCRIPTION		QTY	UNIT \$	AMOUNT
SWSUP Annual Silver Software Support effective November 1, 2014 through October 31, 2015 for eGovProfessional Software. Includes Web submitted discount	Ea	1.000	12,147.650	12,147.65

RECEIVED
SANDUSKY FINANCE CO
2014 OCT -1 AM 11:53



Support begins November 1, 2014.

Net Invoice:	12,147.65
Freight:	0.00
Sales Tax:	0.00
	<u>12,147.65</u>

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO SOFTWARE SOLUTIONS INCORPORATED OF LEBANON, OHIO FOR THE ANNUAL SOFTWARE SUPPORT FEE FOR THE PERIOD NOVEMBER 1, 2014, THROUGH OCTOBER 31, 2015; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City has used the software from Software Solutions Incorporated since 1995 for utility billing and financial management; and

WHEREAS, this annual software support plan fee covers the software modules for Financial Management, Work Orders, Asset Management, Payroll, Bar Coding-Intelligent Mail, Crystal Reports with ODBC, Utility Billing & Central Cash; and

WHEREAS, the cost for the annual software support fee for the period November 1, 2014, through October 31, 2015, is \$12,147.65 of which \$6,073.83 will be paid with General Funds, \$3,036.91 will be paid with Water Funds and \$3,036.91 will be paid with Sewer 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 to allow payment to be made to Software Solutions Incorporated by the payment due date of October 31, 2014; 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 Finance 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 Software Solutions Incorporated of Lebanon, Ohio in an amount **not to exceed** Twelve Thousand One Hundred Forty Seven and 65/100 Dollars (\$12,147.65) for the annual software support fee for the period November 1, 2014, through October 31, 2015.

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 14, 2014



DIVISION OF BUILDING INSPECTION

GEORGE J. POULOS, CHIEF BUILDING OFFICIAL
Alicia Schrenk, Permit Technician
Stephen Ritzenthaler, Electrical Inspector
Steve Brown, Inspector

222 MEIGS STREET
SANDUSKY, OHIO 44870
Phone: (419) 627-5940
Phone: (419) 627-5841
Phone: (419) 627-5843
Fax: (419) 627-5933

To: Eric L. Wobser, City Manager
From: Donald C. Icsman, Law Director
Date: October 1, 2014
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 Plans Reviewer for the City of Sandusky.

Background Information: A consulting contract with Mr. Mularoni was previously approved at the December 9, 2013 meeting. Mr. Mularoni was approved to be paid a fee of \$55.00 per hour not to exceed a maximum of \$10,000.

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 2014 he has already performed work which exceeds the \$10,000 maximum because of an increase number of plans and projects submitted which were required to be sent out to him for review. It is anticipated that several projects will be submitted to the City before the end of the year that will require the services of the Alternate Plans 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 \$6,500.00. 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 for an additional amount not to exceed \$6,500.00 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 Plans Reviewer throughout the remainder of CY 2014.

I concur with this recommendation:

Eric L. Wobser, City Manager

cc: Kelly Kresser, Clerk of the City Commission
George J. 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 2014; 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 2014 by Ordinance No. 13-142, passed on December 19 2013, 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 exceeds the \$10,000.00 maximum allowable in the agreement for CY 2014 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 \$6,500.00 for a total maximum of \$16,500.00 for the CY 2014; and

WHEREAS, the additional funds in the amount of \$6,500.00 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 2014; 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 2014 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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: October 14, 2014

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 _____ 2014, 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 12, 2013;

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 \$6,500.00 per year for up to a total maximum of \$16,500.00 for the CY 2014 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 ~~\$10,000.00~~ **\$16,500.00 per year for the calendar year 2014.**

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:

Eric L. Wobser, 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 2014 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



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

AARON M. KLEIN, P.E.

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

aklein@ci.sandusky.oh.us

To: Eric Wobser, City Manager
From: Jane E. Cullen, P.E.
Date: September 30, 2014
Subject: Commission Agenda Item

Item for Consideration: An ordinance authorizing the City Manager to enter into a contract with the State of Ohio for the completion of the ODOT Perkins Avenue and Milan Road Intersection Improvement project (ERI-250-1.14). Preliminary legislation was passed by the City Commission on July 14, 2014, Resolution 030-14R.

The project is a precursor to the large US-250 project within Perkins Township currently scheduled for 2015-2016. The subject project (PID 84556) is designed to improve intersection capacity and safety concerns at the US 250/Milan Road and Perkins Avenue intersection, which is partially within the City of Sandusky and partially within Perkins Township.

The project includes improved turning radii and traffic patterns, signal and signage upgrades, UST removal, pavement restoration, drainage improvements, and sidewalk reconstruction. The project involves replacement of approximately 1,900 linear feet of 6-inch waterline with new 8-inch waterline on Perkins Avenue between 52nd Street and the bridge at Pipe Creek. ODOT will be the lead agency and will administer the project. Construction is scheduled between April and October 2015.

Budgetary Information: The City is responsible for 100% of the waterline costs which is estimated to be \$236,880.00 and will be paid with Water Funds. The funds are due to ODOT by October 20th, 2014.

