



**CITY OF SANDUSKY COMMISSIONERS**

**REGULAR SESSION AGENDA**

**April 12, 2010, 2010 at 5 p.m.**

**City Hall, 222 Meigs Street**

**INVOCATION, PLEDGE OF ALLEGIANCE**

**CALL TO ORDER**

**ROLL CALL**

J. Hamilton, K. Nuesse, J. Farrar, D. Waddington, B. Fuqua, P. Brown & D. Kaman

**APPROVAL OF MINUTES**

March 22 and March 29, 2010

**AUDIENCE PARTICIPATION**

Agenda Items Listed Below Only (3 minute limit)

**PRESENTATIONS**

Norm Stierhoff, Jim Hart, Gary Mortus & Joe Reed for community service to Care & Share

Sandusky City Tree Commission

**COMMUNICATIONS**

Motion to accept all Communications submitted below

**ITEM #1**

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed ratifying, accepting and approving a Collective Bargaining Agreement between the City of Sandusky, an Ohio Charter Municipal Corporation, and the Fraternal Order of Police, Ohio Labor Council, Inc., the collective bargaining unit for certain employees of the Sandusky Police Department, for the period January 1, 2010, through December 31, 2012, a copy of which is attached to this Ordinance; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #2 – Submitted by Edward A. Widman**

**Budgetary Information:** There would be no impact to the city budget. However, for each residential customer with Direct Energy on April 30, 2011, the City of Sandusky is eligible to receive \$3 with the understanding the city and Direct Energy will mutually agree on the specific use of the funds. The term of this agreement would begin December 1, 2010 and run twenty-four months.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a Direct Choice Marketing Agreement with Direct Energy, LLC, for a Natural Gas Choice Program; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #3 – Submitted by Jane E. Cullen, E.I.T.**

**Budgetary Information:** The original contract price was \$229,145.50. The final contract cost including the deduct Change Order in the amount of \$28,889.54 is \$200,255.96, to be paid with the City's Water Fund.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorized and directing the City Manager to approve the First and Final Change Order for work being performed by Speer Brothers, Inc., of Sandusky, Ohio for the Buchanan Street and Hayes Avenue Waterline project and to deduct the contract amount by \$28,889.54 in relation thereto; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #4 – Submitted by Kathryn K. McKillips, P.E., Engineer**

**Budgetary Information:** The estimated project cost is \$1,323,887. The grant application is for 50% or \$661,943.50. Because the project involves the marina charging a fee for dockage, the city must match the grant funds 50/50. Therefore, the city's share is \$661,943.50 to be paid with TIF funding.

**RESOLUTION NO. \_\_\_\_:** It is requested a Resolution be passed approving and ratifying the submission of a grant application to the Ohio Department of Natural Resources Waterways Safety Fund through the Cooperative Boating Facility Grant Program for Financial Assistance for The Paper District Marina project; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #5 – Submitted by Kathryn K. McKillips, P.E., Engineer**

**Budgetary Information:** Funds for the payment of this service are routinely included in the operating budgets of city departments.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a contract with Cintas Corporation of Sandusky, Ohio, for supply and service of uniforms for city personnel for the period of April 1, 2010, through March 31, 2013; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #6 – Submitted by Kathryn K. McKillips, P.E., Engineer**

**Budgetary Information:** The cost for the work to be performed by Jones & Henry Engineers is \$24,800 to be paid with Sewer Funds.

**ORDINANCE NO. \_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a contract for Professional Design Services with Jones & Henry Engineers, Ltd. for the sewer interceptor cleaning and repair design project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #7 – Submitted by Kathryn K. McKillips, P.E., Engineer**

**Budgetary Information:** The Engineering Consultant fee is \$13,800, to be paid with Water Funds.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a contract for Professional Design Services with John Hancock & Associates, Inc., for the First Street Survey project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #8 – Submitted by Michele Hall, Recreation Program Supervisor**

**Budgetary Information:** The Agreements will not result in any additional budgetary expenses. The city will benefit from the agreed upon cash payment in the amount of \$462 to be made by the league to assist with the expenses of the Kiwanis Park Ball Field.

**ORDINANCE NO. \_\_\_\_\_:** It is requested an Ordinance be passed authorizing and directing the City Manager to enter into a one (1) year License Agreement with the Sandusky Bay Baseball League for priority use of the Kiwanis Park Ball Field located at 2227 First Street, Sandusky, Ohio, for the Sandusky Bay Baseball League Program (May 1 through July 31) beginning May 1, 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

**ITEM #9 – Submitted by Kelly L. Kresser, City Commission Clerk**

A notice has been submitted to the City of Sandusky from the Ohio Department of Liquor Control, requesting a Stock Transfer of D1, D2 and D3 Liquor Permits to Hometown USA, Inc., dba Vicki's Pub, 902 - 904 West Adams Street, Sandusky. It is requested the Clerk notify the Ohio Department of Liquor Control that the city has no objections to this request.

**ITEM #10 - Submitted by Kelly L. Kresser, City Commission Clerk**

A notice has been submitted to the City of Sandusky from the Ohio Department of Liquor Control, requesting a License Transfer of D1 and D2 Liquor Permits from Jami S. Tallman dba Allways Pizza to Allways Pizza, LLC dba Allways Pizza, 1109 – 11 Warren Street, 1<sup>st</sup> Floor. It is requested the Clerk notify the Ohio Department of Liquor Control that the city has no objections to this request.

**CITY MANAGER'S REPORT**

**OLD BUSINESS**

**NEW BUSINESS**

**AUDIENCE PARTICIPATION** - Open discussion on any item (5 minute limit)

**EXECUTIVE SESSION**

**ADJOURNMENT**

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

AN ORDINANCE RATIFYING, ACCEPTING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SANDUSKY, AN OHIO CHARTER MUNICIPAL CORPORATION, AND THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC., THE COLLECTIVE BARGAINING UNIT FOR CERTAIN EMPLOYEES OF THE SANDUSKY POLICE DEPARTMENT, FOR THE PERIOD JANUARY 1, 2010, THROUGH DECEMBER 31, 2012, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, the most recent collective bargaining agreement between the City of Sandusky, Ohio, an Ohio Charter Municipal Corporation, and the Fraternal Order of Police, Ohio Labor Council, Inc., the collective bargaining unit for certain employees of the Sandusky Police Department, expired on December 31, 2009; and

