



CITY OF SANDUSKY COMMISSIONERS

REGULAR SESSION AGENDA

November 23, 2009 at 5 p.m.

City Hall, 222 Meigs Street

INVOCATION, PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

D. Kaman, J. Farrar, C. Stahl, B. Fuqua, P. Brown, B. Warner, D. Waddington

PROCLAMATION

Peerless Stove & Manufacturing Company's 90th Anniversary

APPROVAL OF MINUTES

Monday, November 9, 2009

Wednesday, November 18, 2009

PRESENTATION

Diedre Cole, Tim Schwanger, Ruth Haag and Mike Pisarsky

"Lessons from Louisville"

AUDIENCE PARTICIPATION

Agenda Items Listed Below Only (3 minute limit)

PUBLIC HEARING

Providence Care Center, *Vacation of a portion of Central Avenue (formerly Lawrence Street) right-of-way lying South of Buchanan Street in the vicinity of 2025 Hayes Avenue*

COMMUNICATIONS

Motion to accept all Communications submitted below

ITEM #1 – Submitted by Edward A. Widman, Finance Director

Budgetary Information: Amendments are required to adjust the budget for previous actions of the city. The City Commission has approved several contracts that are being added to the budget at this time. These items include Sandusky Transit System, Sandusky Municipal Court Special Accounts, specified capital projects. In addition, the amendment covers the budget adjustments required for the recent Various Purpose Improvement Notes which were retired on October 21, 2009.

ORDINANCE NO. ____: It is requested an Ordinance be passed adopting Amendment No. 2 to Ordinance 09-012 passed by this City Commission on March 9, 2009, making General Appropriations for the Fiscal Year 2009; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #2 – Ordered in on October 26, 2009

ORDINANCE NO. ____: It is requested an Ordinance be passed Amending Part Five (General Offenses) Chapter 505 (Animals and Fowl), 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.

ITEM #3 – Submitted by Kathryn K. McKillips

Budgetary Information: The cost of this contract has been included in the Building Division 2010 Draft Budget. A portion of the cost of the contract will be paid by the collection of plan review fees by the Department of Planning, Engineering and Development.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing the City Manager of the City of Sandusky, Ohio, to enter into a consulting contract with Don C. Waggoner for CY 2010, 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.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing the City Manager of the City of Sandusky, Ohio, to enter into a consulting contract with Scott J. Mularoni for CY 2010, 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.

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

Budgetary Information: Funds for this licensing fee are routinely included in the Big Island Water Works operating budget each year.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing payment to the State of Ohio Environmental Protection Agency for the renewal of the license to operate a public water system for the CY 2010; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the City Charter.

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

Budgetary Information: The Change Order No. 3 will increase the contract with Mosser Construction by \$128,195.26. The revised contract amount is \$16,673,390.86 which remains within the original project budget. The city's share of the change order is \$78,327.30 to be paid with Sewer Funds through the project's OWDA loan. Erie County's share is \$49,867.96.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing and directing the City Manager to approve the third change order for work being performed for the Wastewater Treatment Plant Expansion Project Phase II in the amount of \$128,195.26 to be paid to Mosser Construction of Fremont, Ohio; 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, Engineer

Budgetary Information: There is no budgetary impact with this item.

ORDINANCE NO. ____: It is requested an Ordinance be passed authorizing the City Manager to enter into a License Agreement to provide for the use of a certain portion of the city's park property (commonly referred to as Wilbert Park) as described in the grant of a license for encroachment; and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

ITEM #7 – Submitted by John Hancock, Director of Engineering, Planning & Development and Sharon Evanich, Grants Administrator

Budgetary Information: If the grant application is awarded, the City of Sandusky will receive \$2,470.38 to purchase tools and materials from Home Depot for volunteers to use in order to build an accessible playground at Huron Park. The Home Depot grant would support funding initiatives from the U.S. Department of Housing and Urban Development: Community Development Block Grant to improve Huron Park features in 2009 and 2010. No matching funds are required.

RESOLUTION NO. ____: It is requested a Resolution be passed approving the submission of a Grant Application to the Home Depot Foundation for the 2009 Building Healthy Communities grant program for funding for a playground at Huron Park 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.

ITEM #8 – Submitted by Carrie R. Handy, Chief Planner

Budgetary Information: The administrative action will not impact the city's operating budget.

ORDINANCE NO. ____: It is requested an Ordinance be approved vacating a portion of Central Avenue (formerly Lawrence Street) lying South of Buchanan Street and adjacent to 2025 Hayes Avenue by Providence Care Center, within the City, as set forth on the vacation plat, a copy of which is marked Exhibit "A", attached to this Ordinance and incorporated herein; and declaring that this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter.

CITY MANAGER'S REPORT

OLD BUSINESS

NEW BUSINESS

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

EXECUTIVE SESSION

ADJOURNMENT

PROCLAMATION

BRYAN HUNTLEY IS THE OWNER OF PEERLESS STOVE & MANUFACTURING, CO., INC., WHICH WAS FOUNDED IN 1919 AND IS CELEBRATING 90 YEARS IN BUSINESS.

WHEREAS, it all started in Columbus, Ohio back in the late 1800's, as "Beverly Peerless" when Frank Beverly began serving restaurants and high-end retailers with their cooking needs; and

WHEREAS, in the early 1900's, Peerless began manufacturing and by 1919, Peerless manufactured a line of outdoor BBQ units, a line of multi-level ovens and an InfraRed rotisserie that was patented by Frank Beverly in the early 1920's; and

WHEREAS, in 1934 the company incorporated as the Peerless Stove & Manufacturing Company, Inc.; and

WHEREAS, to prove the test of time, two units that were manufactured back in 1919 are still manufactured today, serving three different industries all across the country; and

WHEREAS, in the early 1930's, many products were added, including a line of restaurant series ranges and pizza ovens; and

WHEREAS, in 1942, then owner Clark Beverly uprooted Peerless from Columbus, Ohio, and moved north to Sandusky Ohio, where it remains today; and

WHEREAS, in the late 1960's, the Beverly family, due to illness with one of the family members, sold the business to Jim and Barbara Huntley until 1998 when the business was sold to their son, Bryan Huntley; and

WHEREAS, this transfer makes Peerless a fourth generation family business; and

WHEREAS, before his near fatal stroke, Jim, with the help of his son Bryan, developed and *patented* a high-speed InfraRed cooker that has helped revolutionize the cooking industry; and

WHEREAS, Peerless is one of the few remaining family-owned manufacturers of food service equipment in the country today; and

WHEREAS, Peerless has experienced and survived many challenges in its ninety-year history; and

WHEREAS, throughout this time period, Peerless has maintained a tradition of producing high quality products at competitive prices; and

WHEREAS, the Maximizer movement began in the mid-1990's as Peerless began to realize that the products they produce fit the specific needs of many end-user consumers by saving time, money and space; and

WHEREAS, Peerless Maximizers cost less to buy, operate and maintain than other brands on the market today, and, they last; NOW THEREFORE,

I, Craig Huntley Stahl, Ex-Officio Mayor of the City of Sandusky do hereby proclaim Monday, November 23, 2009 as:

***"PEERLESS STOVE & MANUFACTURING
COMPANY'S 90TH ANNIVERSARY"***

in the City of Sandusky, Ohio, and congratulate Bryan Huntley for his years of dedication and success in this family business.