Action Requested: It is recommended that the ordinance authorizing the City Manager to enter into a contract with the State and to expend funds in the amount of \$236,880.00 for the completion of the waterline portion of the ERI-250-1.14 Intersection Improvement project be approved in accordance with Section 14 of the City Charter in order to execute the contract and return signed documents and payment to ODOT no later than October 20, 2014 as requested by ODOT.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron M. Klein
Director of Engineering

cc: Kelly Kresser, Hank Solowiej

**OHIO DEPARTMENT OF TRANSPORTATION
ACCOUNT RECEIVABLE**

Make check payable to: Treasurer of State

Mail to: Jeffrey M. Hisem, Administrator
Attn: Kathy Barthen
Ohio Department of Transportation
Office of Estimating - #4160
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

Division: Planning Administration
PID No. 84556
Project No. _____ (2014)
Invoice No. 10419

To: **Hank Solowiej**
Finance Director
222 Meigs Street
Sandusky, Ohio
44870

Federal Project No. E080(829)
Erie County
City of Sandusky
U.S. Route 250
Section 1.14

PLEASE ENCLOSE ONE COPY OF THIS INVOICE TO IDENTIFY YOUR REMITTANCE

Proposal of Participation	Type of Agreement	Amount
		\$236,880.00

Contract amount \$221,382.36
ODOT Engineering amount \$ 15,497.64

For the improvement of that portion of **U.S. Route 250**, more particularly described as follows:

The project consists of widening and resurfacing of US 250 and Perkins Avenue intersection, upgrading of walks, driveways and signalization, lying within the City of Sandusky.

c: Original & 2cc City of **Sandusky**
District (3) Engineer
Accounts Receivable
Invoice File

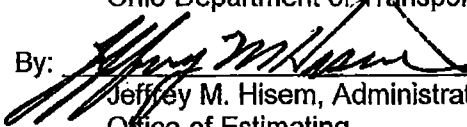
Total Amount Due \$236,880.00

Approved For Payment

Signature _____

Title _____

Date _____

Ohio Department of Transportation
By: 
Jeffrey M. Hisem, Administrator
Office of Estimating

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE ODOT PERKINS AVENUE AND MILAN ROAD INTERSECTION IMPROVEMENT PROJECT, PID NO. 84556; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission authorized the City Manager to enter into an agreement with Mannik & Smith Group, Inc., for Professional Design Services for the Perkins Avenue Waterline Replacement Project by Ordinance No. 12-099, passed on September 24, 2012; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the proposed Perkins Avenue Waterline Replacement Project which involves the replacement of approximately 1900 feet of 6" waterlines on Perkins Avenue between 52nd Street and the bridge at Pipe Creek with a new 8" waterline and is within the construction limits of the proposed Ohio Department of Transportation (ODOT) project ERI-250-1.14 at the intersections of U.S. 250 and Perkins Avenue by Resolution No. 010-14R, passed on March 10, 2014; and

WHEREAS, this City Commission adopted Consent Legislation submitted by the Director of the Ohio Department of Transportation for their Perkins Avenue and Milan Road Intersection Improvement Project by Resolution No. 017-14R, passed on April 14, 2014; and

WHEREAS, bids were scheduled to be opened for the Perkins Avenue Waterline Replacement Project on May 22, 2014, but no bids were received and ODOT has allowed the City to incorporate the water line plans into ODOT's Intersection Improvement Project; and

WHEREAS, this City Commission authorized the City Manager to enter into an amendment to the agreement with Mannik & Smith Group, Inc., for Professional Design Services to rework the plans to meet ODOT specifications and formats for the Perkins Avenue Waterline Replacement Project by Ordinance No. 14-074, passed on June 23, 2014; and

WHEREAS, this City Commission previously adopted the preliminary legislation submitted by the Director of the Ohio Department of Transportation for the ODOT Perkins Avenue and Milan Road Intersection Improvement Project by Resolution No. 030-14R, passed on July 14, 2014; and

WHEREAS, the total cost is estimated at \$236,880.00 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 execute the contract and provide a certified copy of this Ordinance and all financial documents to the Ohio Department of Transportation by October 20, 2014, as requested; 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. This City Commission requests the Director of Transportation to proceed with the Highway Improvement Project (P.I.D. No. 84556) and approves the form of the

Contract and authorizes and directs the City Manager to cooperate with the Director of Transportation and to enter into the contract with the Ohio Department of Transportation for the ODOT Perkins Avenue and Milan Road Intersection Improvement Project, substantially in the same form as attached to this Ordinance, marked Exhibit "A" and specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

Section 2. The Finance Director is authorized and directed to expend funds to the Treasurer of State for the ODOT Perkins Avenue and Milan Road Intersection Improvement Project in an amount **not to exceed** Two Hundred Thirty Six Thousand Eight Hundred Eighty and 00/100 Dollars (\$236,880.00), consistent with carrying out the requirements of this Ordinance and the terms of the Contract.

Section 3. The Director of Planning, Engineering and Development is authorized and directed to deliver a certified copy of this Ordinance together with all necessary documents to the Director of the Ohio Department of Transportation.

Section 4. 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 5. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 6. That for the reasons set forth in the preamble 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.

PAGE 3 - ORDINANCE NO. _____

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 14, 2014

C O N T R A C T
(Chapter 5521, Ohio Revised Code)

This contract is made by and between the State of Ohio, Department of Transportation, acting through its director (hereinafter referred to as the "STATE"), 1980 West Broad Street, Columbus, Ohio 43223, and the City of Sandusky, (hereinafter referred to as the legislative authority/Local Public Agency or "LPA").