**WHEREAS**, pursuant to the terms and provisions of Chapter 4117 of the Ohio Revised Code, the City engaged in negotiations with the bargaining unit for the purpose of agreeing upon and entering into a successor agreement to the most recent collective bargaining agreement; and

**WHEREAS**, representatives of the City and the bargaining unit have negotiated a new agreement, a copy of which is attached to this Ordinance, marked Exhibit "A" and specifically incorporated as if fully rewritten herein; and

**WHEREAS**, this agreement is subject to the ratification, acceptance, and approval by this City Commission and it is the recommendation of the representatives of the City that the agreement substantially in the same form as reflected in Exhibit "A" be ratified, accepted, and approved by this City Commission; 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 the new agreement to be ratified, accepted and approved immediately as the predecessor agreement expired on December 31, 2009; 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 Police Department of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists to permit the immediate ratification, acceptance and approval of the collective bargaining agreement with the Fraternal Order of Police, Ohio Labor Council, Inc., 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 agreement between the City of Sandusky, Ohio, and the Fraternal Order of Police, Ohio Labor Council, Inc., by its terms effective from January 1, 2010, through December 31, 2012, substantially in the same form as reflected in Exhibit "A" which is specifically incorporated as if fully rewritten herein is ratified, accepted and approved by this City Commission together with such revisions or additions as are approved by the Law Director as not being substantially adverse to the City and as being consistent with the purpose of this Ordinance as set forth in the preambles hereto.

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. The City Manager is authorized and directed to forward certified copies of the foregoing Ordinance, together with copies of the agreement appended hereto to the State of Ohio, Employment Relations Board, and to the Association.

Section 5. 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: April 12, 2010

To: Don Icsman, Interim City Manager  
From: Edward A. Widman, Finance Director  
Date: March 23, 2010  
Subject: Commission Agenda Item

**Item for Consideration:** Renewal of agreement with Direct Energy (DE) for services related to the residential natural gas aggregation program. The natural gas market is currently suppressed and locking the supplier costs now would save \$.01/Ccf over last contract term. However, natural gas prices can move quickly. The supplier cost should be locked in before prices increase. Once locked, the retail adder is locked, the city can then forecast pricing for the upcoming winter. Several months of lead time are required due to printing, mailing and regulations on customer notification. The program continues to provide a \$.01/ccf senior discount.

**Budgetary Information:** There would be no impact to the City budget. However, for each residential customer with DE on April 30, 2011, the City of Sandusky is eligible to receive \$3.00 with the understanding the City and DE will mutually agree on the specific use of the funds. The term of this agreement would begin December 1, 2010 and run twenty four months.

**Action Requested:** It is recommended the City Commission approve an ordinance authorizing the City Manager to execute an agreement with DE substantially in the form of the agreement attached under suspension of the rules in full accordance of Section 14 of the City Charter in order to lock in the supplier cost before prices increase.

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

CC: City Commission Clerk  
Senior Accountant/Auditor

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A DIRECT CHOICE MARKETING AGREEMENT WITH DIRECT ENERGY LLC, FOR A NATURAL GAS CHOICE PROGRAM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission approved an agreement with Buckeye Energy Brokers, Inc., to provide services assist in providing consumers a choice to realize meaningful savings in the purchase of natural gas by Ordinance No. 06-071, passed on August 14, 2006, and subsequently entered into an Endorsement Agreement with Direct Energy Services LLC, as the preferred supplier for an Opt-In Natural Gas Program; and

**WHEREAS**, in order to continue offering this program to the residents of Sandusky, this City Commission approved an Endorsement Agreement with Direct Energy LLC, by the passage of Ordinance No. 08-077, passed on August 25, 2008, and approved a Direct Choice Marketing Agreement with Direct Energy LLC, by the passage of Ordinance No. 09-081, passed on October 13, 2009; and

**WHEREAS**, the City of Sandusky is authorized by Article 18, Section 3 of the Ohio Constitution to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

**WHEREAS**, the natural gas market is currently suppressed and locking the supplier costs at this time would save \$.01/Ccf over the last contract term and allow the City to forecast pricing for the upcoming winter season; 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 lock in the supplier cost before prices increase; 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, 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 approves the form of the Direct Choice Marketing Agreement for the City's Natural Gas Choice Program, a copy of which is attached and marked Exhibit "1", and the City Manager is authorized to execute the agreement on behalf of the City in substantially the same form 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. This City Commission hereby authorizes the City Manager, Director of Law, Director of Finance, City Engineer and any other city officials as appropriate to

provide such information and do such other things as are necessary for and incidental to carrying out the requirements of this Ordinance and the terms of the agreement.

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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: April 12, 2010



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

KATHRYN K. MCKILLIPS, P.E.

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

kmckillips@ci.sandusky.oh.us

To: Donald C. Icsman, Acting City Manager  
From: Jane E. Cullen, E.I.T.  
Date: March 26, 2010  
Subject: Commission Agenda Item

**Item for Consideration:** This communication is requesting the first and final change order for the Buchanan Street and Hayes Avenue Waterline Project for a deduct in the amount of \$28,889.54 to account for actual work performed in the field by the contractor. Attached please find a detailed listing for each of the differing quantities from the plan quantities. Speer Bros., Inc., LLC, of Sandusky, Ohio was the contractor on this job.

**Budgetary Information:** The original contract price was \$229,145.50. The final contract cost including the deduct change order in the amount \$28,889.54 is \$200,255.96, to be paid with the City's Water Fund.

**Action Requested:** It is requested that the first and final change order deduct in the amount of \$28,889.54 for the Buchanan Street and Hayes Avenue Waterline Project be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter so that the project may be closed out.

