

**AGENDA**  
City Commission Meeting  
City Hall, 222 Meigs Street  
5:00 p.m.

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**MONDAY, JANUARY 26, 2009**

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Invocation	<b><u>CHARTER OFFICERS</u></b>
Pledge of Allegiance	Matthew Kline, City Manager
Meeting Called to Order	Don Icsman, Law Director
Roll Call – DK, JF, CS, BF, PB, BW, DW	Edward Widman, Finance Director
Minutes – January 12 <sup>th</sup>	B. Joyce Brown, Clerk of the City Commission

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

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**PROCLAMATION – Catholic Schools Week – January 25<sup>th</sup> – January 31<sup>st</sup>**

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**PRESENTATION – Lisa Beursken – Recycling - Powerpoint Presentation**

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**ITEM #1 - Communication – Lieutenant Phillip J. Frost**

**BUDGETARY INFORMATION:** Sandusky Police Department is applying for level II funding, which is up to \$100,000.00. The grant requires a 10 percent match in either cash or in-kind services. Sandusky Police is applying for \$93,791.52 and the ten percent in-kind match of \$9,379.15 represents administrative and clerical costs that will be dedicated to the G.R.E.A.T. Program and are budgeted into the Police Department's 2009 draft budget.

**RESOLUTION NO. \_\_\_\_\_** Approving and ratifying the grant application submitted to the U.S. Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Assistance for FY 2009 Gang Resistance Education and Training (G.R.E.A.T.) Grant Funds and, if awarded, authorizing the City Manager to execute any required agreement. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM #2 - Communication – Edward Widman, Finance Director**

**BUDGETARY INFORMATION:** The city has participated in this insurance program since 1987. The annual cost has become part of the annual operating budget. Based on the formula to calculate pool membership, Sandusky's cost for 2008-09 will be \$390,537.83. Total costs for 2007-08 was \$509,237 (\$429,237 plus \$80,000 reimbursement). For additional comparisons, 2004-05 was \$461,136, 2005-06 was \$567,627 (fourteen months or \$486,537 annualized) and 2006-07 was \$498,360. The insurance year is December through November. This expense is shared with the utility funds based on exposures. For 2008-09, \$169,487 of the \$390,537.83 is for loss funding. A portion of the loss funds could be returned as a dividend or applied as a premium discount if favorable loss trends continue.

**ORDINANCE NO. \_\_\_\_\_** Make payment for the 2008-2009 Renewal Costs for Property, Casualty and Liability Insurance Pool Membership with Buckeye Ohio Risk Management Association (BORMA) and Public Entity Risk Consortium (PERC). **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM #3 - Communication – Kathryn K. McKillips, Director of Engineering Services**

**BUDGETARY INFORMATION:** The cost of this contract has been included in the Engineering Services, Building Division 2009 Draft Budget. A portion of the cost of the contract, plan review expense will be paid by the collection of plan review fees by the Department of Engineering Services.

**ORDINANCE NO. \_\_\_\_\_** Enter into a Consulting Contract with Don C. Waggoner for Calendar Year 2009, a copy of which attached hereto. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

**ORDINANCE NO. \_\_\_\_\_** Enter into a Consulting Contract with Scott J. Mularoni for Calendar Year 2009, a copy of which attached hereto. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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**ITEM #4**

**ORDINANCE NO. \_\_\_\_\_** Amending Part Eleven (Planning and Zoning Code), Title Five (Additional Zoning Requirements), Chapter 1153 (Wind Energy Conversion Systems) of the Codified Ordinances, in the manner and way specifically set forth hereinbelow. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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City Manager's Report  
Old Business  
New Business  
Audience Participation – open discussion on any item (5-minute limit)  
Press Question/Answers  
Executive Session  
Adjournment

TO: Matt Kline, City Manager  
FROM: Lt. Phillip J. Frost  
DATE: 01-14-2009  
RE: Commission Agenda Item

**ITEM FOR CONSIDERATION:**

Legislation for the approval and ratification of the submission of a grant application to the U.S. Department of Justice for FY 2009 Gang Resistance Education and Training (G.R.E.A.T.) grant funds.