WITNESSTH:

WHEREAS, Chapter 5521 of the Ohio Revised Code provides that the legislative authority may cooperate with the STATE in a highway project made by and under the supervision of the Director of Transportation; and

WHEREAS, through the enactment of preliminary legislation, the LPA and the STATE have agreed to cooperate in the highway project described below; and

WHEREAS, through the enactment of final legislation, the LPA has committed to pay an estimated amount of money as its share of the total estimated cost and expense of the highway project described below; and

WHEREAS, the fiscal officer of the LPA has filed with the LPA a certificate stating that sufficient moneys are available, as required by Chapter 5521 and Section 5705.41 of the Ohio Revised Code. A duplicate certificate is attached hereto; and

WHEREAS, in accordance with the final legislation, the LPA hereby enters into this contract with the STATE to provide for payment of the agreed portion of the cost of the highway project and any additional obligations for the highway project described below.

NOW, THEREFORE, in consideration of the premises and the performances of mutual covenants hereinafter set forth, it is agreed by parties hereto as follows:-

SECTION I: **RECITALS**

The foregoing recitals are hereby incorporated as a material part of this contract.

SECTION II: **PURPOSE**

The purpose of this contract is to set forth requirements associated with the highway project described below (hereinafter referred to as the "PROJECT") and to establish the responsibilities for the administration of the PROJECT by the LPA and the STATE.

SECTION III: LEGAL REFERENCES

This contract is established pursuant to Chapter 5521 of the Ohio Revised Code.

SECTION IV: SCOPE OF WORK

The work to be performed under this contract shall consist of the following:

The project consists of widening and resurfacing of US 250 and Perkins Avenue intersection, upgrading of walks, driveways and signalization, lying within the City of Sandusky.

SECTION V: FINANCIAL PARTICIPATION

1. The STATE agrees to provide the necessary funds as enumerated in this section and allowed by law for the financing of this project.
2. The STATE may allocate the money contributed by the LPA in whatever manner it deems necessary in financing the cost of construction, right-of-way, engineering, and incidental expenses, notwithstanding the percentage basis of contribution by the LPA.
3. The total cost and expenses for the project are only an estimate and the total cost and expenses may be adjusted by the STATE. If any adjustments are required, payment of additional funds shall correspond with the percentages of actual costs when said actual costs are determined, and as requested, by the Director of Transportation.
4. The LPA agrees to pay to the STATE its share of the total estimated cost expense for the above highway project in the amount of **Two Hundred Thirty Six Thousand Eight Hundred Eighty and - - - - 00/100 Dollars, (\$236,880.00).**
5. **The City agrees to assume and bear one hundred percent (100%) of the entire cost of the city owned water line work, related maintenance of traffic and associated pavement repair of the improvement, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State.**
6. The LPA agrees to assume and bear One Hundred Percent (100%) of the cost of any construction items required by the LPA on the entire project, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.
7. The LPA agrees that change orders and extra work contracts required fulfilling the construction contracts shall be processed as needed. The STATE shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall contribute its share of the cost of these items in accordance with other sections herein.

SECTION VI: RIGHT-OF-WAY AND UTILITIES

1. The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.
2. The LPA agrees that all utility accommodation, relocation, and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual, including that:
 - A. Arrangements have been or will be made with all utilities where facilities are affected by the described PROJECT, that the utilities have agreed to make all necessary removals and/or relocations to clear any construction called for by the plans of this PROJECT, and that the utilities have agreed to make the necessary removals and/or relocations after notification by the LPA or STATE.
 - B. The LPA shall, at its own expense, make all removals and/or relocations of publicly-owned utilities which do not comply with the reimbursement provisions of the ODOT Utilities Manual. Publicly-owned facilities which do comply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.
 - C. The removals and/or relocation of all utilities shall be done in such a manner as not to interfere with the operation of the contractor constructing the PROJECT and that the utility removals and/or relocations shall be approved by the STATE and performed in accordance with the provisions of the ODOT Construction and Materials Specifications.

SECTION VII: ADDITIONAL PROJECT OBLIGATIONS

1. The STATE shall initiate the competitive bid letting process and award the PROJECT in accordance with ODOT's policies and procedures.
2. The LPA agrees:
 - A. To keep said highway open to traffic at all times;
 - B. To maintain the PROJECT in accordance with the provisions of the statutes relating thereto,
 - C. To make ample financial and other provisions for such maintenance of the PROJECT after its completion;
 - D. To maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the STATE and hold said right-of-way inviolate for public highway purposes;

- E. To place and maintain all traffic control devices conforming to the Ohio Manual on Uniform Traffic Control Devices on the project in compliance with the provisions of Section 4511.11 of the Ohio Revised Code;
- F. To regulate parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION VIII: DISPUTES

In the event that any disputes arise between the STATE and LPA concerning interruption of or performance pursuant to this contract, such disputes shall be resolved solely and finally by the Director of Transportation.

SECTION IX: NOTICE

Notice under this contract shall be directed as follows:

City of Sandusky
222 Meigs Street
Sandusky, Ohio
44870

Ohio Department of Transportation
Office of Estimating
1980 West Broad Street, 1st Floor
Columbus, Ohio 43223

SECTION X: FEDERAL REQUIREMENTS

1. In carrying out this contract, LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, disability, or age. LPA will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin, disability, or age. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. To the extent necessary under Ohio law, LPA agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. LPA will, in all solicitations or advertisements for employees placed by or on behalf of LPA, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin, disability, or age. If applicable, the LPA shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

3. LPA agrees to fully comply with Title VI of the Civil Rights Act of 1964, 42 USC Sec. 2000. LPA shall not discriminate on the basis of race, color, or national origin in its programs or activities. The Director of Transportation may monitor the Contractor's compliance with Title VI.

