

ORDINANCE NO. 21-124

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A FIRST AMENDMENT TO THE AGREEMENT WITH STEVE AND TAMMY HAMMER (D.B.A. SANDUSKY BAIT COMPANY) FOR THE OPERATION OF A RETAIL BUSINESS FOR THE SALE OF BAIT AND TACKLE, CONVENIENCE ITEMS, FOOD, BEVERAGES, AND FISHING EQUIPMENT AND SUPPLIES AT THE BUILDING LOCATED AT THE SHELBY STREET BOAT LAUNCH RAMP FACILITY TO EXTEND THE TERM THROUGH DECEMBER 31, 2021; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in August of 2019, Steve Hammer of Hammertime Lures contacted the Recreation Department and expressed interest in operating a bait shop at the Shelby Street Boat Launch Ramp Facility and presented a proposal to the Recreation Board on August 14, 2019, which was determined by the Board to be appropriate and in the best interest for the City; and

WHEREAS, this City Commission approved an Agreement with Steve and Tammy Hammer (d.b.a. Sandusky Bait Company) for the operation of a retail business for the sale of bait and tackle, convenience items, food, beverages, and fishing equipment and supplies at the building located at the Shelby Street Boat Launch Ramp Facility for the period of August 27, 2019, through August 26, 2020, by Ordinance No. 19-143, passed on August 26, 2019; and

WHEREAS, the agreement was extended for an additional one (1) year term pursuant to the agreement, which will expire on August 27, 2021; and

WHEREAS, this City Commission approved the submission of an grant application to the Ohio Department of Natural Resources, Division of Parks and Watercraft, for financial assistance through the Cooperative Boating Facility Grant Program for projects at the Shelby Street Boat Launch Facility for the Recreation Department by Resolution No. 004-21R, passed on February 22, 2021; and

WHEREAS, if awarded, funds will be used for projects involving of the demolition of the old building and construction of a new concession facility along with the replacement of existing damaged and deteriorated docks as well as additional floating docks and LED lighting and pavement upgrades to the parking area; and

WHEREAS, the City desires to amend the Agreement with Sandusky Bait Company to extend the term through December 31, 2021, in order to allow the City time for the grants to be awarded in late spring / early fall of this year, and then proceed with a plan for the Shelby Street Boat Launch Ramp Facility as the schedule and operation of the facility will be affected by any potential projects; 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 immediately execute the amendment as the agreement expires on August 26, 2021, and to allow for continued operation of the business at the concession building through the end of the year; and

PAGE 2 - ORDINANCE NO. 21-124

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

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

Section 1. The City Manager is authorized and directed to enter into a First Amendment to the Agreement with Steve and Tammy Hammer (d.b.a. Sandusky Bait Company) of Flat Rock, Ohio, for the operation of a retail business for the sale of bait and tackle, convenience items, food, beverages, and fishing equipment and supplies, at the building located at the Shelby Street Boat Launch Ramp Facility to extend the term of the Agreement through December 31, 2021, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose.

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

PAGE 3 - ORDINANCE NO. 21-124

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.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

KELLY L. KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: August 9, 2021

FIRST AMENDMENT TO AGREEMENT

This First Amendment to the Agreement for the lease of the Shelby Street Boat Launch Ramp Facility, herein referred to as "Agreement", is made on and entered into on this _____ day of _____ 2021, between the City of Sandusky, Ohio, a Chartered Municipal Corporation of the State of Ohio, herein referred to as "Lessor", and Sandusky Bait Company, an Ohio Corporation, 16111 East Water Street, P.O. Box 74, Flat Rock, Ohio, 44828, herein referred to as "Lessee".

WHEREAS, the Lessor and Lessee entered into an Agreement for the lease of the building located at the Shelby Street Boat Launch Ramp Facility for the right to operate a retail business for the sale of bait and tackle, convenience items, food, beverages, fishing equipment and supplies, and ice on August 30, 2019;

WHEREAS, the term of the original agreement was for the period of August 27, 2019, through August 26, 2020, and pursuant to the Agreement, was extended for one (1) year which will expire on August 26, 2021;

WHEREAS, the Lessor and Lessee desire to amend Section 2. (Term), of the Agreement; and

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

1. Section 2. (Term) – The term of the Agreement shall be extended through December 31, 2021.
2. All other terms and provisions of the original Agreement shall remain unchanged and in full force and effect during the duration of the Agreement.

In witness whereof, the Lessee and Lessor have executed this Agreement form.

WITNESSES:

WITNESSES:

Approved as to Form:

Brendan L. Heil (#0091991)
Law Director
City of Sandusky

LESSOR: CITY OF SANDUSKY

Eric L. Wobser, City Manager

Date

LESSEE: SANDUSKY BAIT COMPANY

Steve Hammer, Owner

Date