Dated this 23rd day of November, 2009.

CRAIG HUNTLEY STAHL
EX-OFFICIO MAYOR
SANDUSKY CITY COMMISSION
CITY OF SANDUSKY, OHIO

MEMO

TO: City Commission
FROM: Ed Widman, Finance Director
DATE: November 9, 2009
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Proposed amendment number 2 to 2009 General Appropriations. This amendment appropriates for Public Transit, Court Computer, Indigent Telephone, Court Probation, Capital Projects and Water Funds.

In addition, approval of inter-fund transfers is requested.

BUDGETARY INFORMATION:

Amendments are required to adjust the budget for previous actions of the City. The City Commission has approved several contracts that are being added to the budget at this time. These items include Sandusky Transit System, Sandusky Municipal Court Special Accounts, specified capital projects. In addition, the amendment covers the budget adjustments required for the recent Various Purpose Improvement Notes which were retired on October 21, 2009.

ACTION REQUESTED:

Amendments to the appropriations need to be approved in accordance with Section 14 of the City Charter under suspension of the rules. This avoids delays in the awarding of contracts. A motion and evidence in the minutes of approval is needed by the City Commission to authorize inter-fund transfers.

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

Attachments

CC11092009

cc: City Manager
Law Director

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENT NO. 2 TO ORDINANCE NO. 09-012 PASSED BY THIS CITY COMMISSION ON MARCH 9, 2009, MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2009; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this Ordinance has been prepared to cover deficiencies or needs which exist in the Public Transit, Court Computer, Indigent Telephone, Court Probation, Capital Projects and Water Funds; and

WHEREAS, amendments are required to adjust the budget for previous or anticipated actions of the City; 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 prevent delays in the use of the funds for an extended period of time and not restrict the operation of City departments; and

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

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

Section 1. That Ordinance No. 09-012 passed by this City Commission on the 9th day of March, 2009 be amended as hereinafter set forth:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
PUBLIC TRANSIT FUND	26,000	34,000	60,000
COURT COMPUTER FUND	3,500	21,500	25,000
INDIGENT TELEPHONE FUND	0	5,000	5,000
COURT PROBATION FUND	19,000	-19,000	0
PED/BIKE PATH PH III		112,000	112,000
HAYES AVE UNDERPASS		150,000	150,000
HAYES AVE RESURFACING		900,000	900,000
HAYES AVE SIGNALS		23,000	23,000
PAPER DIST WATERFRONT IMP PH I		47,000	47,000
MILLS STREET		42,000	42,000
CITY HALL-AIR CONDITIONING		242,000	242,000
PAPER DISTRICT		3,618,000	3,618,000
CAPITAL PROJECT FUND	0	5,134,000	5,134,000
BIWW-CHEMICAL		600,000	600,000
FOLLETT ST WATER TNK		34,000	34,000
WATER FUND	0	634,000	634,000

TOTAL ALL FUNDS	48,500	5,809,500	5,858,000
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Section 2. The Finance Director is authorized to draw warrants upon the City treasury for funds appropriated in this Ordinance upon presentation of properly approved vouchers and when in conformity with the Charter and general laws of the State of Ohio. In addition, the Finance Director is authorized to make transfers between funds, to cover deficiencies in City funds provided said transfers are included in the general appropriations.

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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: November 23, 2009

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART FIVE (GENERAL OFFENSES) CHAPTER 505 (ANIMALS AND FOWL), 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 Humane Society of Erie County runs a Trap, Neuter, Release (TNR) Program for feral cats which currently operates in Margareta Township and Vermilion and at the City Commission meeting on October 26, 2009, this City Commission voted 5-0 in support of this project to expand to Sandusky in 2010; 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 amend Chapter 505 and allow the TNR program to commence in January of 2010; and

WHEREAS, 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 and that it is advisable that the amendments to Chapter 505 of the Codified Ordinances be enacted as soon as possible and that this Ordinance be declared an emergency measure which shall 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 Five - General Offenses, Chapter 505 - Animals and Fowl, of the Codified Ordinances of the City is hereby amended as follows:

**NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

505.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Whoever" includes owner, keeper, handler or harborer.
- (b) "Owner" includes keeper, handler or harborer.
- (c) "Registration tag" means the metal tag issued annually by the County Auditor evidencing a registered dog.
- (d) "Registered dog" means a dog registered in compliance with O.R.C. Chapter 955.
- (e) "Permit to run at large" means running at will, roaming away from the premises of the owner, acting on its own initiative and not in leash or under the immediate control of the owner.
- (f) "Impound" means to seize summarily, confine and retain in custody of law.
- (g) "Animal" includes dogs, cats, cattle, sheep, horses, geese, ducks, turkeys, chickens or other fowl or any other animal, domestic or wild, maintained or kept as a pet, for work or for a product.
- (h) "Feral cat" means a cat that is born in the wild or abandoned to the wild and is not socialized or appropriate as a companion for humans.**
- (i) "Ear tipping" means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized and has been sterilized and given a rabies shot.**
- (j) "Animal Control Officer" means the person(s) employed by the City of Sandusky holding the job title of Animal Control Officer.

~~_____ (Ord. 07-098. Passed 12-01-07).~~

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of any animal as defined in Section 505.01 shall permit such animal to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. The owner or person having charge of every animal shall at all times keep such animal either confined upon the premises of the owner or keeper, or under reasonable control of some person. **Feral cats that are ear-tipped are exempt from this section.**

(b) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper or harbinger of any dog shall fail at any time to do either of the following:

(1) Keep the dog physically confined or restrained upon the premises of the owner, keeper or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;

(2) Keep the dog under the reasonable control of some person;

(3) No owner, keeper, or harbinger of any female dog shall permit it to go beyond the premises of the owner, keeper or harbinger at any time the dog is in heat unless the dog is properly in leash.