**BACKGROUND INFORMATION:**

Over the past few years the Sandusky Police Department (SPD) has been receiving information of a rise in gang related activities and crimes. Years ago there was information on only one named gang in Sandusky, compared to five today. SPD acknowledges a need for increased awareness of this problem, the need to educate our youth and the need for better statistical data collection and analysis. The G.R.E.A.T. program addresses these needs. The G.R.E.A.T. Program is a curriculum very similar to the D.A.R.E. program, taught in the elementary and junior high schools. The Sandusky Police Department and Sandusky City Schools both agree that there is a need for G.R.E.A.T. training in the Sandusky's Schools. There is also a summer component that will be taught in conjunction with our current SPD Youth Academy. If awarded the grant SPD will hire a new police officer. Then an existing experienced officer will become a Gang detective and be trained in the G.R.E.A.T. program curriculum. This detective will not only teach G.R.E.A.T. in the schools and in the SPD Youth Academy, but will be responsible for collecting all gang related data. The detective will be assigned to the narcotics unit because of the coloration between illegal drugs and gang activity. The grant will also provide for a consulting firm to collect, analyze, and report on the data collected. This will allow SPD to re-direct its resources or approach to gangs if the report shows a need to do so.

**BUDGETARY INFORMATION:**

Sandusky Police Department is applying for level II funding, which is up to \$100,000.00 dollars. The grant requires a 10 percent match in either cash or in-kind services.

Sandusky Police is applying for \$93,791.52 and the ten percent in-kind match of \$9,379.15 represents administrative and clerical costs that will be dedicated to the G.R.E.A.T. Program and are budgeted into the Police Department's 2009 draft budget.

**ACTION REQUESTED:**

It is requested that the proper legislation be prepared to allow for the approval and ratification of the submission of the grant application to the U.S. Department of Justice for the FY 2009 G.R.E.A.T. Program Grant and if awarded, to execute any required agreement and expend funds consistent to the agreement. It is further requested that this

be passed in accordance with Section 14 of the City Charter in order to ratify the submission of the application to the U.S. Department of Justice which was due on January 22, 2009, and to accept any awarded funds and implement the Sandusky Police G.R.E.A.T. Program at the earliest opportunity.

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Phillip J. Frost  
Lieutenant, Sandusky Police Department

City Commission:

Approved:

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Charlie Sams, Acting Police Chief

I concur with this recommendation:

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Matthew D. Kline, City Manager

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

**A RESOLUTION APPROVING AND RATIFYING THE GRANT APPLICATION SUBMITTED TO THE U.S. DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FOR FY 2009 GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T.) GRANT FUNDS AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Gang Resistance Education and Training (G.R.E.A.T.) Program (42 U.S.C. § 13921) is a school-based, law enforcement officer-instructed, classroom curriculum administered by the Office of Justice Programs' Bureau of Justice Assistance (BJA) in cooperation with the Department of Justice's (DOJ) Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) where the program's primary objective is prevention and is intended as an immunization against delinquency, youth violence, and gang membership and the G.R.E.A.T. lessons focus on providing life skills to students to help them avoid engaging in delinquent behavior and violence to resolve problems; and

**WHEREAS**, the Sandusky Police Department and Sandusky City Schools acknowledge the need for increased awareness in gang related activities and crimes and this G.R.E.A.T. Program, similar to the D.A.R.E. Program, will provide for the education and training of our youth in the Sandusky City Schools; and

**WHEREAS**, if awarded, this grant will allow for an additional police officer to teach the G.R.E.A.T. Program in the Sandusky City Schools and in the SPD Youth Academy and be responsible for collecting all gang related data which will then be forwarded to a consulting firm to collect, analyze and produce reports which will be used to assist the Sandusky Police Department in directing its resources and approach to gangs; and

**WHEREAS**, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to ratify the submission of the application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for FY 2009 Gage Resistance Education and Training (G.R.E.A.T.) grant funds which was due on January 22, 2009, and to accept any awarded funds and implement the Sandusky Police G.R.E.A.T. Program 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 of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter; and NOW, THEREFORE

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

Section 1. This City Commission hereby approves and ratifies the submission of the grant application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, a copy of which is on file in the Sandusky Police Department, for FY 2009 Gang Resistance Education and Training (G.R.E.A.T.) grant

funding and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds should they be awarded.