SECTION XI: GENERAL PROVISIONS

1. This contract constitutes the entire contract between the parties. All prior discussions and understandings between the parties are superseded by this contract.
2. Neither this contract nor any rights, duties or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
3. Any change to the provisions of this contract must be made in a written amendment executed by both parties.
4. This contract and any claims arising out of this contract shall be governed by the laws of the State of Ohio. Any provision of this contract prohibited by the law of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this contract or the performance thereunder shall be brought only in the courts of Ohio, and the LPA hereby irrevocably consents to such jurisdiction. To the extent that the STATE is a party to any litigation arising out of or relating in any way to this contract or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
5. All financial obligations of the State of Ohio, as provided in this contract, are subject to the provisions of Section 126.07 of the Ohio Revised Code. The financial obligations of the State of Ohio shall not be valid and enforceable unless funds are appropriated by the Ohio General Assembly and encumbered by the STATE. Additionally, it is understood that this financial obligation of the LPA shall not be valid and enforceable unless funds are appropriated by the LPA's legislative body.
6. This contract shall be deemed to have been substantially performed only when fully performed according to its terms and conditions and any modification thereof.
7. LPA agrees that it is currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.

SECTION XI: SIGNATURES

Any person executing this contract in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this contract on such principal behalf.

IN WITNESS THEREOF, the parties hereto have caused this contract to be duly executed in duplicate.

SEAL
(If Applicable)

**OHIO DEPARTMENT OF
TRANSPORTATION**

**LOCAL PUBLIC AGENCY
City of Sandusky**

Director of Transportation

City Manager

Date

Date

Approved:
Mike DeWine
Attorney General of Ohio

By: _____
Stephen H. Johnson
Chief, Transportation Section

Date: _____



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

AARON KLEIN, P.E.
DIRECTOR

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

aklein@ci.sandusky.oh.us

To: Eric Wobser, City Manager
From: Jane E. Cullen, P.E.
Date: October 1, 2014
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Change Order No. 2 for the contract awarded to Erie Blacktop, Inc. of Sandusky, Ohio for the First Street Resurfacing and Watermain Replacement Project. This communication is requesting the second change order for the First Street Resurfacing Project in the amount of an addition of \$6,877.35 per section 104.02 of ODOT's 2013 Construction and Material Specifications. This section allows for the decrease or increase of unit prices depending upon the percentage of an increase or decrease of final quantities over plan quantities. Please see the attachment for a summary of all the additions and deductions for Change Order No. 2 to the project quantities and costs of the items installed and measured in the field.

BUDGETARY INFORMATION: The original contract amount was \$955,943.93. The revised contract amount with Change Order No. 1 was \$888,179.63. The revised contract amount with Change Order No. 2 is \$895,056.98. The breakdown of the revised contract costs is as follows: \$335,012.46 from the Federal Highway Administration (FHWA) funds through the Ohio Department of Transportation (ODOT) and the Erie County Metropolitan Planning Organization (MPO), \$154,584.60 from Ohio Public Work Funds (OPWC), \$321,706.80 from the Water Fund and \$83,753.12 from the Street Fund.

ACTION REQUESTED: It is requested that the Ordinance approving Change Order No. 2 to the contract awarded to Erie Blacktop, Inc., Sandusky Ohio, for the First Street Resurfacing and Watermain Replacement Project be approved and that it be passed in full accordance with Section 14 of the City Charter so the contractor can be paid for work already completed and allow the final invoice to be submitted to ODOT so that their final audit can be scheduled in the next month.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron M. Klein
Director of Engineering