(O.R.C. §955.22(B)(C))

(c) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(d) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(§505.99(1) & (2), O.R.C. §955.99; Ord. 04-140. Passed 8-9-04.)

~~(Ord. 07-098. Passed 12-10-07.)~~

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

PAGE 3 - ORDINANCE NO. _____

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

Passed:

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, Engineer
Date: November 12, 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 Alternative 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 and Alternate Building Official for the City of Sandusky. Mr. Mularoni has performed the activity of plan reviewer for a number of years and is currently certified to do so. Mr. Mularoni is now certified as a Building Official and can provide backup services for the City.

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 Building Division 2010 Draft Budget. A portion of the cost of the contract, will be paid by the collection of plan review fees by the Department of Planning, Engineering and Development.

Action Requested: Approval of the subject contracts by the passage of the requested enabling legislation under Section 14 of the City Charter, so as not to interrupt the necessary service to the City of Sandusky since the current contracts will expire on December 31, 2009.

John Hancock, P.E., P.S.
Director of PED

I concur with this recommendation:

Matthew D. Kline
City Manager

KKM/cal

cc: Kelly Kresser, Interim Clerk of the City Commission
George Poulos, Chief Building Official
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 DON C. WAGGONER FOR CY 2010, 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 Department of Planning, Engineering and Development wants to use the services of Don C. Waggoner to carry out the activities of Alternate Building Official and Alternative 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 are included in the Building Division 2010 Draft Budget, with a portion of the cost to be paid by the collection of plan review fees by the Department of Planning, Engineering and Development; 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 continue this necessary service without interruption to the City of Sandusky, as the current contract expires 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 Municipal Departments, including the Department of Planning, Engineering and Development 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 Alternative Plan Reviewer for CY 2010. 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: _____
KELLY L. KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: November 23, 2009

AGREEMENT FOR SERVICES OF CONSULTANT

This Agreement made on and entered into on this ____ day of _____, 2009, between the City of Sandusky, Ohio, a Municipal Corporation of the State of Ohio, located in the County of Erie, herein referred to as "City," and Don C. Waggoner herein referred to as "Consultant."

In consideration of the mutual promises herein set out, the parties agree as follows:

I. RECITALS

The City desires to contract with the Consultant to provide technical assistance and professional expertise as an Alternate Plan Reviewer (examining and judging building plans required to be submitted to the building department for approval) and an Alternate Building Official (performing the necessary inspections of new and existing buildings and structures for compliance with applicable legal requirements), in order to assist the City's Building Department and the City's Chief Building Official.

The Consultant acknowledges that he currently has the necessary education and experience to provide the services required by this agreement and will continue to maintain all certifications and professional licenses and attend required continuing education seminars, in order to provide the City with the consulting services required by this agreement.

II. SCOPE OF SERVICES / NON-ASSIGNMENT

The Consultant agrees to personally furnish professional and technical assistance at the request of the City's Chief Building Official or the Director of Engineering Services, which includes but is not limited to the following:

- a. Alternate Plan Reviewer:

Consultant shall review and examine, with authority to approve, building plans submitted for approval in order to obtain appropriate building permits, thereby ensuring the continued certification of the City of Sandusky's Building Department;

b. Alternate Building Official:

Consultant shall inspect new and existing buildings and structures to ensure compliance with all applicable laws, regulations, and standards, which shall include the authority of condemnation of property and all appropriate nuisance abatement up to and including demolition of unsafe structures.

Consultant shall perform the duties under this agreement personally and shall not assign or delegate the performance of those duties to any other person.

III. INDEPENDENT CONTRACTOR

Consultant acknowledges that he is an independent contractor while performing the services required in this agreement. The City is contracting with Consultant for the services described within the body of this agreement and Consultant reserves the right to determine the method and manner by which the services will be performed subject to any timelines of certain services which is or may be required by the Governing Laws and Procedures. The City acknowledges that Consultant has other clients and offers services to the general public and that the order or sequence in which Consultant performs the services to the City is under the Consultant's control subject to the time devoted by Consultant necessary to comply with any applicable time requirements.

IV. INSURANCE

Consultant agrees to maintain a business liability insurance policy.

V. CONFIDENTIALITY

Consultant agrees that any information communicated in any manner to the

Consultant during the performance of the services required by this agreement, which concerns confidential personal, financial or other affairs of the City or the public shall be treated by the Consultant as confidential and shall not be revealed or discussed unless specifically authorized in writing by the City to do so.

VI. COMPENSATION

Consultant shall be paid at the rate of Fifty-Five and 00/100 Dollars (\$55.00) per hour for work performed in accordance with this agreement up to a maximum of \$5,000 per year.

Consultant agrees to timely submit monthly invoices to the Engineering Services Department of the City representing services rendered for the previous 30 day period. The City agrees to make timely payment to Consultant within 30 days after receipt of the monthly invoice from Consultant.

VII. TERM AND TERMINATION

This agreement will begin January 1, 2010, and will terminate December 31, 2010. Either party may terminate this agreement by giving 30 days written notice to the other party by certified mail, return receipt requested, to Consultant at 810 Tyler Street, Port Clinton, Ohio 43452 and to the City at 222 Meigs Street, Sandusky, Ohio 44870-2632, Attention: City Manager.

The notice of termination is deemed to be effective upon receipt by the other party. Upon termination of this agreement, Consultant shall have no further obligation to provide services to the City and the City shall have no further obligation to pay compensation beyond that for services rendered before the notice of termination is received or December 31, 2010, whichever occurs first.

VIII. PARTIES BOUND

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

IX. ENTIRE AGREEMENT

This Agreement sets forth the entire Agreement between the parties with regard to the subject matter of this Agreement. No other agreements, representations or warranties have been made by either party to the other with respect to the subject matter of this Agreement.

X. SEVERABILITY

If any of the provisions of this Agreement are found or deemed by a Court of competent jurisdiction to be invalid or unenforceable, they shall be considered severable from the remainder of this Agreement and shall not cause the remainder to be invalid or unenforceable.

XI. AMENDMENTS

This Agreement may be amended by the parties only by a written agreement signed by both parties.