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

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

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

\_\_\_\_\_  
CRAIG H. STAHL  
PRESIDENT OF THE CITY COMMISSION

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

Passed:

# MEMO

TO: City Commission  
FROM: Ed Widman, Finance Director  
DATE: January 12, 2009  
RE: Commission Agenda Item

## ITEM FOR CONSIDERATION:

An ordinance approving the costs for 2008-09 renewal for property, casualty and liability insurance pool membership with Buckeye Ohio Risk Management Association (BORMA) and Public Entity Risk Consortium (PERC). A representative of the insurance pool will be in attendance on January 26, 2009 if there are any questions on this insurance program.

## BUDGETARY INFORMATION:

The city has participated in this insurance program since 1987. The annual cost has become part of the annual operating budget. Based on the formula to calculate pool membership, Sandusky's cost for 2008-09 will be \$390,537.83. Total costs for 2007-08 was \$509,237 (\$429,237 plus \$80,000 reimbursement). For additional comparisons, 2004-05 was \$461,136, 2005-06 was \$567,627 (fourteen months or \$486,537 annualized) and 2006-07 was \$498,360. The insurance year is December through November. This expense is shared with the utility funds based on exposures.

For 2008-09, \$169,487 of the \$390,537.83 is for loss funding. A portion of the loss funds could be returned as a dividend or applied as a premium discount if favorable loss trends continue.

## ACTION REQUESTED:

The City Commission is requested to approve legislation to authorize additional funds for the BORMA/PERC insurance package for 2008-09. The legislation required is an ordinance to pay BORMA \$390,537.83. It is requested the City Commission enact the required legislation under suspension of the rules in accordance with Section 14 of the City Charter to avoid any lapse in coverage.

If there are any questions, please contact the Finance Director.

Attachment

CC010609PERC.wpf

cc: Matt Kline  
Donald Icsman

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER AND/OR FINANCE DIRECTOR TO MAKE PAYMENT FOR THE 2008-2009 RENEWAL COSTS FOR PROPERTY, CASUALTY AND LIABILITY INSURANCE POOL MEMBERSHIP WITH BUCKEYE OHIO RISK MANAGEMENT ASSOCIATION (BORMA) AND PUBLIC ENTITY RISK CONSORTIUM (PERC); AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky has participated in the Municipal Insurance Pool (BORMA) since 1987 and the cost for this membership has become part of the City's annual operating budget with recent prior annual cost being \$461,136.00 for 2004-2005, \$567,627.00 for 2005-2006 (which was for 14 months or \$486,537.00 annualized), \$498,360 for 2006-2007, and \$509,237.00 for 2007-2008 (\$429,237.00 plus \$80,000.00 reimbursement); and

**WHEREAS**, based upon the formula used to calculate pool membership costs the City of Sandusky's cost for the 2008-2009 renewal will be \$390,537.83; 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 avoid any lapses in coverage and to make timely payment as required; and

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

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

Section 1. This City Commission approves the City of Sandusky's Municipal membership for property, casualty and liability insurance with Buckeye Ohio Risk Management Association (BORMA) and Public Entity Risk Consortium (PERC) and the City Manager and/or Finance Director are authorized and directed to make payment in the sum of Three Hundred Ninety Thousand Five Hundred Thirty Seven and 83/100 Dollars (\$390,537.83) for coverage for the year December 1, 2008 to November 30, 2009.

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

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were

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

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

\_\_\_\_\_  
CRAIG H. STAHL  
PRESIDENT OF THE CITY COMMISSION

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

Passed:

To: Matthew D. Kline, City Manager  
From: Kathryn K. McKillips, Director of Engineering Services  
Date: January 13, 2009  
Subject: Commission Agenda Item

**Items for Consideration:** Consultant contract with Mr. Don C. Waggoner to carry out the activities of Alternate Building Official and Plan Reviewer for the City of Sandusky. Mr. Waggoner has performed these activities for the City for a number of years and is currently certified to do so.

Consultant contract with Mr. Scott J. Mularoni to carry out the activities of Alternate Plan Reviewer for the City of Sandusky. Mr. Mularoni has performed these activities for a number of years and is currently certified to do so.