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

104.02 Item Price Adjustment

Description	1	2	3	4	5	5A	6	7	8	9	10	Adjustment 5Ax9
	Ref No.	Plan Quant.	Unit Price	Amount Used	Decrease 2 minus 4	Increase (2x1.25)-4	% Decrease 5/2x100	Factor See Table	New Unit Price 3x7	Difference 8 minus 3	Adjustment 4x9	
1-4" TOPSOIL FURNISHED AND PLACED	1	4.76	\$21.00	16.00	-11.24	-10.05	-236.13	0.82	\$17.22	-\$3.78		\$37.99
2-SEEDING AND MULCHING CLASS 1 LAWN	2	42.89	\$1.60	129.00	-86.11	-75.39	-200.77	0.83	\$1.33	-\$0.27		\$20.51
4-EROSION CONTROL	4	4000	\$1.00	4,595.63	-595.63	404.37	-14.89					
5-MAINTAINING TRAFFIC	5	1	\$65,000.00	1.00	0.00	0.25	0.00					
6-WORK ZONE CENTER LINE CLASS III I	6	1.24	\$895.00	2.48	-1.24	-0.93	-100.00	0.88	\$787.60	-\$107.40		\$99.88
7-WORK ZONE CHANNELIZING LINE CLASS	7	552	\$0.80	678.00	-126.00	12.00	-22.83					
8-WORK ZONE STOP LINE CLASS III ITE	8	54	\$3.15	46.90	7.10	20.60	13.15					
9-LOOP DETECTOR	9	3	\$1,000.00	5.00	-2.00	-1.25	-66.67	0.9	\$900.00	-\$100.00		\$125.00
10-CENTERLINE 4" DOUBLE SOLID YELLO	10	1.24	\$5,900.00	1.24	0.00	0.31	0.00					
11-WHITE AUXILIARY 8" CHANNEL LINE	11	552	\$1.20	557.60	-5.60	132.40	-1.01					
12-WHITE AUXILIARY 24" STOP BAR	12	54	\$5.80	56.60	-2.60	10.90	-4.81					
13-CROSSWALK LINES 12" SOLID LINE	13	150	\$2.90	209.30	-59.30	-21.80	-39.53	0.93	\$2.70	-\$0.20		\$4.43
14-72" TURN ARROW LEFT OR RIGHT	14	9	\$115.00	9.00	0.00	2.25	0.00					
15-72" COMBINATION TURN ARROW STRAI	15	2	\$132.00	2.00	0.00	0.50	0.00					
16-72" COMBINATION TURN ARROW STRAI	16	3	\$155.00	3.00	0.00	0.75	0.00					
17-SEWER LATERAL REPAIR 10" AND UP	17	195	\$37.00	17.50	177.50	226.25	91.03	3.53	\$130.61	\$93.61	\$1,638.18	
18-CONSTRUCITON LAYOUT STAKES	18	1	\$12,500.00	1.00	0.00	0.25	0.00					
19-MOBILIZATION	19	1	\$20,000.00	1.00	0.00	0.25	0.00					
20-CLEARING AND GRUBBING	20	1	\$5,000.00	1.00	0.00	0.25	0.00					
21-MANHOLE ADJUSTED TO GRADE WATER	21	2	\$425.00	0.00	2.00	2.50	100.00					
22-MANHOLE ADJUSTED TO GRADE AND NE	22	4	\$980.00	5.00	-1.00	0.00	-25.00	0.95	\$931.00	-\$49.00		\$0.00
23-4" SIDEWALK	23	338	\$4.20	399.80	-61.80	22.70	-18.28					
24-TYPE 2 CURB AND GUTTER	24	70	\$23.25	225.25	-155.25	-137.75	-221.79	0.83	\$19.30	-\$3.95		\$544.46
25-3 PIECE WATER VALVE ADJUST TO GR	25	12	\$52.50	16.00	-4.00	-1.00	-33.33	0.94	\$49.35	-\$3.15		\$3.15
26-PAVEMENT PLANING 2.5"	26	21059.71	\$1.70	18,295.59	2,764.12	8029.05	13.13					
27-PARTIAL DEPTH REPAIR ESTIMATED Q	27	400	\$32.50	343.70	56.30	156.30	14.08					
28-TACK COAT 0.075 GAL/SY PER 702.1	28	1579.49	\$2.70	1,481.50	97.99	492.86	6.20					
29-TACK COAT 0.04 GAL/SY FOR INTERM	29	842.39	\$2.15	783.30	59.09	269.69	7.01					
30-ASPHALT 1.25" PG64-22 TYPE 1 INT	30	1462.49	\$70.50	1,506.20	-43.71	321.91	-2.99					
31-ASPHALT 1.25" PG64-22 TYPE 1 SUR	31	1462.49	\$72.50	1,452.79	9.70	375.32	0.66					
32-MANHOLE ADJUSTED TO GRADE AND NE	32	21	\$980.00	19.00	2.00	7.25	9.52					
33-12" X 6" TEE CONNECT PROPOSED HY	33	7	\$695.00	8.00	-1.00	0.75	-14.29					
34-HYDRANT ASSEMBLY WITH 6" WV	34	7	\$3,500.00	8.00	-1.00	0.75	-14.29					
35-12" C900 WATERMAIN	35	3672	\$73.50	3,768.67	-96.67	821.33	-2.63					
36-6" CAP	36	6	\$185.00	8.00	-2.00	-0.50	-33.33	0.94	\$173.90	-\$11.10		\$5.55
37-12" CAP	37	9	\$320.00	10.00	-1.00	1.25	-11.11					
38-6" WATERMAIN FOR HYDRANTS	38	147	\$49.00	136.00	11.00	47.75	7.48					
39-6" X 6" X 6" TAPPING SLEEVE AND	39	1	\$2,385.00	1.00	0.00	0.25	0.00					
40-8" X 8" X 8" TAPPING SLEEVE AND	40	1	\$2,920.00	1.00	0.00	0.25	0.00					
41-12" X 8" REDUCER	41	1	\$425.00	2.00	-1.00	-0.75	-100.00	0.88	\$374.00	-\$51.00		\$38.25
42-12" X 12" CROSS	42	1	\$1,210.00	0.00	1.00	1.25	100.00					
43-12" X 12" X 6" TEE	43	1	\$750.00	1.00	0.00	0.25	0.00					
44-12" WATER VALVE	44	9	\$2,230.00	10.00	-1.00	1.25	-11.11					
45-45 DEGREE BEND 8" WITH ANCHORING	45	2	\$315.00	7.00	-5.00	-4.50	-250.00	0.82	\$258.30	-\$56.70		\$255.15
46-45 DEGREE BEND 12" WITH ANCHORIN	46	24	\$780.00	17.00	7.00	13.00	29.17	1.1	\$858.00	\$78.00	\$1,326.00	