I concur with this recommendation:

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Donald C. Icsman  
Acting City Manager

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Kathryn K. McKillips, P.E.  
Deputy Engineer

cc: Ed Widman, Finance Director  
Kelly Kresser, Commission Clerk

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK BEING PERFORMED BY SPEER BROS., INC., OF SANDUSKY, OHIO, FOR THE BUCHANAN STREET AND HAYES AVENUE WATERLINE PROJECT AND TO DEDUCT THE CONTRACT AMOUNT BY \$28,889.54 IN RELATION THERETO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, this City Commission authorized the City Manager to enter into a contract for Professional Design Services with John Hancock & Associates for the proposed Buchanan Street and Hayes Avenue Waterline Project by the passage of Ordinance No. 08-118, passed on November 10, 2008; and

**WHEREAS**, this City Commission declared the necessity for the City to proceed with the Buchanan Street and Hayes Avenue Waterline Project by Resolution No. 011-09R passed on June 22, 2009; and

**WHEREAS**, this City Commission approved the awarding of the contract to Speer Bros., Inc. of Sandusky, Ohio, for work being performed for the Buchanan Street and Hayes Avenue Waterline Project by Ordinance No. 09-064, passed on August 10, 2009; and

**WHEREAS**, this First & Final Change Order reflects the actual work performed in the field by the contractor and the differing quantities from the plan quantities; and

**WHEREAS**, the original contract with Speer Bros., Inc. was \$229,145.50 and with the **deduction** of this First & Final Change Order in the amount of \$28,889.54, the final contract cost is \$200,255.96, 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 for this completed project to be closed out; 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 Division 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 First & Final Change Order for work performed for the Buchanan Street and Hayes Avenue Waterline Project and to **deduct** from the contract amount the sum of Twenty Eight Thousand Eight Hundred Eighty Nine and 54/100 Dollars (\$28,889.54) resulting in the final contract cost of Two Hundred Thousand Two Hundred Fifty Five and 96/100 Dollars (\$200,255.96) with Speer Bros., Inc., of Sandusky, Ohio.

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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: April 12, 2010



## DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

KATHRYN MCKILLIPS, P.E.

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

kmckillips@ci.sandusky.oh.us

**To:** Donald C. Icsman, Acting City Manager

**From:** Kathryn K. McKillips, P.E., Engineer

**Date:** March 29, 2010

**Subject:** Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation ratifying the submission of a grant application for the Ohio Department of Natural Resources Division of Watercraft Cooperative Boating Facility Grant for the Paper District Marina Project.

City Commission made a motion on March 22, 2010 allowing the Acting City Manager to sign the grant application in order to submit the application by the April 1, 2010 deadline. The project involves the construction of a transient marina on the Tricor property. See attached application for detailed information. This grant is the grant that the City received in 2006 for docks and utilities, but due to timing issues, the City gave back the grant award. This grant application includes docks, restrooms, lighting, dock utilities, curbs and sidewalks, bank stabilization, and grant signage.

**BUGETARY INFORMATION:** The estimated project cost is \$1,323,887.00. The grant application is for 50% or \$661,943.50. Because the project involves the marina charging a fee for dockage, the City must match the grant funds 50/50. Therefore, the City's share is \$661,943.50, to be paid with TIF funding.

**ACTION REQUESTED:** It is recommended that the ratification of the submission of the Ohio Department of Natural Resources Division of Watercraft Cooperative Boating Facility Grant by the Acting City Manager be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to provide ODNR a certified copy of the legislation as soon as possible. The deadline for submission was April 1, 2010.

I concur with this recommendation:

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Donald C. Icsman,  
Acting City Manager

cc: Kelly Kresser, Clerk of City Commission  
Ed Widman, Finance Director

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

**A RESOLUTION APPROVING AND RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES WATERWAYS SAFETY FUND THROUGH THE COOPERATIVE BOATING FACILITY GRANT PROGRAM FOR FINANCIAL ASSISTANCE FOR THE PAPER DISTRICT MARINA PROJECT; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Ohio Department of Natural Resources Waterways Safety Fund administers financial assistance for improving and/or developing recreation boating access through the Cooperative Boating Facility Grant program; and

**WHEREAS**, the Paper District Marina Project involves the construction of a transient marina on the Tricor property to provide slips for Lake Erie boaters and includes docks, restrooms, lighting, dock utilities, curbs and sidewalks, bank stabilization and grant signage and will be a key component in the further enhancement of the City of Sandusky's recreational boating industry and reinforcing water tourism opportunities on Lake Erie; 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 grant application which was submitted to the Ohio Department of Natural Resources by the deadline of April 1, 2010, and to provide a certified copy of this Ordinance to the Ohio Department of Natural Resources as soon as possible; 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 Division 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 **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 a grant application to the Ohio Department of Natural Resources Waterways Safety Fund through the Cooperative Boating Facility Grant Program for financial assistance for the Paper District Marina Project and to provide all information and documentation required to be eligible for possible financial assistance and agrees that the City has and will obligate the funds required to satisfactorily complete the project under the terms and conditions of the Cooperative Agreement if the project is accepted for financial assistance and authorizes and directs the City Manager to execute any grant agreements and lawfully expend funds consistent with the application and agreement 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: April 12, 2010

**To:** Donald C. Icsman, Acting City Manager  
**From:** Kathryn K. McKillips, Engineer  
**Date:** March 29, 2010  
**Subject:** Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation to enter into a contract with Cintas Corporation of Sandusky, Ohio for the supply and cleaning of uniforms for the period of April 1, 2010 through March 31, 2013.

On March 19, 2010, bids were opened for the above-stated service. One (1) bid was received as follows:

|    | <b>Vendor</b>                      | <b>Weekly<br/>Per<br/>Employee</b> | <b>Annual<br/>Cost</b> | <b>Less Local<br/>Preference</b> |
|----|------------------------------------|------------------------------------|------------------------|----------------------------------|
| 1. | Cintas Corporation<br>Sandusky, OH | \$3.75                             | \$195.00               | Only Bidder                      |

Vendors were requested to supply bid pricing on several different types of uniform supply and/or cleaning (i.e. some employees prefer to launder their own uniforms as opposed to having the supplier clean them).

The City's current uniform supplier for those persons not employed by either the Police or Fire Departments is Cintas Corporation of Sandusky, Ohio. The base rate in effect for the period April 1, 2007 through March 31, 2010 is \$3.95 per person per week or \$205.40 annually; their proposed bid price of \$3.75 is **5% LOWER** than the current contract price of \$3.95 per week.

Based upon criteria in the bid documents and prior positive experience with Cintas Corporation, it has been determined that Cintas Corporation is the lowest and best bidder.

**BUDGET IMPACT:** Funds for the payment of this service are routinely included in the operating budgets of City departments.

**ACTION REQUESTED:** It is requested that the proper legislation be prepared to enter into a contract with Cintas Corporation of Sandusky, Ohio for the supply and service of uniforms for City personnel for the period of April 1, 2010 through March 31, 2013 at an amount not to exceed \$24,843.56 per year (\$74,530.63 for three year contract). **It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow for measuring and delivery of new uniforms as soon as possible since the contract is retroactive to April 1, 2010.**

I concur with this recommendation.