SIGNATURE PAGE TO FOLLOW

WITNESSES:

CITY OF SANDUSKY:

Matthew D. Kline
City Manager

WITNESSES:

CONSULTANT:

Don C. Waggoner

Approved as to Form:

Donald C. Icsman
Ohio Supreme Court #0021435
Law Director
City of Sandusky

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2010 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Date

Edward Widman
Director of Finance

Account Number

AGREEMENT FOR SERVICES OF CONSULTANT

This Agreement made on and entered into on this _____ day of _____
_____ 2009, between the City of Sandusky, Ohio, a Municipal Corporation of the State
of Ohio, located in the County of Erie, herein referred to as "City," and Scott J. Mularoni
herein referred to as "Consultant."

In consideration of the mutual promises herein set out, the parties agree as
follows:

I. RECITALS

The City desires to contract with the Consultant to provide technical assistance and
professional expertise as an Alternate Plan Reviewer (examining and judging building
plans required to be submitted to the building department for approval), and an
Alternate Building Official (performing the necessary inspections of new and existing
buildings and structures for compliance with applicable legal requirements), in order to
assist the City's Building Department and the City's Chief Building Official.

The Consultant acknowledges that he currently has the necessary education and
experience to provide the services required by this agreement and will continue to
maintain all certifications and professional licenses and attend required continuing
education seminars, in order to provide the City with the consulting services required by
this agreement.

II. SCOPE OF SERVICES / NON-ASSIGNMENT

The Consultant agrees to personally furnish professional and technical
assistance at the request of the City's Chief Building Official or the Director of
Engineering Services, which includes but is not limited to the following:

- a. Alternate Plan Reviewer:

Consultant shall review and examine, with authority to approve, building plans submitted for approval in order to obtain appropriate building permits, thereby ensuring the continued certification of the City of Sandusky's Building Department;

b. Alternate Building Official:

Consultant shall inspect new and existing buildings and structures to ensure compliance with all applicable laws, regulations, and standards, which shall include the authority of condemnation of property and all appropriate nuisance abatement up to and including demolition of unsafe structures.

Consultant shall perform the duties under this agreement personally and shall not assign or delegate the performance of those duties to any other person.

III. INDEPENDENT CONTRACTOR

Consultant acknowledges that he is an independent contractor while performing the services required in this agreement. The City is contracting with Consultant for the services described within the body of this agreement and Consultant reserves the right to determine the method and manner by which the services will be performed subject to any timelines of certain services which is or may be required by the Governing Laws and Procedures. The City acknowledges that Consultant has other clients and offers services to the general public and that the order or sequence in which Consultant performs the services to the City is under the Consultant's control subject to the time devoted by Consultant necessary to comply with any applicable time requirements.

IV. INSURANCE

Consultant agrees to maintain a business liability insurance policy.

V. CONFIDENTIALITY

Consultant agrees that any information communicated in any manner to the Consultant during the performance of the services required by this agreement, which concerns confidential personal, financial or other affairs of the City or the public shall be treated by the Consultant as confidential and shall not be revealed or discussed unless specifically authorized in writing by the City to do so.

VI. COMPENSATION

Consultant shall be paid at the rate of Fifty-Five and 00/100 Dollars (\$55.00) per hour for work performed in accordance with this agreement up to a maximum of \$5,000 per year.

Consultant agrees to timely submit monthly invoices to the Engineering Department of the City representing services rendered for the previous 30 day period. The City agrees to make timely payment to Consultant within 30 days after receipt of the monthly invoice from Consultant.

VII. TERM AND TERMINATION

This agreement will begin January 1, 2010 and will terminate December 31, 2010. Either party may terminate this agreement by giving 30 days written notice to the other party by certified mail, return receipt requested, to Consultant at 1416 East Bogart Road, Sandusky, Ohio 44870 and to the City at 222 Meigs Street, Sandusky, Ohio 44870-2632, Attention: City Manager.

The notice of termination is deemed to be effective upon receipt by the other party. Upon termination of this agreement, Consultant shall have no further obligation to provide services to the City and the City shall have no further obligation to pay

compensation beyond that for services rendered before the notice of termination is received or December 31, 2010, whichever occurs first.

VIII. PARTIES BOUND

This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio.

IX. ENTIRE AGREEMENT

This Agreement sets forth the entire Agreement between the parties with regard to the subject matter of this Agreement. No other agreements, representations or warranties have been made by either party to the other with respect to the subject matter of this Agreement.

X. SEVERABILITY

If any of the provisions of this Agreement are found or deemed by a Court of competent jurisdiction to be invalid or unenforceable, they shall be considered severable from the remainder of this Agreement and shall not cause the remainder to be invalid or unenforceable.

XI. AMENDMENTS

This Agreement may be amended by the parties only by a written agreement signed by both parties.

SIGNATURE PAGE TO FOLLOW

WITNESSES:

CITY OF SANDUSKY:

Matthew D. Kline
City Manager

WITNESSES:

CONSULTANT:

Scott J. Mularoni

Approved as to Form:

Donald C. Icsman
Ohio Supreme Court #0021435
Law Director
City of Sandusky

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City of Sandusky, hereby certifies that the moneys required to meet the obligations of the City during the year 2010 under the Agreement have been lawfully appropriated by the Commission of the City for such purposes and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Date _____

Edward Widman
Director of Finance

Account Number

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 2010, 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 Department of Planning, Engineering and Development wants to use the services of Scott J. Mularoni to carry out the activities of Alternate Building Official and 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 Building Official and Plan Reviewer to state certified professionals; and

WHEREAS, Scott J. Mularoni has performed the activity of Plan Reviewer for the City for a number of years and is currently certified to do so and is now certified as a Building Official; and

WHEREAS, the funds to cover this contract are included in the Building Division 2010 Draft Budget, with a portion of the cost to be paid by the collection of plan review fees by the Department of Planning, Engineering and Development; 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 continue this necessary service without interruption to the City of Sandusky, as the current contract expires 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 Municipal Departments, including the Department of Planning, Engineering and Development 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 Alternative Building Official and Alternate Plan Reviewer for CY 2010. 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: _____

KELLY L. KRESSER

INTERIM CLERK OF THE CITY COMMISSION

Passed: November 23, 2009

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, Engineer
Date: November 12, 2009
Subject: Commission Agenda Item

Item for Consideration: Legislation to make payment to the Ohio Environmental Protection Agency through the Treasurer of the State of Ohio for the annual licensing fee to operate a public water system for the year 2010.

Annually, the City of Sandusky pays a licensing fee to operate a public water system. The charge to the City of Sandusky for 2010 is \$12,180.00. We are in receipt of the invoice for this license, and payment is due by December 31, 2009.

Budgetary Information: Funds for this licensing fee are routinely included in the Big Island Water Works operating budget each year.