These contracts will 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:** The cost of this contract has been included in the Engineering Services, Building Division 2009 Draft Budget. A portion of the cost of the contract, plan review expense will be paid by the collection of plan review fees by the Department of Engineering Services.

**Action Requested:** Approval of the subject contracts by the passage of legislation under Section 14 of the City Charter, in order to execute the contracts as soon as possible as the prior contracts expired on December 31, 2008.

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

I concur with this recommendation:

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Matthew D. Kline  
City Manager

KKM/cal

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

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF SANDUSKY, OHIO, TO ENTER INTO A CONSULTING CONTRACT WITH SCOTT J. MULARONI FOR CY 2009, A COPY OF WHICH IS ATTACHED HERETO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City wants to use the services of Scott J. Mularoni to carry out the activities of Alternate Plan Reviewer for the City of Sandusky; and

**WHEREAS**, this contract will allow the City of Sandusky to meet the State of Ohio Board of Building Standards Certified Building Department requirements; and

**WHEREAS**, under state regulations, a certified building department, such as the City's, may contract out the activities of Plan Reviewer to state certified professionals; and

**WHEREAS**, Scott J. Mularoni has performed these activities for the City for a number of years and is currently certified to do so; and

**WHEREAS**, the funds to cover this contract will be included in the Engineering Services Department, Building Division 2009 Draft Budget, with a portion of the cost to be paid by the collection of plan review fees by the Engineering Services Department; and

**WHEREAS**, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to execute the contract as soon as possible as the prior contract expired on December 31, 2008; and

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

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

Section 1. The City Manager is hereby authorized and directed to enter into a Consulting Contract, a copy of which is attached to this Ordinance and marked Exhibit "A" and the original being on file with the Department of Engineering Services, with Scott J. Mularoni for services as an Alternate Plan Reviewer for CY 2009. 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.

\_\_\_\_\_  
CRAIG H. STAHL  
PRESIDENT OF THE CITY COMMISSION

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

Passed:

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF SANDUSKY, OHIO, TO ENTER INTO A CONSULTING CONTRACT WITH DON C. WAGGONER FOR CY 2009, A COPY OF WHICH IS ATTACHED HERETO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City wants to use the services of Don C. Waggoner to carry out the activities of Alternate Building Official and Plan Reviewer for the City of Sandusky; and

**WHEREAS**, this contract will allow the City of Sandusky to meet the State of Ohio Board of Building Standards Certified Building Department requirements; and

**WHEREAS**, under state regulations, a certified building department, such as the City's, may contract out the activities of Building Official and Plan Reviewer to state certified professionals; and

**WHEREAS**, Don C. Waggoner has performed these activities for the City for a number of years and is currently certified to do so; and

**WHEREAS**, the funds to cover this contract will be included in the Engineering Services Department, Building Division 2009 Draft Budget, with a portion of the cost to be paid by the collection of plan review fees by the Engineering Services Department; and

**WHEREAS**, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to execute the contract as soon as possible as the prior contract expired on December 31, 2008; and

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

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

Section 1. The City Manager is hereby authorized and directed to enter into a Consulting Contract, a copy of which is attached to this Ordinance and marked Exhibit "A" and the original being on file with the Department of Engineering Services, with Don C. Waggoner for services as an Alternate Building Official and Plan Reviewer for CY 2009. 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.

\_\_\_\_\_  
CRAIG H. STAHL  
PRESIDENT OF THE CITY COMMISSION

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

Passed:

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

**AN ORDINANCE AMENDING PART ELEVEN (PLANNING AND ZONING CODE), TITLE FIVE (ADDITIONAL ZONING REQUIREMENTS), CHAPTER 1153 (WIND ENERGY CONVERSION SYSTEMS) OF THE CODIFIED ORDINANCES, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the City of Sandusky desires to establish the reasonable regulation of the installation and operation of Wind Energy Conversion Systems which shall be governed as a conditional use; and

**WHEREAS**, this proposed Ordinance, Chapter 1153 of the Codified Ordinances, was presented to the City's Planning Commission at its December 17, 2008, regularly scheduled meeting thereby allowing the Planning Commission the opportunity to comment and report pursuant to the Ohio Revised Code §713.10; and