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Donald C. Icsman  
Acting City Manager

cc: Edward A. Widman, Finance Director  
Kelly Kresser, Commission Clerk

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CINTAS CORPORATION OF SANDUSKY, OHIO, FOR SUPPLY AND SERVICE OF UNIFORMS FOR CITY PERSONNEL FOR THE PERIOD OF APRIL 1, 2010, THROUGH MARCH 31, 2013; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, upon public, competitive bidding as required by law, one (1) proper and appropriate bid was received and based upon bid document criteria and prior positive experience the bid of Cintas Corporation of Sandusky, Ohio, was determined to be the lowest and best bid; and

**WHEREAS**, the City's current uniform supplier for AFSCME employees is Cintas Corporation and their proposed bid price of \$3.75 per person is 5% lower than their current contract price of \$3.95 per person with funds for the payment of this supply and service routinely included in the operating budget of the appropriate City departments; 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 to allow for measuring employees and delivery of new uniforms as soon as possible since the contract is retroactive April 1, 2010; 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. The City Manager is hereby authorized and directed to enter into a contract with Cintas Corporation of Sandusky, Ohio, for the supply and service of uniforms for City personnel for the period of April 1, 2010, through March 31, 2013, at an amount **not to exceed** Twenty Four Thousand Eight Hundred Forty Three and 56/100 Dollars (\$24,843.56) consistent with the bid submitted by Cintas Corporation of Sandusky, Ohio, currently on file in the office of the Deputy Engineer.

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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: April 12, 2010

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: March 31, 2010  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Agreement for Professional Services with Jones & Henry Engineers, Ltd. for the Sewer Interceptor Cleaning and Repair Design.

The City is under a consent order to perform certain tasks that are included in the City's Wastewater General Plan. This plan will address combined sewer overflow (CSO) issues that the City has been dealing with since the inception of the wastewater plant. By expanding the capacity of the wastewater plant from 24 MGD to 42 MGD, wet weather flow will be addressed at the plant resulting in decreased CSO events.

In order for the wastewater flows to get to the treatment plant and utilize the added capacity at the completion of the Phase II Expansion Project, the interceptor sewers need to be cleaned and repaired where necessary. The ideal time to perform this work is in the drier summer months when the interceptor has less flow that would need to be bypass pumped or dewatered from the interceptor sludge.

Jones & Henry would prepare specification for bidding. City Staff will not be available to perform this work due to current projects. After the bidding process, Jones & Henry will oversee the video taping of the cleaned sewers so that the necessary repairs can be documented. After the cleaning and videotaping work is completed, Jones & Henry will prepare another set of specifications for the repair of the interceptor. Jones & Henry Engineers is the firm working for the City in regards to the WWTP Expansion Project. They have an expertise in wastewater and their past projects involving sewer cleaning and repair design will provide the City with specifications in a timely manner. Please see attached proposal. Upon completion of the specifications/design for the cleaning, the City will submit the necessary paperwork to Ohio EPA to utilize Federal Funds towards the project.

**BUDGETARY INFORMATION:** The cost for the work to be performed by Jones & Henry Engineers is \$24,800.00, to be paid with Sewer Funds.

**ACTION REQUESTED:** It is recommended an Agreement for Professional Services with Jones & Henry Engineers, Ltd., be executed and that the necessary legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to have the necessary design and Ohio EPA review completed in time for the drier summer months.

I concur with this recommendation:

---

Donald C. Icsman  
Acting City Manager

cc: Ed Widman, Finance Director  
Kelly Kresser, Clerk of the City Commission

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROFESSIONAL DESIGN SERVICES WITH JONES & HENRY ENGINEERS, LTD. FOR THE SEWER INTERCEPTOR CLEANING AND REPAIR DESIGN PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, pursuant to a Consent Order dated February 27, 1995, the City adopted a General Plan for Wastewater Improvements dated January 15, 1997, that sets forth a program for meeting treatment and compliance goals through the year 2040; and

**WHEREAS**, as part of the plan the Wastewater Treatment Plant Expansion Project Phase II will increase the plant average capacity and address combined sewer overflow (CSO) issues that the City has been dealing with since the inception of the Wastewater Treatment Plant; and

**WHEREAS**, in order for the wastewater flows to get to the treatment plant and utilize the increased capacity at the completion of the Phase II Expansion Project, the interceptor sewers need to be cleaned and repaired where necessary; and

**WHEREAS**, services to be provided by Jones & Henry include preparation of bid documents, oversight of the cleaning and post-cleaning inspections and review of inspection video and logs and provide recommendation on rehabilitation for interceptors; and

**WHEREAS**, Jones & Henry Engineers, Ltd. will be providing professional services exempt from the requirement of competitive bidding as they have developed the necessary knowledge, professional expertise and technical ability necessary to complete the required tasks as they have provided services for the City's Wastewater Treatment Plant Expansion Project and have performed services on past projects involving sewer cleaning and repair design, resulting in a knowledge and understanding of the project providing a benefit to the City; and

**WHEREAS**, the cost of the professional services is \$24,800.00 and 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 in order for the design and Ohio EPA review to be completed so work can be performed during the drier summer months when the interceptor has less flow that would need to be bypass pumped or dewatered from the interceptor sludge; 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 authorized and directed to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Design Services for the Sewer Interceptor Cleaning and Repair Design Project substantially in the same form as

attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, at an amount **not to exceed** Twenty Four Thousand Eight Hundred and 00/100 Dollars (\$24,800.00).

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 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: April 12, 2010

To: Donald C. Icsman, Acting City Manager  
From: Kathryn K. McKillips, Engineer  
Date: March 30, 2010  
Subject: Commission Agenda Item

**ITEM FOR CONSIDERATION:** Legislation for Professional Design Services with John Hancock & Associates, Inc. (JHA) for the First Street Survey Project for survey work on First Street from Meigs Street to Cedar Point Drive.

First Street is scheduled to be resurfaced in 2013 using MPO funds. During this project, the water main will be replaced on First Street. In order to move forward with in-house design of the water main, a survey must be completed. City Staff will not be available to perform this work due to current projects. Our survey crew is busy with construction inspections as well as other miscellaneous tasks. John Hancock & Associates is a local company that has developed a particularized expertise in providing surveying services for the City and possess the knowledge and technical ability necessary to timely complete the required tasks. JHA will perform the work for a fee of \$13,800.00.

This item was discussed during the City Manager's report on March 22, 2010. City Commission authorized Mr. Icsman to hire John Hancock & Associates to perform work associated with the First Street Survey between Meigs Street and Cedar Point Drive.