Action Requested: It is requested that the proper legislation be prepared to pay the Treasurer State of Ohio \$12,180.00 for the license to operate a public water system for the year 2010. Further, it is requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter to allow for payment of the invoice in the City's possession prior to December 31, 2009.

John Hancock, P.E., P.S.
Director of PED

I concur with this recommendation:

Matthew D. Kline, City Manager

KKM/cal

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING PAYMENT TO THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE RENEWAL OF THE LICENSE TO OPERATE A PUBLIC WATER SYSTEM FOR THE CY 2010; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky as an operator of a public water system is required to pay a licensing fee on an annual basis to the Ohio EPA pursuant to Ohio Revised Code §6109.21; and

WHEREAS, funds for this licensing fee are routinely included in the Big Island Water Works Plant's operating budget; 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 to allow payment to be made to the Ohio EPA prior to the due date of 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 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. This City Commission hereby authorizes and directs the City Manager and/or Finance Director to make payment to the Ohio EPA in an amount **not to exceed** Twelve Thousand One Hundred Eighty and 00/100 Dollars (\$12,180.00) for the renewal of the license to operate a public water system for the CY 2010.

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

Passed: November 23, 2009

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, Engineer
Date: November 11, 2009
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Change Order No. 3, General Trades and Electric Contract for the Wastewater Treatment Plant Expansion Project Phase II. The added work will be performed by Mosser Construction of Fremont, Ohio, in the amount of \$128,195.26. This Change Order includes two (2) item changes recommended for approval by the Project Manager, Jones & Henry Engineers, Ltd.

1. Replace Power Panel PP-2 with a new motor control center. ADD 128,195.26
2. Extend completion date by seven (7) days
New completion date is January 13, 2011.

Attached is a letter from Jones & Henry regarding the electric issue mentioned in the monthly project progress report (possible change order item in the report). City electricians reviewed the work required and met with the project electricians on October 13, 2009 to discuss the work further. After meeting with the contractor, City staff has decided that it would not be in the best interest of the plant for City crews to try to perform this work. Therefore, this option is off the table. The re-feed and replacement of PP-2 is needed. The age of PP-2 also justifies replacing it (\$128,195.26 for new PP2). City Manager and Engineering Liaison were notified regarding the ordering of the MCC-FN with disconnects on September 9, 2009.

BUDGETARY INFORMATION: The Change Order No. 3 will increase the contract with Mosser Construction by \$128,195.26. The revised contract amount is \$16,673,390.86 which remains within the original project budget. The City's share of the change order is \$78,327.30 to be paid with Sewer Funds through the project's OWDA loan. Erie County's share is \$49,867.96.

ACTION REQUESTED: It is requested that the Wastewater Treatment Plant Expansion Project Phase II Change Order No. 3, General trades and electric contracts, in the amount of \$128,195.26 for two (2) item changes to be performed by Mosser Construction, Fremont, Ohio, be approved in full accordance with Section 14 of the City Charter. The project schedule will be extended by seven days as a result of this change order. The timing of the work is reaching a critical stage. The equipment must be ordered to prevent delay in the contractor's work schedule.

I concur with this recommendation:

Matthew D. Kline, City Manager

John Hancock, P.E., P.S.
Director of PED

cc: Don Icsman, Law Director
Kelly Kresser, Interim Clerk of City Commission
Ed Widman, Finance Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE THIRD CHANGE ORDER FOR WORK BEING PERFORMED FOR THE WASTEWATER TREATMENT PLANT EXPANSION PROJECT PHASE II IN THE AMOUNT OF \$128,195.26 TO BE PAID TO MOSSER CONSTRUCTION OF FREMONT, OHIO; 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 an agreement with Jones & Henry Engineers, Ltd. for Professional Design Services for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 07-010, passed on February 12, 2007, and subsequently amended by Ordinance No. 08-060, passed on July 14, 2008; and

WHEREAS, this City Commission declared the necessity to proceed with the Wastewater Treatment Plant Expansion Project Phase II by Resolution No. 021-08R, passed on August 25, 2008; and

WHEREAS, this City Commission approved the awarding of Contracts G (General Trades) & E (Electrical) to Mosser Construction of Fremont, Ohio, for work being performed for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-102, passed on October 14, 2008; and

WHEREAS, this City Commission authorized the City Manager to enter into an agreement with Jones & Henry Engineers, Ltd. for Professional Construction Services, which include reviewing and making recommendations on requests for change orders, for the Wastewater Treatment Plant Expansion Project Phase II by Ordinance No. 08-117, passed on November 10, 2008; and

WHEREAS, this Third Change Order provides for two (2) item change that is recommended for approval by the Project Manager, Jones & Henry Engineers, Ltd. and is listed as follows:

- | | | |
|---------------------------------------------------------------------------------------|-------|--------------|
| 1. Replace Power Panel PP-2 with a new motor control center. | ADD | \$128,195.26 |
| 2. Extend completion date by seven (7) days. New completion date is January 13, 2011. | | |
| | TOTAL | \$128,195.26 |

WHEREAS, the current contract with Mosser Construction is \$16,545,195.60 and with the addition of this Third Change Order in the amount of \$128,195.26, the revised contract cost is \$16,673,390.86, and pursuant to the Sewer Services Agreement the City's portion of the change order is 61.1% or \$78,327.30 and will be paid with Sewer Funds through the project's OWDA loan and the County's share is 38.9% or \$49,867.96; 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 equipment to be ordered to prevent delay in the contractor's work schedule and complete prior to the revised completion deadline of January 13, 2011; 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 Third Change Order for work performed for the Wastewater Treatment Plant Expansion Project Phase II in an amount **not to exceed** One Hundred Twenty Eight Thousand One Hundred Ninety Five and 26/100 Dollars (\$128,195.26) to be paid to Mosser Construction of Fremont, Ohio. and to extend the completion date to January 13, 2011.

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: _____
KELLY L. KRESSER
INTERIM CLERK OF THE CITY

COMMISSION

Passed: November 23, 2009

To: Matthew D. Kline, City Manager
From: Kathryn K. McKillips, Engineer
Date: November 13, 2009
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Encroachment License for property located on the corner of Wilbert Street and Tiffin Avenue for the use by Andre & Teresa Grant, owners of 2012 Tiffin Avenue.

The proposed encroachment license is 0.0446 acres. This license will grant the property owner of 2012 Tiffin Avenue permission to maintain the fence and concrete drive as well as occupy the remaining licensed area for purposes of a grassed yard for so long as the licensee complies with all requirements of the agreement. The licensee acknowledges that this Grant of a License is terminable at the will of the City.