47-11 1/4" BEND 12" WITH ANCHORING	47	2	\$565.00	2.00	0.00	0.50	0.00					
48-HYDRANT AND WV REMOVAL	48	7	\$475.00	7.00	0.00	1.75	0.00					
49-WATER MANHOLE WITH WATER VALVE A	49	11	\$315.00	10.00	1.00	3.75	9.09					
50-3 PIECE VALVE BOX AND WATER VALV	50	5	\$52.50	4.00	1.00	2.25	20.00					
51-3/4" WATERLINE PRICE TO INCLUDE	51	1082	\$34.50	579.90	502.10	772.60	46.40	1.21	\$41.75	\$7.25	\$4,201.38	
52-NEW WATER METER PIT AND LID FOR	52	11	\$345.00	13.00	-2.00	0.75	-18.18					
53-1 1/4" WATERLINE PRICE TO INCLUD	53	12	\$60.00	8.00	4.00	7.00	33.33	1.12	\$67.20	\$7.20	\$57.60	
54-2" WATERLINE PRICE TO INCLUDE AL	54	10	\$110.00	0.00	10.00	12.50	100.00					
55-12" X 3" TEE	55	1	\$805.00	0.00	1.00	1.25	100.00					
56-3" WV	56	1	\$775.00	0.00	1.00	1.25	100.00					
57-3" WATERLINE	57	10	\$90.00	0.00	10.00	12.50	100.00					
58-12" X 4" TEE	58	1	\$875.00	2.00	-1.00	-0.75	-100.00	0.88	\$770.00	-\$105.00		\$78.75
59-4" WV	59	1	\$894.50	2.00	-1.00	-0.75	-100.00	0.88	\$787.16	-\$107.34		\$80.51
60-4" WATERLINE	60	6	\$94.50	20.00	-14.00	-12.50	-233.33	0.83	\$78.44	-\$16.07		\$200.81
61-12" X 6" TEE	61	7	\$750.00	7.00	0.00	1.75	0.00					
62-6" WV	62	6	\$995.00	7.00	-1.00	0.50	-16.67					
63-6" WATERLINE	63	68	\$42.85	46.00	22.00	39.00	32.35	1.12	\$47.99	\$5.14	\$236.53	
64-12" X 8" TEE	64	6	\$860.00	5.00	1.00	2.50	16.67					
65-8" WV	65	5	\$1,400.00	5.00	0.00	1.25	0.00					
66-8" WATERLINE	66	73	\$72.00	38.00	35.00	53.25	47.95	1.22	\$87.84	\$15.84	\$601.92	
67-12" X 12" TEE	67	2	\$950.00	3.00	-1.00	-0.50	-50.00	0.92	\$874.00	-\$76.00		\$38.00
68-12" WV	68	2	\$2,360.00	3.00	-1.00	-0.50	-50.00	0.92	\$2,171.20	-\$188.80		\$94.40
69-12" X 12" CROSS	69	1	\$1,210.00	0.00	1.00	1.25	100.00					
70-12" X 8" REDUCER	70	1	\$425.00	0.00	1.00	1.25	100.00					
71-12" WATERLINE BID PRICE TO INCLU	71	40	\$88.00	12.50	27.50	37.50	68.75	1.53	\$134.64	\$46.64	\$583.00	
72-ROCK EXCAVATION WATERLINE	72	380	\$105.00	0.00	380.00	475.00	100.00					
73-CONTINGENCY WATERLINE PROJECT	73	1	\$35,000.00	0.00	1.00	1.25	100.00					
74-2" WATERLINE PRICE TO INCLUDE AL	74	32	\$65.00	32.00	0.00	8.00	0.00					

\$8,644.60 \$1,626.83
-\$1,626.83
 \$7,017.77

Change Order No. 2

CONTRACT: #2802
ORDINANCE NO. 13-085

Contractor:

Erie Blacktop, Inc
4507 Tiffin Ave. Box 2308

STREET OR LOCATON (Sandusky, Ohio 44870

Order is hereby issued and accepted for the following additions to or deductions from the quantities as specified in the original contract.

CO2		
Item 1	DESCRIPTION	COST
Item 2	Item no. 28 Tack Coat 0.075 Gal/SY per 702.13 Revised final quantity 1481.50 Gal - credit for 17.90 Gal @ \$2.70=	-\$48.33
Item 3	Item no. 29 Tack Coat 0.04 Gal/SY for Intermediate course Revised final quantity 783.30 Gal - credit for 9.51 Gal @ \$2.15=	-\$20.45
Item 4	CO1-Item 8 Work Zone Arrow Price Adjustment credit of \$5.97 each for 12 arrows=	-\$71.64
Item 5	ODOT CMS 104.02 Price Adjustments-see attached summary sheet for descriptions	\$7,017.77
TOTAL		\$6,877.35

Original contract amount \$955,943.93

Revised contract amount Change Order no. 1 = \$888,179.63

Revised contract amount Change Order no. 2 = \$895,056.98

Final quantities are dependent upon an audit to completed by the City and reviewed by ODOT

Explanation: Change order reflects the actual work performed in the field.

Accepted, _____, 2014

Issued, _____, 2014

Contractor

City Engineer

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE SECOND CHANGE ORDER FOR WORK PERFORMED FOR THE FIRST STREET RESURFACING AND WATERMAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$6,877.35 TO BE PAID TO ERIE BLACKTOP, INC., OF SANDUSKY, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved and authorized the submission of an application to the Erie Regional Planning Commission, Metropolitan Planning Organization and an LPA Federal Project Agreement between the City and the Ohio Department of Transportation for the proposed First Street Resurfacing and Watermain Replacement Project by Resolution No. 024-08R, passed on September 8, 2008; and

WHEREAS, the 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 First Street Resurfacing and Watermain Replacement Project by Resolution No. 036-11R, passed on September 12, 2011; and

WHEREAS, the City Commission declared the necessity for the City to proceed with the proposed First Street Resurfacing and Watermain Replacement Project by Resolution No. 025-13R passed on July 22, 2013; and