**BUDGETARY INFORMATION:** The Engineering Consultant fee is \$13,800.00, to be paid with Water Funds.

**ACTION REQUESTED:** It is recommended that an agreement with John Hancock & Associates, Inc., for the First Street Survey between Meigs Street and Cedar Point be executed and that the necessary legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to get as much done as possible before the traffic increases when Cedar Point opens for the season.

I concur with this recommendation:

---

Donald C. Icsman  
Acting City Manager

KKM/cal

cc: Ed Widman, Finance Director  
Kelly Kresser, Clerk of the City Commission

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

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROFESSIONAL DESIGN SERVICES WITH JOHN HANCOCK & ASSOCIATES, INC. FOR THE FIRST STREET SURVEY PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

**WHEREAS**, First Street is scheduled to be resurfaced in 2013 at which time the water main will be replaced and in order to move forward with in-house design a survey must be completed on First Street between Meigs Street and Cedar Point Drive; and

**WHEREAS**, John Hancock & Associates, Inc. is a local firm that has developed a particularized professional expertise in providing surveying services for the City, possess the knowledge and technical ability necessary to timely complete the required tasks and has successfully provided surveying services in the past resulting in a knowledge and understanding of the City's requirements resulting in a benefit to the City; and

**WHEREAS**, the cost of the surveying services is \$13,800.00 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 complete as much work as possible before the traffic increases when Cedar Point opens for the season; 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 Division 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 authorized and directed to enter into an agreement with John Hancock & Associates, Inc., for Professional Design Services for the First Street Survey Project from Meigs Street to Cedar Point Drive substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, at an amount **not to exceed** Thirteen Thousand Eight Hundred and 00/100 Dollars (\$13,800.00).

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 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: April 12, 2010



TO: Don Icsman, Acting City Manager

FROM: Michele Hall, Recreation Program Supervisor

DATE: March 30, 2010

RE: Item for Commission Agenda (Priority Use Agreement for Sandusky Bay Baseball League)

**ITEMS FOR CONSIDERATION:**

Legislation to enter into a one-year, License Agreement with the Sandusky Bay Baseball League for priority use of the field located at Kiwanis Park for their baseball league program (May 1, 2010 through July 31, 2010) beginning May 1, 2010.

**BACKGROUND INFORMATION:**

The City of Sandusky held a Priority Use Agreement with this league in 2008, under the name of the Northwest Ohio USSSA Baseball League. The agreement was successful.

**BUDGET IMPACT:**

The agreements will not result in any additional budgetary expenses. The City will benefit from the agreed upon cash payment in the amount of \$462.00 to be made by the league to assist with the expenses of the Kiwanis Park Ball Field.

**ACTION REQUESTED:**

It is requested that legislation be approved authorizing the City Manager to enter into a License Agreement with the Sandusky Bay Baseball League for seasonal priority use of the Kiwanis Park Ball Field. It is further requested that the legislation take immediate effect in full accordance with Section 14 of the City Charter in order to allow the License Agreements to be fully executed prior to the commencing date of May 1, 2010.

I concur with this recommendation.

---

Scott Miller, General Services Superintendent

---

Don Icsman, Acting City Manager

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

**AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A ONE (1) YEAR LICENSE AGREEMENT WITH THE SANDUSKY BAY BASEBALL LEAGUE FOR PRIORITY USE OF THE KIWANIS PARK BALL FIELD LOCATED AT 2227 FIRST STREET, SANDUSKY, OHIO FOR THE SANDUSKY BAY BASEBALL LEAGUE PROGRAM (MAY 1 THROUGH JULY 31) BEGINNING MAY 1, 2010; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Sandusky Bay Baseball League desires to have priority use of the Kiwanis Park Ball Field located at 2227 First Street, Sandusky, Ohio for the Sandusky Bay Baseball League Program beginning in CY 2010 for the season May 1, 2010 through July 31, 2010, as documented in the schedule marked Exhibit "A" attached and incorporated in the License Agreement; and

**WHEREAS**, it is necessary for the City to grant the Sandusky Bay Baseball League permission to utilize the City' park property on a priority use basis; and

**WHEREAS**, the Sandusky Bay Baseball League is willing to drag the field prior to each scheduled game and make a one-time payment of \$462.00 to the City in exchange for the priority use of the baseball field; and

**WHEREAS**, this agreement will not result in any additional budgetary expenses and the City will benefit from the agreed upon payment made by the league to assist with the expenses of the Kiwanis Ball Park Field; and

**WHEREAS**, this Ordinance should be passed as an emergency measure in accordance under suspension of the rules in accordance with Section 14 of the City Charter in order to allow the License Agreement to be fully executed prior to the commencing date of May 1, 2010; 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 Division 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 one (1) year License Agreement with the Sandusky Bay Baseball League for priority use of the Kiwanis Park Ball Field located at 2227 First Street, Sandusky, Ohio, for the Sandusky Bay Baseball League Program beginning May 1, 2010, through July 31, 2010, substantially in the same form as Exhibit "1", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with carrying out the terms 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.

\_\_\_\_\_  
DANIEL J. KAMAN  
PRESIDENT OF THE CITY COMMISSION

ATTEST: \_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

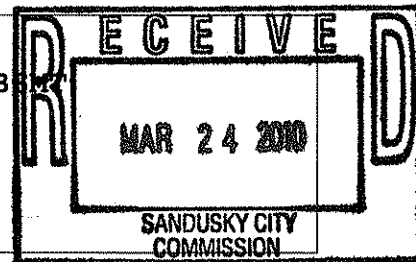
Passed: April 12, 2010

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

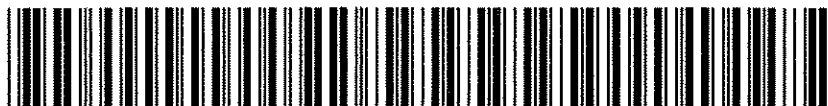
TO

|                            |     |              |  |  |
|----------------------------|-----|--------------|--|--|
| 3955273<br>PERMIT NUMBER   |     | STCK<br>TYPE | HOMETOWN USA INC<br>DBA VICKIS PUB<br>902 W ADAMS ST 1ST FL & B<br>SANDUSKY OHIO 44870 |  |
| ISSUE DATE                 |     |              |  |  |
| 01 15 2010<br>FILING DATE  |     |              |  |  |
| D1 D2 D3<br>PERMIT CLASSES |     |              |  |  |
| 22                         | 077 | B            | F02655<br>RECEIPT NO.  |  |
| TAX DISTRICT               |     |              |  |  |