BUDGETARY INFORMATION: There is no budgetary impact with this item.

ACTION REQUESTED: It is recommended that the Grant of a License for Encroachment on the Southwest Side of City Park Property be approved. It is further requested that this legislation take effect in full accordance with Section 13 of the City Charter.

John Hancock, P.E., P.S.
Director of PED

I concur with this recommendation:

Matthew D. Kline
City Manager

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT TO PROVIDE FOR THE USE OF A CERTAIN PORTION OF THE CITY'S PARK PROPERTY (COMMONLY REFERRED TO AS WILBERT PARK) AS DESCRIBED IN THE GRANT OF A LICENSE FOR ENCROACHMENT, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE, MARKED EXHIBIT "1" AND INCORPORATED HEREIN; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, certain property of the City is currently platted as City park property (commonly referred to as Wilbert Park) including the property identified and more fully described in Exhibit "A"; and

WHEREAS, the adjacent property owners at 2012 Tiffin Avenue desire to maintain a fence and concrete drive as well as occupy the remaining licensed area for purposes of a grassed yard space; 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, that this vacation be made; 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 the Grant of a License for Encroachment Agreement, substantially in the same form as contained in Exhibit "1", 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 City's public purpose as set forth in the preamble 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 City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter after its adoption and due authentication by the President

and the Clerk of The City Commission.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

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

Passed: November 23, 2009 (effective after 30 days)

application by the deadline of December 15, 2009, and to accept any awarded funds at the earliest opportunity.

John Hancock
Dir. of Planning, Eng. & Dev.

Sharon Evanich
Grants Administrator

I concur with this recommendation:

Matthew D. Kline
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE HOME DEPOT FOUNDATION FOR THE 2009 BUILDING HEALTHY COMMUNITIES GRANT PROGRAM FOR FUNDING FOR A PLAYGROUND AT HURON PARK 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, approval is being requested to submitted a grant application to the Home Depot Foundation for the 2009 Building Healthy Communities Grant Program for funding to purchase tools and materials to build an accessible playground at Huron Park which is the third phase of a plan to expand upon a newly renovated accessible Community Greenhouse and Splash Pad located in adjacent park areas; and

WHEREAS, the City of Sandusky is in partnership with the Sandusky / Erie County Community Foundation and will collaborate to build this accessible playground to bring the community together through volunteer activity and any funds awarded will support funding initiatives from the CDBG program to improve the park features in the years 2009 and 2010; 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 submit the grant application to the Home Depot Foundation for the 2009 Building Healthy Communities Grant Program by the submission deadline of December 15, 2009, and if awarded to accept any awarded funds 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 the submission of a grant application to the Home Depot Foundation for the 2009 Building Healthy Communities Grant Program, a copy of which is attached to this Resolution and marked Exhibit "A", for funding for purchase tools and materials to build an accessible playground at Huron Park 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: _____
KELLY L. KRESSER
INTERIM CLERK OF THE CITY COMMISSION

Passed: November 23, 2009

2009 Building Healthy Communities Grant Program

Grant Information

The Building Healthy Community grant program receives many grant requests each cycle and unfortunately all projects submitted cannot be funded. This is a competitive grant program.

Organization Name:

City of Sandusky

Tax ID Number:

(Also known as Employer Identification Number or EIN)

34-6401311

Address:

(Please provide street address only - PO BOXES are not acceptable)

222 Meigs Street

City:

Sandusky

State:

OH

Postal Code:

44870

Country:

United States

Phone Number:

(xxx-xxx-xxxx)

419-627-5973

Fax Number:

(xxx-xxx-xxxx)

419-627-5945

Organizations Web Site Address:

www.ci.sandusky.oh.us

Contact's First Name:

Sharon

Contact's Last Name:

Evanich

Title:

Grants Administrator

Office Phone:

419-627-5973

E-mail Address:

sevanich@ci.sandusky.oh.us

Organization Background:

Located on Sandusky Bay, Sandusky has over 22 miles of shoreline within the city limits. The City is the governmental seat of Erie County and is noted for its beautifully landscaped parks, historical downtown architecture and the Sandusky Bay Pathway. The City's mission is to achieve the highest quality of life for its community through focused economic development effort, the delivery of world-class public service, and the promotion of open communication for all.

Request Amount:

2470.38

Project Title:

(Please give your project an appropriate title)

Huron Park Community Playground

Project Start Date:

06/05/2010

Project End Date:

07/17/2010

Project_City:

Sandusky

Project_State:

OH

What is 80% of the Median Household Income in the community where project will take place?

(Multiply 80% or 0.80 by the median household income, which can be obtained from the U.S. Census Bureau - www.census.gov)

50,650

Project Description:

(Please provide a detailed description of the specific project these funds will support, including any "eco-friendly" or "green" components)

The Huron Park Community Playground is a collaborative effort between the City of Sandusky and Sandusky/Erie County Community Foundation to build the first accessible playground in the city by involving volunteers from the community.

The Huron Park Community Playground is the third phase of a plan to expand upon a newly renovated accessible Community Greenhouse and Splash Pad located in adjacent park areas. The project incorporates a community-based approach to neighborhood improvement and resident involvement. This project will not only revitalize a declining low- and moderate-income neighborhood, but it will be the first to provide playground access for children with disabilities.

The City of Sandusky will fund the purchase of the playground equipment, park benches, picnic tables, trash containers, sidewalks, fall zone surface and landscaping through its U.S. Department of Housing and Urban Development: Community Development Block Grant. The budget for the entire project is approximately \$100,000. The Home Depot's Building Healthy Communities Grant Program is a crucial component in order to successfully implement the project because Community Development Block Grant funds cannot be used to purchase tools.

A request for \$2,470.38 from the Home Depot's Building Healthy Communities Grant will be used to purchase tools and materials necessary to build the playground. A detailed list of the tools and materials is located in the budget section. Note: The City of Sandusky is prohibited from loaning tools to volunteers because of safety and liability issues.

The eco-friendly component of the project involves purchasing park benches, picnic tables, and trash containers made of the 98% pure type-2 HDPE plastics, allowing for optimum performance and even future recycling. Type-2 HDPE plastics reclaim items such as milk jugs by the hundreds in every product created, and it is a unique and environmentally responsible choice of material for a park. The material is virtually maintenance-free because it never needs painting, never splinters, nor does it harbor insects or rot.