WHEREAS, the City Commission approved the awarding of the contract to Erie Blacktop, Inc., of Sandusky, Ohio, for work being performed for the First Street Resurfacing and Watermain Replacement Project by Ordinance No. 13-085, passed on September 9, 2013; and

WHEREAS, the First Street Resurfacing and Watermain Replacement Project involves the milling and paving of First Street from Meigs Street to Cedar Point Drive, manhole casting and valve box adjustments, minor curb and sidewalk repair, pavement markings and also the replacement of an existing waterline on the north side First Street from the intersection of First Street and Cedar Point Drive to approximately 3672 feet to the west; and

WHEREAS, this City Commission approved the First Change Order for work performed by Erie Blacktop, Inc., of Sandusky, Ohio, for the First Street Resurfacing and Watermain Replacement Project reflecting the actual quantities installed and measured in the field by Ordinance No. 14-102, passed on September 8, 2014; and

WHEREAS, Section 104.02 of the State of Ohio, Department of Transportation's Construction and Material Specifications provides for the decrease or increase of unit prices depending upon the percentage of an increase or decrease of final quantities over plan quantities; and

WHEREAS, this Second Change Order reflects the total costs of the adjustments made based upon final project quantities and costs of items installed and measured in the field and in accordance with Section 104.02 of the State of Ohio, Department of Transportation's Construction and Material Specifications; and

WHEREAS, the revised contract with Erie Blacktop, Inc. is \$888,179.63 and with the addition of this Second Change Order in the amount of \$6,877.35, the revised contract cost is \$895,056.98 of which \$335,012.46 will be paid with Federal Highway Administration funds through the Ohio Department of Transportation (ODOT) and the Erie County Metropolitan Planning Organization (MPO), \$154,584.60 with funds received from the Ohio Public Works Commission (OPWC), \$321,706.80 with Water Funds and the remaining balance of \$83,753.12 will be paid with Street 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 for this contractor to be paid for work completed on the project and allow the final invoice to be submitted to ODOT so the final audit can be scheduled in the next month; 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 approve this Second Change Order for work performed for the First Street Resurfacing and Watermain Replacement Project in an amount **not to exceed** Six Thousand Eight Hundred Seventy Seven and 35/100 Dollars (\$6,877.35) to be paid to Erie Blacktop, Inc., of Sandusky, Ohio, resulting in a revised contract cost of Eight Hundred Ninety Five Thousand Fifty Six and 98/100 Dollars (\$895,056.98).

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.

PAGE 3 - ORDINANCE NO. _____

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 14, 2014



SANDUSKY POLICE DEPARTMENT

JOHN ORZECH, POLICE CHIEF

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

Website: www.ci.sandusky.oh.us
Facebook: www.facebook.com/sanduskypolice

To: Eric Wobser, City Manager
FROM: Assistant Chief, Phillip J. Frost
DATE: 10/1/14
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

An ordinance authorizing the City Manager to enter into an agreement with Vance Outdoors, Inc., of Columbus, Ohio for the purchase of eleven (11) new X26P Tasers and accessories through the State of Ohio Cooperative Purchasing Program #RS900313 for the Sandusky Police Department and authorizing the disposal of two (2) Tasers that are no longer needed, unnecessary and unfit for City use pursuant to Section 25 of the City Charter.

BACKGROUND INFORMATION:

By Ordinance No. 14-061, passed on May 12, 2014, this City Commission authorized the City Manager to proceed with executing an agreement and applying for an Edward Byrne Memorial Justice Assistance Grant Program grant. This grant will be used for the purchase of new X 26 P Tasers and their accessories. Two (2) of the SPD's existing Tasers are inoperable and it is recommended they be declared obsolete, unnecessary and unfit for City. These Tasers will be turned into Vance Outdoors, Inc. for credit toward the purchase of the new Tasers.

The Ohio Cooperative Purchasing Program was created in 1985 and is administered by the State Department of Administrative Services. It 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 negotiated price and eliminating the necessity of formal bidding.

BUDGETARY INFORMATION:

The total cost for this purchase of eleven (11) Tasers and accessories is \$13,164.69 and \$130.00 will be credited for the exchange of (2) Tasers, for a total expense of \$13,034.69. The grant award amount is \$12,398.00. The remaining \$636.69 will be paid with funds from the Police Department's operating budget.

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

ACTION REQUESTED:

It is requested that the proper legislation be prepared authorizing the City Manager to enter into an agreement with Vance Outdoors, Inc. of Columbus, Ohio, for the purchase of eleven new X 26 P Tasers and accessories through the State of Ohio Cooperative Purchasing Program #RS900313 for the Sandusky Police Department. It is further requested that this legislation be passed and take immediate effect in accordance with Section 14 of the City Charter in order to authorize the purchase of the tasers and allow the allocated grant funds to be accessed and expended at the earliest opportunity. In addition, the tasers provide additional safety to the officers and enhance the Police Department

Phillip J. Frost
Assistant Chief, Sandusky Police Department

Approved:

I concur with this recommendation:

John Orzech, Police Chief

Eric Wobser, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF TWO (2) TASERS FROM THE POLICE DEPARTMENT AS HAVING BECOME UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER; AND AUTHORIZING THE CITY MANAGER TO PURCHASE ELEVEN (11) X26P TASERS AND ACCESSORIES THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FROM VANCE OUTDOORS, INC. OF COLUMBUS, OHIO, FOR THE SANDUSKY POLICE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Section 25 of the City Charter authorizes the City Manager to conduct all sales of personal property that has become obsolete, unnecessary and unfit for City use; and