FROM 03/23/2010

|                |  |             |
|----------------|--|-------------|
| PERMIT NUMBER  |  | TYPE        |
| ISSUE DATE     |  |             |
| FILING DATE    |  |             |
| PERMIT CLASSES |  |             |
| TAX DISTRICT   |  | RECEIPT NO. |



MAILED 03/23/2010

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/23/2010

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **B STCK 3955273**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF SANDUSKY MUNICIPAL COUNCIL  
222 MEIGS STREET  
SANDUSKY OHIO 44870**

|                     |          |
|---------------------|----------|
| FOR OFFICE USE ONLY |          |
| NEW                 | TRANSFER |
| PERMIT #            |          |

**OHIO DEPARTMENT OF COMMERCE**  
**DIVISION OF LIQUOR CONTROL**  
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005  
 Telephone: (614) 644-2431 http://www.com.ohio.gov/liqr

2010 MAR 15 AM 9:30  
 OHIO DIV. LIQUOR CONTROL  
 LICENSING SECTION 11A

**OFFICER/ SHAREHOLDERS DISCLOSURE FORM**

**SECTION A. (This form must accompany all applications of a corporate business entity)**

|  |   |                       |
|--|---|-----------------------|
| Name of Corporation <b>Hometown USA, Inc.</b>            | DBA Name  |                       |
| Permit Premises Address <b>902-904 West Adams Street</b> | City, State <b>Sandusky, Ohio</b>                 | Zip Code <b>44880</b> |
| Township, if in Unincorporated Area                      | Tax Identification No. (TIN)<br><b>34-1668171</b> |                       |

**SECTION B.**

1. Is stock publicly traded?  YES  NO  
 If "YES", indicate exchange \_\_\_\_\_ & Do NOT complete SECTION D.

2. Does any stockholder own 5% or more shares? If YES, complete SECTION D.  YES  NO

3. Total Number of shares issued 100

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement enforcement action, or collect taxes.

**SECTION C.** List the top five (5) officers of the captioned corporation. If an office is NOT held please indicate by writing NONE.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191

| NAME OF OFFICER                             | SOCIAL SECURITY NUMBER | DATE OF BIRTH |
|---|------------------------|---------------|
| 1) CEO                                      |                        |               |
| 2) President <b>Vicki Scott Rogers</b>      | [REDACTED]             | 11/9/41       |
| 3) Vice-President <b>Vicki Scott Rogers</b> | [REDACTED]             | 11/9/41       |
| 4) Secretary <b>Vicki Scott Rogers</b>      | [REDACTED]             | 11/9/41       |
| 5) Treasurer <b>Vicki Scott Rogers</b>      | [REDACTED]             | 11/9/41       |

**SECTION D.** Stockholders holding 5% or more outstanding shares. Note: If you answered Question 1 YES, do not complete this section

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191. If none, please indicate by writing "NONE".

|   |  |   |
|---|--|---|
| 1) Stockholder's Name <b>Vicki Scott Rogers</b> | Social Security No. (if Individual) [REDACTED] | NUMBER OF SHARES HELD (NOT PERCENTAGE)<br><br>100 |
| Residence Address <b>6018 Tiffin Ave.</b>       | Tax Identification No. (if applicable)         |   |
| City and State <b>Castalia, OH</b>              | Zip Code <b>44824</b>                          |   |
| Telephone No. <b>419-684-5683</b>               | Date of Birth <b>11/9/41</b>                   |   |
| 2) Stockholder's Name                           | Social Security No. (if Individual)            | NUMBER OF SHARES HELD (NOT PERCENTAGE)            |
| Residence Address                               | Tax Identification No. (if applicable)         |   |
| City and State                                  | Zip Code                                       |   |
| Telephone No.                                   | Date of Birth                                  |   |

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE TO LIST STOCKHOLDERS)

STATE OF OHIO,

COUNTYss

I, Vicki Scott Rogers being first duly sworn, according to law, deposes and says that he/she is (Title) President of the Hometown USA, Inc., a corporation duly authorized by law to do business in the State of Ohio, and that the

statements made in the foregoing affidavit are true.

(Signature) Vicki Scott Rogers (Print Name and Corporate Title) Vicki Scott Rogers, Pres

Sworn to and subscribed in my presence this 10th day of March, 2010

Suzanne E. Popke 8/20/10  
 (Notary Public) (Notary Expiration)



## Fire Department

MICHAEL R. MEINZER  
FIRE CHIEF

Office Telephone 419-627-5822  
Fire Prevention 419-627-5823

600 WEST MARKET STREET  
SANDUSKY, OHIO 44870  
FAX 419-627-5820

April 4, 2010

Clerk of Sandusky Municipal Council  
222 Meigs Street  
Sandusky, Ohio 44870

**RE: B STCK 3955273**

After reviewing the Fire inspection file on Vicki's Pub 902 W. Adams Street transaction number: B STCK 3955273 the Sandusky Fire Department Fire Prevention Bureau has no official objection for renewal to maintain permit privileges, nor requests a hearing.

According to the inspection file there are no unfavorable enforcement records or disregard to laws, regulations or local ordinances.

Sincerely,

Rudy Ruiz, Fire Marshal  
Sandusky Fire Department

**From:** Charlie Sams  
**To:** Kelly Kresser  
**Date:** 3/30/2010 8:49 AM  
**Subject:** Re: Liquor License - Request for Stock Transfer Application

Kelly,

I have no objections to the liquor license transfer.

Assistant Chief Charlie Sams  
Sandusky Police Department  
222 Meigs Street  
Sandusky, Ohio 44870  
(419)627-5870 - direct  
(419)627-5862 - fax  
csams@ci.sandusky.oh.us

>>> Kelly Kresser 3/24/2010 5:01 PM >>>

Attached is a request for Stock Transfer for a Liquor Permit issued to Hometown USA, Inc., dba Vicki's Pub, 902 West Adams Street.

Please advise if there are any objections to this request so that I can place the item on the next City Commission Agenda.

**From:** Carrie Handy  
**To:** Kelly Kresser  
**Date:** 3/25/2010 8:33 AM  
**Subject:** Re: Liquor License - Request for Stock Transfer Application

Kelly -

Department of Development staff have no objections to this stock transfer request for Vicki's Pub at 902 W. Adams Street.