Furthermore, the playground fall zone surface will be made of an environmentally friendly subsurface which uses one recycled tire per square foot. Geo-textile bags are filled with washed, 99 percent metal-free shredded recycled tires. The bags ensure a uniform and stable depth of rubber base for maximum safety. The unique top surface matting keeps the rubber in place, while enhancing wheelchair accessibility. Water quickly drains through the layers of matting, rubber bags and washed stone. The surface has excellent durability because it does not lose its resilient qualities due to extreme range in temperature, weather and ultraviolet exposure. The top matting has an antimicrobial formula that protects against the growth of mildew, fungi, and bacteria.

In summary, the Home Depot grant would be a significant component within the Huron Park Community Playground. The grant would provide tools which are essential for the volunteers to use in order to build the accessible playground. The Home Depot grant would complement the \$100,000 already dedicated to improve the park features in 2010 through the U.S. Department of Housing and Urban Development: Community Development Block Grant. The City of Sandusky in partnership with the Sandusky/Erie County Community Foundation will collaborate on this project to bring the community together through a volunteer activity using the Home Depot's Building Healthy Communities Grant to build an accessible playground.

Project Budget

(Please provide your project's total budgeted amount)

\$2,470.38

Project Budget Breakdown

(Please provide a description of how the requested funds will be used to purchase necessary supplies)

The City of Sandusky's itemized tools budget is listed below. All of the tools listed will be used to assemble the playground equipment. Also, protective gear for the safety of the volunteers has been included. The budget costs were determined for items based on prices at Home Depot as of 10/30/09.

City of Sandusky's Tool Budget
Standard and Metric Wrench Set
Quantity: 1
Cost: \$39.97

Tape Measurer 25' x 1'
Quantity: 2 x \$6.99 ea.
Cost: \$13.98

Steel Tape Measurer 100'
Quantity: 2 x \$29.00
Cost: \$58.00

Ridgid Cordless Combo Kit 18 Volt
Quantity: 1
Cost: \$329.00

Unibit Set - 3 pcs.
Quantity: 1
Cost: \$43.75

Fiberglass Engineer Hammer - 4 lbs.
Quantity: 1
Cost: \$21.97

Sledgehammer -16lbs.
Quantity: 1
Cost: \$43.97

Deadblow Hammer 42oz.
Quantity: 1
Cost: \$29.97

Aluminum Level 4'
Quantity: 1
Cost: \$34.96

Aluminum Level 2'
Quantity: 1
Cost: \$15.00

Laser Mark Builder's Level Kit
Quantity: 1
Cost: \$911.00

Torx Socket Set
Quantity: 1
Cost: \$14.97

Mechanic Toolset 160 pcs.
Quantity: 1
Cost: \$89.96

Shovel - Round Point
Quantity: 2 x \$25.97 ea.
Cost: \$51.94

Shovel - Flat
Quantity: 2 x \$25.97 ea.
Cost: \$51.94

Drift Punch Set
Quantity: 1
Cost: \$30.00

Spud Bar
Quantity: 1
Cost: \$25.00

Layout String
Quantity: 1
Cost: \$15.00

Step Ladder - 8'
Quantity: 1
Cost: \$140.00

Step Ladder - 6'
Quantity: 1
Cost: \$85.00

Slip Joint Plier Set

Quantity: 1
Cost: \$25.00

Vice Grip Plier Set
Quantity: 1
Cost: \$35.00

Ratchet Strap Set
Quantity: 1
Cost: \$50.00

Bolt Cutters
Quantity: 1
Cost: \$75.00

Felt Tip Marker Set
Quantity: 1
Cost: \$5.00

Wooden Stakes Set
Quantity: 1
Cost: \$25.00

Safety Glasses
Quantity: 15 x \$4.00 ea.
Cost: \$60.00

Work Gloves
Quantity: 30 x \$5.00 ea.
Cost: \$150.00

TOTAL ITEMS: 75
TOTAL COSTS: \$2,470.38

Total Number Of Community Volunteers Expected For Project:

30

Describe your volunteer support for this project. Please include current community or business partners.

To instill ownership and pride within the community, this project will realize the importance of involving resident volunteers who live in the neighborhood to participate in building the playground. The basis of the Huron Park Community Playground project is collaboration between the City of Sandusky and Sandusky/Erie County Community Foundation to build the first accessible playground in the city by involving volunteers from the community. The City of Sandusky is providing the following:

- Staff resources
- In-kind financial contributions
- Designation of a City Commissioner to serve on planning committee
- Community networking and collaboration
- Planning and facilitating of project meetings
- Promoting Huron Park

Since 1995, the mission of the Sandusky/Erie County Community Foundation has been to develop a permanent endowment, to identify and respond to community needs, and to facilitate charitable giving. Located in downtown Sandusky, the Sandusky/Erie County Community Foundation has awarded more than \$2.5 million in grants and scholarships for the benefit of Erie County residents. The Sandusky/Erie County Community Foundation is providing the following:

- Recruitment of volunteers (e.g. neighborhood residents, Sandusky City School District students, and Sandusky Rotary Club members) to lead and participate in the building of the playground
- Community resources
- Attendance at project meetings
- Community networking and collaboration
- Promotion of Huron Park

The Sandusky/Erie County Community Foundation will recruit approximately 30 volunteers to construct the playground in the spring of 2010.

Organization Type:

Civic & Public Affairs

Population Served:

Children(4-12)

 <Select One>

 <Select One>

Diversity Focus:

Yes-Caucasian

 Yes-Females

 Yes-African American

 Yes-Multi-Ethnic

SOUTHERN DIVISION STATES = AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA, WV, PUERTO RICO, ST. THOMAS

NORTHERN DIVISION STATES = CT, DC, DE, IA, IN, IL, KS, MA, MD, ME, MI, MN, MO, ND, NE, NH, NJ, NY, OH, PA, RI, SD, VT, WI

WESTERN DIVISION STATES = AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, WY, GUAM

Program Area:

(Please use above info to assist in selecting your division)

Divisional Areas (Corp)-Northern Division

Please Select Division Grant Below:

Division Grant

How did you learn about the Building Healthy Communities Grant Program?

I received an email from the Erie County Solid Waste Management District.

DATE: November 17, 2009

TO: Sandusky City Commission

FROM: Carrie R. Handy
Chief Planner

SUBJECT: Commission Agenda Item – Petition for Vacation of a Portion of Central Avenue (formerly Lawrence Street) in the Vicinity of 2025 Hayes Avenue by Providence Care Center

Item for Consideration: Petition for vacation of that portion of Central Avenue (formerly Lawrence Street) located south of Buchanan Street.

