

ORDINANCE NO. 20-133

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH D.L. SMITH CONCRETE, LLC, OF NORWALK, OHIO, FOR THE SHORELINE PARK EROSION CONTROL PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Shoreline Park, particularly the westernmost “finger”, is in need of shoreline protection due to years of erosion and wave-action from the bay which has damaged the material behind the steel sheet piling causing erosion and a loss of backfill in many areas preventing accessibility along the water’s edge to most pedestrians; and

WHEREAS, the Shoreline Park Erosion Control Project involves safeguarding and improvements to Shoreline Park consisting of backfilling the existing sheet piling with stone material and capping it off with a durable concrete surface with an underdrain piping system to carry away any water that would breach the top of newly paved surface and will provide greater access to the benches and fishing areas and additionally the concrete pavement will be sloped and capped with large boulders to dissipate the waves that crash over land and an ADA accessible walkway onto the concrete perimeter; and

WHEREAS, three (3) alternate items were included in the bid package and are summarized as follows:

1. Pipe material upgrade for underdrain system;
2. Catch basin, larger piping for drainage and native plantings;
3. Paving asphalt for turnaround area.

WHEREAS, the City Commission declared the necessity for the City to proceed with the proposed Shoreline Park Erosion Control Project by Resolution No. 029-20R, passed on July 13, 2020; and

WHEREAS, upon public competitive bidding as required by law eight (8) appropriate bids were received and the bid from D.L. Smith Concrete, LLC, of Norwalk, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total cost of this project based on bids and including all three (3) alternates, advertisement and miscellaneous costs is \$90,859.80 and will be paid with Community Development Block Grant (CDBG) 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 allow the contractor to begin the project as soon as possible so the project can be completed by the construction completion deadline of May 1, 2021; 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 Public

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Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is authorized and directed to enter into a contract with D.L. Smith Concrete, LLC, of Norwalk, Ohio, for the Shoreline Park Erosion Control Project in an amount **not to exceed** Ninety Thousand Six Hundred Twenty Five and 00/100 Dollars (\$90,625.00) consistent with the bid submitted by D.L. Smith Concrete, LLC, of Norwalk, Ohio, currently on file in the office of the Director of Public Works.

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.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

MCKENZIE E. SPRIGGS

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CLERK OF THE CITY COMMISSION

Passed: September 14, 2020