Carrie

>>> Kelly Kresser 3/24/2010 5:01 PM >>>

Attached is a request for Stock Transfer for a Liquor Permit issued to Hometown USA, Inc., dba Vicki's Pub, 902 West Adams Street.

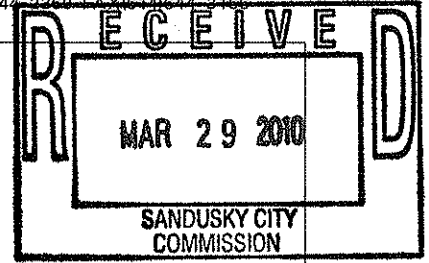
Please advise if there are any objections to this request so that I can place the item on the next City Commission Agenda.

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2260 FAX (614)644-2166

TO

|               |     |                |  |
|---------------|-----|----------------|--|
| 0160832       |     | TRFO           | ALLWAYS PIZZA LLC<br>DBA ALLWAYS PIZZA<br>1ST FL<br>1109-11 WARREN ST<br>SANDUSKY OH 44870 |
| PERMIT NUMBER |     | TYPE           |  |
| 02            | 01  | 2009           |  |
| ISSUE DATE    |     |                |  |
| 03            | 23  | 2010           |  |
| FILING DATE   |     |                |  |
| D1 D2         |     | PERMIT CLASSES |  |
| 22            | 077 | B              | F02667   |
| TAX DISTRICT  |     | RECEIPT NO.    |  |



FROM 03/25/2010

|               |     |                |  |
|---------------|-----|----------------|--|
| 8788592       |     |                | JAMI S TALLMAN<br>DBA ALLWAYS PIZZA<br>1109-11 WARREN ST 1ST FL<br>SANDUSKY OHIO 44870 |
| PERMIT NUMBER |     | TYPE           |  |
| 02            | 01  | 2009           |  |
| ISSUE DATE    |     |                |  |
| 03            | 23  | 2010           |  |
| FILING DATE   |     |                |  |
| D1 D2         |     | PERMIT CLASSES |  |
| 22            | 077 |                |  |
| TAX DISTRICT  |     | RECEIPT NO.    |  |



MAILED 03/25/2010

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/26/2010

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**B TRFO 0160832**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CLERK OF SANDUSKY MUNICIPAL COUNCIL  
222 MEIGS STREET  
SANDUSKY OHIO 44870**



OHIO DEPARTMENT OF COMMERCE - DIVISION OF LIQUOR CONTROL  
 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005  
 Telephone: (614) 644-2431 - http://www.com.ohio.gov/liqr

**LIMITED LIABILITY COMPANY DISCLOSURE FORM**

(This form must accompany all applications of an LLC business entity)

2010 MAR 19 AM 10:59  
 OHIO DIVISION OF LIQUOR CONTROL  
 LICENSING PERMIT 1-A

**SECTION A.**

|   |   |                          |
|---|---|--------------------------|
| Name of Limited Liability Company<br><i>Allways Pizza LLC</i> | DBA Name<br><i>Allways Pizza</i>                  |                          |
| Permit Premises Address<br><i>1109 Warren St.</i>             | City, State<br><i>Sandusky, Ohio</i>              | Zip Code<br><i>44870</i> |
| Township, if in Unincorporated Area                           | Tax Identification No. (TIN)<br><i>2706667444</i> |                          |

Limited Liability Company ("LLC") - Chapter 1705 Ohio Revised Code. Indicate below the managing members, LLC Officers, and all persons with a 5% or greater membership or voting interest, and attach a copy of the Articles of Organization filed with the Ohio Secretary of State.

Please be advised that any social security numbers provided to the Division of Liquor Control in this application may be released to the Ohio Department of Public Safety, the Ohio Department of Taxation, the Ohio Attorney General, or to any other state or local law enforcement agency if the agency requests the social security number to conduct an investigation, implement an enforcement action, or collect taxes.

**SECTION B.** List the top five (5) officers of the captioned business. If an office is NOT held, please indicate by writing NONE.

EACH OFFICER LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

| NAME OF OFFICER   | SOCIAL SECURITY NUMBER | DATE OF BIRTH |
|-------------------|------------------------|---------------|
| 1) CEO            |                        |               |
| 2) President      |                        |               |
| 3) Vice-President |                        |               |
| 4) Secretary      |                        |               |
| 5) Treasurer      |                        |               |

**SECTION C.** List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.

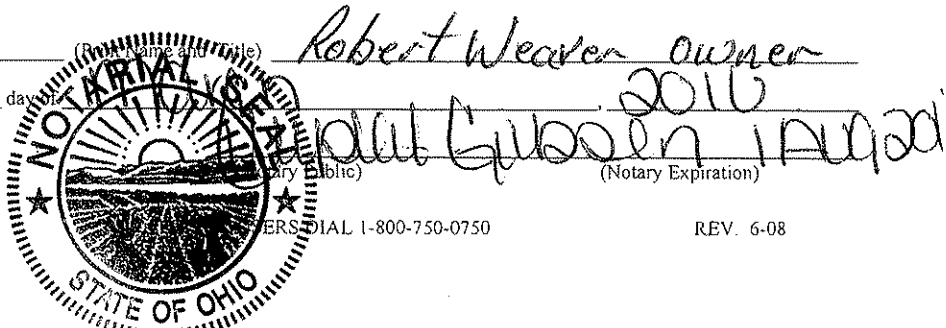
|   |  |   |
|---|--|---|
| 1) Name<br><i>Jami Tallman</i>                | Social Security No. (if individual)    | <input checked="" type="checkbox"/> Managing Member<br><input type="checkbox"/> 5% or greater voting interest<br><input type="checkbox"/> 5% or greater membership interest |
| Residence Address<br><i>1208 Central Ave.</i> | Tax Identification No. (if applicable) |   |
| City and State<br><i>Sandusky, Ohio</i>       | Zip Code<br><i>44870</i>               |   |
| Telephone No.<br><i>419-626-9409</i>          | Date of Birth                          |   |
| 2) Name<br><i>SHANNON J. WARREN</i>           | Social Security No. (if individual)    | <input checked="" type="checkbox"/> Managing Member<br><input type="checkbox"/> 5% or greater voting interest<br><input type="checkbox"/> 5% or greater membership interest |
| Residence Address<br><i>424 SCOTT ST</i>      | Tax Identification No. (if applicable) |   |
| City and State<br><i>SANDUSKY, OHIO</i>       | Zip Code<br><i>44870</i>               |   |
| Telephone No.<br><i>419 366-2223</i>          | Date of Birth<br><i>08-07-71</i>       |   |

(PLEASE SEE REVERSE SIDE SHOULD YOU NEED ADDITIONAL SPACE)

STATE OF OHIO, Eric COUNTY ss,

I, Robert Weaver being first duly sworn, according to law, deposes and says that he/she is (Title) Owner of the Allways Pizza, a business duly authorized by law to do business in the State of Ohio, and that the statements made in the forgoing affidavit are true.