Purpose: Allow for the vacation of that portion of Central Avenue (formerly Lawrence Street) south of Buchanan Street and which is surrounded by property all owned by the same owner and for the creation of a consolidated parcel.

Background Information: Providence Care Center is requesting the vacation of a portion of Central Avenue (formerly Lawrence Street) located south of Buchanan Street and adjacent to property owned by the Center at 2025 Hayes Avenue. Providence Care Center owns all adjacent property.

Below is a section from the City's water and sewer utility map which covers the subject right-of-way and the neighborhood surrounding it. It is noted that there are no utilities under the subject right-of-way.



The subject right-of-way is currently used as part of the parking area for Providence Care Center. From discussions with the applicant and its surveyor, it appears that the Care Center believed that the subject portion of right-of-way had been vacated in the past as it was combined into the legal description of the Care Center's property. However, upon further research by the applicant's surveyor and title companies, there was no record found that the subject right-of-way had been vacated.

The Department of Planning, Engineering and Development had no objection to the Sandusky City Planning Commission recommending approval to the City Commission of the requested vacation. There are no City utilities under this portion of Central Avenue and it is highly unlikely that the subject portion of Central Avenue would ever be developed as it dead-ends into Providence Care Center's property and does not connect through to Johnson Street.

The Sandusky Planning Commission considered this vacation request at its meeting on October 28, 2009 and resolved unanimously to recommend to the City Commission that this request be approved.

Action Requested: Approval of the requested right-of-way vacation for that portion of Central Avenue (formerly Lawrence Street) lying south of Buchanan Street and adjacent to 2025 Hayes Avenue. It is requested that the vacation be approved in accordance with Section 13 of the City Charter for the following reason:

1. There is good cause to vacate this portion of Central Avenue and the vacation will not be detrimental to the general interest and is conducive to the general interests of the public and the area is no longer needed for any municipal purpose.

Carrie R. Handy
Chief Planner

John Hancock
Director of Planning, Engineering &
Development

I concur with this recommendation:

Matthew D. Kline
City Manager

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF CENTRAL AVENUE (FORMERLY KNOWN AS LAWRENCE STREET) LYING SOUTH OF BUCHANAN STREET AND ADJACENT TO 2025 HAYES AVENUE BY PROVIDENCE CARE CENTER, WITHIN THE CITY, AS SET FORTH ON THE VACATION PLAT, A COPY OF WHICH IS MARKED EXHIBIT "A", ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT UNDER SUSPENSION OF THE RULES AS CONTAINED IN AND IN ACCORDANCE WITH SECTION 13 OF THE CITY CHARTER.

WHEREAS, Providence Care Center, as the only abutting property owner, is consenting to and signed the Petition for Vacation which dispensed with the notice requirement contained in Section 723.06 of the Ohio Revised Code; and

WHEREAS, the City's Department of Planning, Engineering and Development has reviewed the petition and does not object; and

WHEREAS, the Sandusky Planning Commission considered this vacation request at its October 28, 2009, meeting and resolved unanimously to recommend approval of the requested vacation; and

WHEREAS, pursuant to the requirements of Section 723.04 of the Ohio Revised Code, the Sandusky City Commission held a public hearing at its November 23, 2009 regularly scheduled meeting to consider the Planning Commissions' recommendation for **approval** pursuant to Section 713.02 of the Ohio Revised Code; and

WHEREAS, this City Commission finds that there is good cause for such vacation as prayed for and that such vacation will not be detrimental to the general interest and is conducive to the general interests of the public and the area is no longer needed for any municipal purpose, and that it should be made; 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, that this vacation be made; NOW, THEREFORE,

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

Section 1. The portion of Central Avenue (formerly known as Lawrence Street) labeled as described on the vacation plat, with a total area of approximately 8245.91 square feet (0.1893 acre) as provided in the following legal description:

Situated in the City of Sandusky, State of Ohio, County of Erie, and being that part of Central Avenue (formally known as Lawrence Street) (82.50 feet in width) as platted and denoted in McKelvey & Huntington's Subdivision, P.V. 3, Pg. 3, all references herein to the records of the Erie county Recorder's Office, more particularly described as follows:

Beginning, for reference, at an iron pin found in a monument box at the intersection of the centerlines of Central Avenue (formerly known as Lawrence Street) (82.50 feet in width) and Buchanan Street (66 feet in width), thence, N 88° 50' 32" W with the centerline of Buchanan Street, a distance of 41.32 feet to a point, thence, S 2° 16' 49" E, a distance of 33.06 feet to a 5/8" iron rod set on the southerly right of way line of Buchanan Street, the same being on the westerly right of way line of Central Avenue (formerly known as Lawrence Street) and at the northeast corner of Lot 10 and the **True Point of Beginning** for this description;

Thence, S 2° 16' 49" E with the westerly right of way line of Central Avenue (formerly known as Lawrence Street) and with lands of Providence Care Center,

RN#200112773, a distance of 99.97 feet to a point on the north line of Lot 301, Frank P. Lester Subdivision, P.V. 6, Pg. 18, the same being lands of Providence Care Center, O.R. 198, Pg. 346;

Thence, S 88° 50' 32" E with said lands, a distance of 82.64 feet to a point on the easterly right of way line of Central Avenue (formerly known as Lawrence Street);

Thence N 2° 16' 49" W with said line and with Lots 131 & 133, a distance of 99.97 feet to a point on the southerly right of way line of Buchanan Street;

Thence N 88° 50' 32" W with said line, a distance of 82.64 feet to the point of beginning, containing 0.1893 acres of land, more or less, subject to easements, right of ways, and restrictions of record.

And as more fully described in the vacation plat marked Exhibit "A", attached to this Ordinance and specifically incorporated herein, be and the same are hereby vacated pursuant to the Ohio Revised Code, Section 723.08 and is a revocation of the acceptance thereof by this City Commission.

Section 2. The said vacation be and hereby is subject to the permanent easements for public utility purposes in such vacated premises as set forth in Section 723.041 of the Ohio Revised Code.

Section 3. The Clerk of the City Commission be instructed to endorse upon the plat, the City Commission action in vacating such portion of the street and to cause said plat to be recorded in the office of the Erie County Recorder and to notify the Auditor of Erie County of such vacation, by sending him a copy of this Ordinance.

Section 4. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

Section 6. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect under suspension of the rules as contained in and in accordance with Section 13 of the City Charter after its adoption and due authentication by the President

and the Clerk of The City Commission.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

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

Passed: November 23, 2009 (effective after 30 days)