WHEREAS, this City Commission previously approved a Memorandum of Understanding with the Board of Erie County Commissioners for the reallocation of Justice Assistance Grant (JAG) funds and the submission of a grant application by the City of Sandusky on behalf of Erie County and the City of Sandusky to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) for funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program for the FY 2014 Local Solicitation by Ordinance No. 14-061, passed on May 12, 2014, and was subsequently awarded grant funds in the amount of \$12,398.00; and

WHEREAS, the Police Department currently has two (2) Tasers that are inoperable and it is recommended that these two (2) Tasers be declared obsolete, unnecessary and unfit for City use and be turned into Vance Outdoor, Inc. for credit towards the purchase of eleven (11) new X26P Tasers; and

WHEREAS, the eleven (11) new X26P Tasers from Vance Outdoors, Inc. of Columbus, Ohio, are available through the State of Ohio Department of Administrative Services 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 eleven (11) X26P Tasers and accessories is \$13,034.69, which includes a trade-in credit of \$130.00 for the two (2) obsolete Tasers, and will be paid with grant funds in the amount of \$12,398.00 and the remaining balance of \$636.69 will be paid with funds from the Police Department's operating budget; 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 purchase the Tasers and allow the allocated grant funds to be accessed and expended at the earliest opportunity and to provide additional safety to the officers and enhance the Police Department; 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 finds and determines that the two (2) Tasers described in the preamble above are unnecessary and unfit for City use pursuant to Section 25 of the City

Charter and the City Manager is authorized and directed to dispose of the personal property through a purchase and trade process.

Section 2. The City Manager is authorized and directed to purchase eleven (11) X26P Tasers and accessories for the Sandusky Police Department through the State of Ohio Cooperative Purchasing Program from Vance Outdoors, Inc. of Columbus, Ohio, at an amount **not to exceed** Thirteen Thousand Thirty Four and 69/100 Dollars (\$13,034.69).

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 14, 2014



SANDUSKY POLICE DEPARTMENT

JOHN ORZECH, POLICE CHIEF

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SANDUSKY, OH 44870
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To: Eric Wobser, City Manager
FROM: Assistant Chief, Phillip J. Frost
DATE: 10/1/2014
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

An ordinance authorizing the City Manager to enter into an agreement with Physio-Control Inc. of Redmond, WA through the State of Ohio Cooperative Purchasing Program #800252 for the purchase of nine (9) new Life Pak CR Plus AED, nine (9) Infant electrode packs and three (3) Life Pak trainer AED's for the Sandusky Police Department.

BACKGROUND INFORMATION:

On August 25, 2014 the commission voted to accept \$16,736 from an anonymous donor through the Pay It Forward Donor Advisory Fund-Erie County Community Foundation.

The Ohio Cooperative Purchasing Program was created in 1985 and is administered by the State Department of Administrative Services. It 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 negotiated price and eliminating the necessity of formal bidding.

BUDGETARY INFORMATION:

The total cost for this purchase of nine (9) Life Pak CR Plus AED's, nine (9) Infant electrode packs and three (3) AED training model AED's for a total of \$15,486.00. The grant award amount is \$16,736.00. The remaining \$1250.00 will be returned to the Community Foundation's donor.

ACTION REQUESTED:

It is requested that the proper legislation be prepared authorizing the City Manager to enter into an agreement with Physio-Control Inc. of Redmond, WA, for the purchase of nine (9) new Life Pak CR Plus AED's, nine (9) Infant electrode pads and three (3) Life Pak trainer AED's for the Sandusky Police Department. It is further requested that this legislation be passed and take immediate effect in accordance with Section 14 of the City Charter in order to allow the purchase and implementation of this project to proceed as soon as possible to place these life saving devices into service.

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

Phillip J. Frost
Assistant Chief, Sandusky Police Department

Approved:

John Orzech, Police Chief

I concur with this recommendation:

Eric Wobser, City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO PURCHASE NINE (9) LIFEPAK CR PLUS AUTOMATED EXTERNAL DEFIBRILLATORS, NINE (9) INFANT ELECTRODE PADS AND THREE (3) LIFEPAK TRAINER AUTOMATED EXTERNAL DEFIBRILLATORS THROUGH THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM FROM PHYSIO-CONTROL INC. OF REDMOND, WASHINGTON, FOR THE SANDUSKY POLICE DEPARTMENT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, funds in the amount of \$16,736.00 were anonymously donated to the Sandusky Police Department for the purchase of Lifepak Automated External Defibrillator (AED) units from the Pay It Forward Donor Advisory Fund through the Erie County Community Foundation and the funds were formally accepted by this City Commission at their regularly scheduled meeting on August 25, 2014; and

WHEREAS, the nine (9) Lifepak CR Plus AEDs, nine (9) Infant Electrode Pads and three (3) Lifepak Trainer AEDs are available from Physio-Control Inc. of Redmond, Washington, 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 Lifepak AED units and infant electrode pads is \$15,486.00 and will be paid with funds received from the Pay It Forward Donor Advisory Fund through the Erie County Community Foundation; 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 purchase the AED units and place these life saving devices into service at the earliest opportunity; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Police Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 nine (9) Lifepak CR Plus AEDs, nine (9) Infant Electrode Pads and three (3) Lifepak Trainer AEDs through the State of Ohio Cooperative Purchasing Program from Physio-Control Inc. of Redmond, Washington, at an amount **not to exceed** Fifteen Thousand Four Hundred Eighty Six and 00/100 Dollars (\$15,486.00).

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: October 14, 2014