(Signature) Robert Weaver Sworn to and subscribed in my presence this 17 day of August, 2010.



DLC4032 (LIMITED LIABILITY COMPANY DISCLOSURE FORM)

SECTION C.  
(CONTINUED)

List the managing members and all persons with a 5% or greater membership or voting interest in the LLC.

THE INDIVIDUALS LISTED BELOW MUST HAVE A BACKGROUND CHECK PERFORMED BY BCI&I AND SUBMIT A PERSONAL HISTORY BACKGROUND FORM. PLEASE READ "BACKGROUND CHECK INFORMATION" DLC4191.



OHIO DIV. OF SECURITIES CONTROL  
 LICENSING & REGULATION  
 2010 MAR 19 11:00

|                   |                  |  |            |  |
|-------------------|------------------|--|------------|--|
| 3) Name           | Robert P. Weaver | Social Security No. (if individual)    | [REDACTED] | <input checked="" type="checkbox"/> Managing Member        |
| Residence Address | 805 Perry St.    | Tax Identification No. (if applicable) |            | <input type="checkbox"/> 5% or greater voting interest     |
| City and State    | Sandusky, Ohio   | Zip Code                               | 44870      | <input type="checkbox"/> 5% or greater membership interest |
| Telephone No.     | 419-624-8424     | Date of Birth                          | 4/21/72    |  |
| 4) Name           |                  | Social Security No. (if individual)    |            | <input type="checkbox"/> Managing Member                   |
| Residence Address |                  | Tax Identification No. (if applicable) |            | <input type="checkbox"/> 5% or greater voting interest     |
| City and State    |                  | Zip Code                               |            | <input type="checkbox"/> 5% or greater membership interest |
| Telephone No.     |                  | Date of Birth                          |            |  |
| 5) Name           |                  | Social Security No. (if individual)    |            | <input type="checkbox"/> Managing Member                   |
| Residence Address |                  | Tax Identification No. (if applicable) |            | <input type="checkbox"/> 5% or greater voting interest     |
| City and State    |                  | Zip Code                               |            | <input type="checkbox"/> 5% or greater membership interest |
| Telephone No.     |                  | Date of Birth                          |            |  |
| 6) Name           |                  | Social Security No. (if individual)    |            | <input type="checkbox"/> Managing Member                   |
| Residence Address |                  | Tax Identification No. (if applicable) |            | <input type="checkbox"/> 5% or greater voting interest     |
| City and State    |                  | Zip Code                               |            | <input type="checkbox"/> 5% or greater membership interest |
| Telephone No.     |                  | Date of Birth                          |            |  |
| 7) Name           |                  | Social Security No. (if individual)    |            | <input type="checkbox"/> Managing Member                   |
| Residence Address |                  | Tax Identification No. (if applicable) |            | <input type="checkbox"/> 5% or greater voting interest     |
| City and State    |                  | Zip Code                               |            | <input type="checkbox"/> 5% or greater membership interest |
| Telephone No.     |                  | Date of Birth                          |            |  |
| 8) Name           |                  | Social Security No. (if individual)    |            | <input type="checkbox"/> Managing Member                   |
| Residence Address |                  | Tax Identification No. (if applicable) |            | <input type="checkbox"/> 5% or greater voting interest     |
| City and State    |                  | Zip Code                               |            | <input type="checkbox"/> 5% or greater membership interest |
| Telephone No.     |                  | Date of Birth                          |            |  |
| 9) Name           |                  | Social Security No. (if individual)    |            | <input type="checkbox"/> Managing Member                   |
| Residence Address |                  | Tax Identification No. (if applicable) |            | <input type="checkbox"/> 5% or greater voting interest     |
| City and State    |                  | Zip Code                               |            | <input type="checkbox"/> 5% or greater membership interest |
| Telephone No.     |                  | Date of Birth                          |            |  |



## Fire Department

MICHAEL R. MEINZER  
FIRE CHIEF

Office Telephone 419-627-5822  
Fire Prevention 419-627-5823

600 WEST MARKET STREET  
SANDUSKY, OHIO 44870  
FAX 419-627-5820

April 4, 2010

Clerk of Sandusky Municipal Council  
222 Meigs Street  
Sandusky, Ohio 44870

**RE: B TRFO 0160832**

After reviewing the Fire inspection file on All-Ways Pizza 1109 Warren Street transaction number: B TRFO 0160832 the Sandusky Fire Department Fire Prevention Bureau has no official objection for renewal to maintain permit privileges, nor requests a hearing.

According to the inspection file there are no unfavorable enforcement records or disregard to laws, regulations or local ordinances.

Sincerely,

Rudy Ruiz, Fire Marshal  
Sandusky Fire Department

**From:** Carrie Handy  
**To:** Kelly Kresser  
**Date:** 4/5/2010 9:37 AM  
**Subject:** Re: Liquor License Transfer

Kelly - Planning staff have no objection to this liquor license transfer request.

Carrie

>>> Kelly Kresser 3/29/2010 9:51 AM >>>

Attached is a liquor license transfer for All Ways Pizza, 1109 - 11 Warren Street.

Please let me know if you wish to issue any objections so this can be added to the next City Commission Agenda.

Thank you!

**From:** Charlie Sams  
**To:** Kelly Kresser  
**Date:** 3/30/2010 8:22 AM  
**Subject:** Re: Liquor License Transfer

Kelly,

I have no objections to this liquor license transfer.

Assistant Chief Charlie Sams  
Sandusky Police Department  
222 Meigs Street  
Sandusky, Ohio 44870  
(419)627-5870 - direct  
(419)627-5862 - fax  
csams@ci.sandusky.oh.us

>>> Kelly Kresser 3/29/2010 9:51 AM >>>

Attached is a liquor license transfer for All Ways Pizza, 1109 - 11 Warren Street.

Please let me know if you wish to issue any objections so this can be added to the next City Commission Agenda.

Thank you!