**WHEREAS**, this City Commission desires to act on this proposed new Chapter as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to enact these regulations at the earliest possible time to preserve and protect the public health, safety and welfare through the reasonable regulation of Wind Energy Conversion System; and

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

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

Section 1. Part Eleven (Planning & Zoning Code), Title Five (Additional Zoning Requirements), of the Codified Ordinances of the City be amended by the adoption of New Chapter 1153 (Wind Energy Conversion Systems) as follows:

**NEW CHAPTER 1153  
WIND ENERGY CONVERSION SYSTEMS**

- 1153.01 Purpose.**
- 1153.02 Definitions.**
- 1153.03 Applicability.**
- 1153.04 Conditional Use.**
- 1153.05 Permit Requirement.**
- 1153.06 Small Wind Energy Conversion System Requirements.**
- 1153.07 Commercial Wind Energy Conversion System Requirements.**
- 1153.08 Non-Use.**

**1153.01 PURPOSE.**

The purpose of this Chapter is to preserve and protect the public health and safety and to promote the orderly land use and development of the City of Sandusky by the implementation of standards and procedures by which the installation and operation of Wind Energy Conversion Systems (WECS) shall be governed as a conditional use.

**1153.02 DEFINITIONS.**

(a) A wind energy conversion system (WECS) includes any or all of the following components: (1) a turbine with propeller-style blades, or (2) a vertical rotor, or (3) other means of capturing the energy in moving air; (4) a tower or (5) a mounting structure; (6) an electrical power generator with (7) associated electrical power transmission circuitry; (8) a battery or (9) other means of storing energy; (10) other means of transmitting energy (hydraulic, mechanical, etc.); (11) mechanical control mechanisms; (12) electrical/electronic/computer control circuitry; (13) a foundation; (14) enclosures.

(b) Total Height means the distance measured from ground level to the highest point that any part of the WECS can reach.

(c) Small WECS means a WECS that will be used primarily to reduce on-site consumption of electrical power.

(d) Wind Turbine Rotor means that portion of a wind turbine that includes the blades or scoops, hub and shaft.

(e) Tower means an elevating structure intended to raise the rotor, turbine and accessory equipment above either the ground surface or the top of a building.

(f) Commercial WECS means a WECS consisting of more than one wind turbine and tower, or a WECS that will be used primarily for off-site consumption of electrical power.

(g) Wind Turbine means a WECS that converts wind energy into another form of energy by means of rotary motion driven by the passage of air through the WECS. The definition includes a WECS designed to mount directly on the roof of existing buildings including residences.

(h) Applicant means the person or entity filing an application for a conditional use permit under this Chapter.

**1153.03 APPLICABILITY.**

(a) This Chapter applies to all Wind Energy Conversion Systems (WECS), small and commercial, and Wind Turbines as defined in Section 1153.02 of this Chapter proposed to be constructed or located after the effective date of this Chapter.

(b) Any WECS constructed or located prior to the effective date of this Chapter shall not be required to meet the provisions of this Chapter provided that any physical modification to such pre-existing WECS that materially alters the size, type and number of any such WECS shall require compliance with this Chapter. If any pre-existing WECS is destroyed or damaged to the extent of more than 50 percent of its fair market value at the time of destruction or damage, it shall not be reconstructed except in conformity with this Chapter.

**1153.04 CONDITIONAL USE.**

A WECS shall be considered a conditional use in any zoning district.

**1153.05 PERMIT REQUIREMENT.**

(a) No WECS, small or commercial, shall be constructed or located within the City of Sandusky unless a conditional use permit has been issued to the applicant.

(b) The conditional use permit application shall be made in compliance with this Chapter and Chapter 1109 of the Codified Ordinances and be accompanied with a fee in the amount of one hundred dollars (\$100.00).

(c) Any physical modification to an existing and permitted WECS that materially alters the size, type and number of such WECS shall require a permit modification under this Chapter. Like-kind replacements shall not require a permit modification.

(d) An applicant who proposes to construct or locate a WECS, as defined in this Chapter, on the roof of an existing structure shall be required to apply for a conditional use permit and request a waiver by the Planning Commission from those requirements of this Chapter that the Planning Commission finds are not applicable.

**1153.06 SMALL WIND ENERGY CONVERSION SYSTEM REQUIREMENTS.**

(a) Permitted Locations. A small WECS is permitted in any zoning district.

(b) Setbacks.

(1) Property lines. The vertical part of a small WECS shall be set back from the nearest property line, public road right-of-way and communication and electrical line not less than 1.1 to 1.0 times its total height.

(c) Design Standards.

(1) Tower Design. The design of the small WECS tower, if any, shall be a single enclosed pole, which is freestanding, without guy wires. Open lattice towers shall not be employed.

(2) Minimum Blade Height. The minimum height of the lowest extent of a turbine blade shall be 30 feet above the ground or 30 feet above any structure or obstacle within 30 feet horizontally from any part of the arc of the turbine blades.

(3) Access. No tower shall have a climbing apparatus within 15 feet of the ground. All access doors or access ways to towers and electrical equipment shall be able to be locked.

(4) Noise. No small WECS shall generate sounds exceeding 60 dBA as measured 100 feet from the tower. Noise generated by any small WECS shall also comply with existing City noise ordinances.

(5) Visual Appearance. Small wind energy conversion or tower systems shall be finished in a corrosion-resistant, non-obtrusive finish and color that is non-reflective. No small WECS or tower shall be lighted unless required by the FAA. No flags, streamers, decorations, advertising signs of any kind or nature whatsoever shall be permitted on any small WECS.

(6) Electrical Interconnections. All electrical interconnection or distribution lines shall be underground and comply with all applicable codes and public utility requirements.

(7) Signal Interference. Efforts shall be made to site small WECS or towers to reduce the likelihood of blocking or reflecting television and other communication signals. If signal interference occurs,

both the small WECS or tower owner and individual receiving interference shall make reasonable efforts to resolve the problem. No small WECS or tower shall cause permanent and material interference with television or other communication signals.

(d) Permit Applications. Application for a small WECS and/or tower shall include the following information:

- (1) Site plan (map view) to scale showing the location of all of the components of the proposed small WECS and the locations of all existing buildings, structures and property lines, along with distances; and
- (2) Elevation (side view) drawings of the site to scale showing the height, design and configuration of the small WECS and the height and distance to all existing structures, buildings, electrical lines and property lines; and
- (3) Structural drawings and engineering analyses of the WECS tower and/or supporting structure, demonstrating adequate weight and lateral stress capacity; and
- (4) A standard foundation and anchor design demonstrating adequate vertical and lateral support capacity for the soil conditions at the site; and
- (5) Specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of all parts of the WECS; including the name and address of the component manufacturers, model and serial numbers of all WECS components; and
- (6) Emergency and normal shutdown procedures; and
- (7) An electrical one-line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes; and
- (8) Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator; unless the system will not be connected to the electricity grid.

**1153.07 COMMERCIAL WIND ENERGY CONVERSION SYSTEM REQUIREMENTS.**

(a) Permissible Locations. A commercial WECS may be permitted as a conditional use (special exception) in a non-Residential District.

(b) Setbacks.

- (1) Property Lines. A commercial WECS shall be set back from the nearest property line and public road right-of-way not less than 1.0 times the total height of the system.
- (2) Other Uses. No commercial WECS shall be located within 1,000 feet of a platted subdivision, park, church, school or playground.

(3) Inhabited Structures. A commercial WECS shall be set back from the nearest inhabited building, power line or communication line, not less than 1.0 times its total height.

(c) Design Standards. A commercial WECS shall comply with the design standards set forth in Section 1153.06, including all of its subsections.

(d) Permit Applications. A commercial WECS shall comply with the permit application requirements set forth in Section 1153.06, including all of its subsections.

(e) Multiple WECS - shall not be permitted without approval by the Planning Commission.

**1153.08 NON-USE.**

(a) Any small WECS, commercial WECS or tower which complies with the terms of this Ordinance which is not used for two (2) years, excluding repairs, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of this Ordinance.

(b) Any small WECS or commercial WECS which is non-conforming and which is not used for one (1) year, excluding repairs, shall be removed within the following six (6) months. Failure to remove the system shall be deemed a violation of this Ordinance.

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

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

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

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CRAIG H. STAHL  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_

**PAGE 6 - ORDINANCE NO. \_\_\_\_\_**

**B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION**

Passed: