

AGENDA

City Commission Meeting

March 9, 2009
City Commission Chambers
City Hall, 222 Meigs Street
5:00 p.m.

Invocation - Pledge of Allegiance
Meeting Called to Order
Roll Call – BF, PB, BW, DW, DK, JF, CS
Minutes - February 23rd

CHARTER OFFICERS

Matthew Kline, City Manager
Don Icsman, Law Director
Edward Widman, Finance Director
B. Joyce Brown, Clerk of the City Commission

ADMINISTRATIVE STAFF

Kathy McKillips, Engineer
Mike Meinzer, Fire Chief
Charlie Sams, Interim Police Chief
Warrenette Parthemore, Administrative Services Director
Scott Schell, Economic Development Specialist
Carrie Handy, Chief Director

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

PROCLAMATIONS

1. Rotary Day – 2-23-09 (Received late)
2. American Association of Family & Consumer Sciences – 01/2/2009-01/1/2010
3. Multiple Sclerosis Awareness Week – March 2 – March 8, 2009

PRESENTATIONS

- 1.) Peter Schade – Health Department Update
- 2.) Eco-Tourism and Sustainable Cities - Lauren Berlekamp/Joshua Pribanic from Erie Wire

PUBLIC HEARING

The City of Sandusky intends to submit to the U.S. Department of Housing and Urban Development under the Community Development Block Grant (CDBG) for the 2007 Consolidated Annual Performance and Evaluation Report.

ITEM #1 - Communication – Michele Hall, Recreation Program Supervisor

BUDGETARY INFORMATION: There is no budgetary impact. These grants require no matching funds from the City and will be used as partial funding for the costs of the projects.

RESOLUTION NO. _____ Approving and ratifying the Grant Applications submitted to the Sandusky/Erie County Community Foundation, First Energy Foundation, H.J. Heinz Company Foundation and the Wightman Wieber Charitable Foundation for the 2009 Summer Event Series and Summer Playground Program for the Recreation Department and, if awarded, authorizing the City Manager to execute any required agreements. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #2 - Communication – Michele Hall, Recreation Program Supervisor

BUDGETARY INFORMATION: There is no budgetary impact. These grants require no matching funds from the City and will be used as partial funding for the costs of the projects.

RESOLUTION NO. _____ Approving the submission of Grant Applications to the Murray and Murray Foundation, the George Gund Foundation, Petco Foundation, Ohio Eagles Charity Fund, Inc., Sidney Frohman Foundation and the Randolph J. and Estelle M. Dorn Foundation for the Recreation Department and, if awarded, authorizing the City Manager to

execute any required agreements. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #3 - Communication – Jeffrey W. Rosekelly, P.E. Project Engineer

BUDGETARY INFORMATION: The original contract price was \$550,770.33 and the final contract cost is \$581,419.00. The Ohio Public Works Grant funded \$195,340.00 of the project and the private assessment amount is \$100,889.77. The City's portion of the project cost is \$285,189.23. The Water Fund expense is \$65,134.50. The Sewer Fund expense is \$8,776.25. The \$5 License Fee Fund will be \$211,278.48. The final project cost distribution will be calculated for the final assessment legislation.

ORDINANCE NO. _____ Approve the First & Final Change Order for work performed for the Monroe Street Resurfacing Project Phase III in the amount of \$30,648.67 to be paid to Precision Paving, Inc. of Milan, Ohio. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #4 - Communication – Matt Kline, City Manager

CONSIDERATIONS: Our focus for 2009 will be to maintain a tight reign on expenses and work tirelessly toward increasing our General Fund Revenues. The 2009 year will include a 27th pay period. The following General Fund Executive Summary for 2009 shows:

Beginning Balance as of 1/1/09	\$3,690,562
Estimated Revenues	6,940,623
Estimated Expenditures	17,901,814
Estimated Ending Balance at 12/31/09	2,729,371

ORDINANCE NO. _____ Making General Appropriations for the Fiscal Year 2009. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #5 – Ordered in meeting of February 23rd

ORDINANCE NO. _____ Approving the Emergency Cleanup Work at the G & C Foundry Site, ratifying the award to and execution of the contract with Ed Burdue & Company, LLC. of Sandusky, Ohio. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #6 - Communication – Matt Kline, City Manager

BUDGETARY INFORMATION: Proceeds from the sale of the items from the Police Department will be placed into the Police Department's General Trust Account, with the exceptions of the proceeds for the bicycles which will be placed into the City's General Fund.

ORDINANCE NO. _____ Dispose of Surplus Personal Property and Equipment as having become unnecessary and unfit for City use pursuant to Section 25 of the City Charter. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #7 - Communication – Michael R. Meinzer, Fire Chief

BUDGETARY INFORMATION: Firelands Regional Medical Center (FRMC) is the sole provider of the contractually required annual testing for firefighters within the City of Sandusky. Having the tests performed within the City allows firefighters to be tested while on duty and therefore, avoids the additional expense of overtime and mileage. In addition, FRMC maintains the firefighter's medical charts and current testing is based upon what each firefighter had tested for in the immediate prior year which means not all firefighters need to have all tests done which

will also be a cost savings to the City. The total estimated cost for the medical examinations is not to exceed \$38,376.00. The cost for the exams are included in the Fire Department's 2009 Budget.

ORDINANCE NO. _____ Expend funds to Firelands Regional Medical Center, Corporate Health Center of Sandusky, Ohio, for Annual Medical Exams and Fit for Duty Testing to be completed for the Sandusky Fire Department in Calendar Year 2009. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #8 - Communication – Carrie Handy, Chief Planner/Sharon Evanich, Grants Administrator
BUDGETARY INFORMATION: The City of Sandusky will award Volunteers of America \$55,000 to provide homeless prevention services including emergency rental, mortgage and utility assistance to low and moderate income residents in Sandusky under the rules and regulations of the Community Development Block Grant. Emergency rental, mortgage and utility (gas, water and electric) assistance will be provided for a maximum of three months. The maximum assistance is \$1,500 per family. Volunteers of America Northwest Ohio is providing \$182,455 from other local and government program funding sources and \$14,500 of in-kind rent assistance. There is no impact to the City's General Fund.

ORDINANCE NO. _____ Enter into a Subrecipient Agreement with the Volunteers of America Northwest Ohio, substantially in the same form as attached hereto, and to expend funds in an amount not to exceed \$55,000.00 from the FY 2008 Community Development Block Grant. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ITEM #9 - Communication – Ruth S. Haag, contracted by the City
BUDGETARY INFORMATION: The second change order will have no affect on the budget, only on a milestone within the contract. It is estimated that the third change order will decrease the budget by approximately \$104,050.00, as detailed below for each numbered bid item:

- 3. Sidewalk concrete: -2,550 SF x \$3.80/SF = -\$9,690.00
- 4. Gravel base for sidewalk: -2,550 SF x \$0.55/SF = -\$1,402.50
- 5. Excavating for walk (neglected as insignificant)
- 7. Hanover Lanterns: -5 x \$1,200 EA = -\$6,000.00
- 8. Cable and conduit installed: -255 LF x \$4.50/LF = -\$1,147.50
- 9. Seed/mulch/fertilize/topsoil: -9,500 SF x \$0.22/SF = -\$2,090.00
- 11. Common borrow, on-site material: delete item = -\$8,000.00
- 12. ¾" gravel borrow, on-site material: no estimate
- 13. Compaction: no estimate
- 14. 48" RCP: delete item = -\$25,740.00
- 15L. Steel sheet piling labor: -255 LF x \$196/LF = -\$49,980.00
- 15M. Steel sheet piling materials: no deduct, due to materials ordered.

The current contract with Hoty Builders, LLC, is \$784,744.00 and with the deduction of this Third Change Order estimated in the amount of \$104,050.00, the estimated revised contract cost is \$680,694.00, and will be funded with City Capital Funds, based upon notes to be issued by the City and retired with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominium.

ORDINANCE NO. _____ Approving and ratifying the Second Change Order for work being performed for the Paper District Public Waterfront Improvements Project "Chesapeake

Walkway Project”. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

ORDINANCE NO. _____ Approving and ratifying the Third Change Order for work being performed by Hoty Builders, LLC of Sandusky, Ohio, for the Paper District Public Waterfront Improvements Project “Chesapeake Walkway Project” and to deduct the contract amount by an estimated amount of \$104,050.00. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM #10 - Communication – Matthew D. Kline, City Manager

BUDGETARY INFORMATION: The Developer shall pay to the City the total amount of \$100,000 within 10 days following the Effective Date of this Agreement.

ORDINANCE NO. _____ Authorizing and approving a Supplement to Development Agreement with Mid-States Bayfront Development LLC.

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City Manager’s Report

Old Business

New Business

Audience Participation – open discussion on any item (5-minute limit)

Press Question/Answers

Executive Session

Adjournment

FYI: March 23rd – Dedication of Seavers Way at S. Depot Street at 4:00 p.m.



To: Matthew D. Kline, City Manager
From: Michele Hall, Recreation Program Supervisor
Date: March 2, 2009
Subject: Commission Agenda Item

ITEMS FOR CONSIDERATION: Requesting legislation for the approval and ratification of the submission of grant applications to:

- Sandusky / Erie County Community Foundation- Submitted January 31, 2009 for \$10,000 for the 2009 Summer Event Series to assist with the costs of putting on the events for the community. These expenses include stage, tents, entertainment, tables, chairs, and any additional items needed for site development. The events included in this grant are the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market, and Boo at the Bay.
- First Energy Foundation- Submitted January 29, 2009 for \$2,500 for the 2009 Summer Event Series to assist with the costs of putting on the events for the community. These expenses include stage, tents, entertainment, tables, chairs, advertising, and any additional items needed for site development. The events included in this grant are the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market, and Boo at the Bay.
- H.J. Heinz Company Foundation - Submitted February 12, 2009 for \$4,000 for the 2009 Summer Event Series to assist with the costs of putting on the events for the community. These expenses include stage, tents, entertainment, tables, chairs, and any additional items needed for site development. The events included in this grant are the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market, and Boo at the Bay.
- Wightman Wieber Charitable Foundation- Submitted March 1, 2009 for \$2,500 for the Summer Playground Program to assist with cost of supplies for the Arts and Crafts portion of the summer program. We hold a 1-hour session of arts and crafts projects each day for one hour on a rotating basis at each location (4 locations).
- Wightman Wieber Charitable Foundation - Submitted March 1, 2009 for \$3,000 for the 2009 Summer Event Series to assist with the costs of putting on the events for the community. These expenses include stage, tents, entertainment, tables, chairs,

advertising, and any additional items needed for site development. The events included in this grant are the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market, and Boo at the Bay.

BUDGETARY INFORMATION: There is no budgetary impact. These grants require no matching funds from the City and will be used as partial funding for the costs of the projects.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow for the approval and ratification of the submission of the grant applications and if awarded for the City Manager to execute any required agreements and expend funds consistent with the agreements. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to execute any grant agreements and lawfully expend funds, if awarded, at the earliest opportunity.

Approved:

Michele Hall
Recreation Program Supervisor
Department Grant Designee

Sharon Evanich
Grants Administrator

Warrenette Parthemore
Administrative Services Director
Department Head

I concur with this recommendation:

Matthew D. Kline
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING AND RATIFYING THE GRANT APPLICATIONS SUBMITTED TO THE SANDUSKY / ERIE COUNTY COMMUNITY FOUNDATION, FIRST ENERGY FOUNDATION, H.J. HEINZ COMPANY FOUNDATION AND THE WIGHTMAN WIEBER CHARITABLE FOUNDATION FOR THE 2009 SUMMER EVENT SERIES AND SUMMER PLAYGROUND PROGRAM FOR THE RECREATION DEPARTMENT AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Recreation Department submitted applications for grant funding for the 2009 Summer Event Series to assist with the costs associated with the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market and Boo at the Bay and the Summer Playground Program, as listed below:

- Sandusky / Erie County Community Foundation - Submitted a grant application on January 31, 2009 for \$10,000.00;
- First Energy Foundation - Submitted a grant application on January 29, 2009, for \$2,500.00;
- H.J. Heinz Company Foundation - Submitted a grant application on February 12, 2009, for \$4,000.00;
- Wightman Wieber Charitable Foundation - Submitted March 1, 2009, for \$3,000.00;

WHEREAS, the Sandusky Recreation Department submitted an application for grant funding for the Summer Playground Program to assist with the cost of supplies for the Arts and Crafts portion of the program, as listed below:

- Wightman / Wieber Charitable Foundation - Submitted March 1, 2009, for \$2,500.00;

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 grant applications previously submitted and, if awarded, to accept and expend funds to assist the Recreation Department with the 2009 Summer Events Series and Summer Playground Program at the earliest opportunity; and

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

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

Section 1. This City Commission hereby approves and ratifies the submission of the grant applications to the Sandusky / Erie County Community Foundation, First Energy Foundation, H.J. Heinz Company Foundation and the Wightman Wieber Charitable Foundation for funding for the 2009 Summer Event Series to assist with the costs associated with the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market and Boo at the Bay and for the Summer Playground Program and authorizes and directs the City Manager and/or Finance

Director to execute any grant agreements and to lawfully expend funds consistent with the applications should they be awarded.

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

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

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

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:



To: Matthew D. Kline, City Manager
From: Michele Hall, Recreation Program Supervisor
Date: March 2, 2009
Subject: Commission Agenda Item

ITEMS FOR CONSIDERATION: Requesting legislation for the approval of the submission of grant applications to:

- Murray and Murray Foundation - Deadline of March 15, 2009 for \$4,425 for the Summer Playground Program to cover the cost associated with staffing one playground program site. This cost includes 3 seasonal employees to administer the site. The site would serve approximately 40-50 children ages 6-12 daily, Monday through Friday from 9:00am to 1:00pm for 7 weeks during the summer.
- The George Gund Foundation - Deadline of March 15, 2009 for \$2,500 for the 2009 Summer Event Series to assist with the costs of putting on the events for the community. These expenses include stage, tents, entertainment, tables, chairs, advertising, and any additional items needed for site development. The events included in this grant are the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market, and Boo at the Bay.
- PETCO Foundation - Deadline of March 15, 2009 for \$2,500 for the 2009 North coast Animal Expo event to assist with the costs of putting on the event for the community. These expenses include stage, tents, tables, chairs, speakers' series, advertising, and any additional items needed for site development.
- Ohio Eagles Charity Fund, Inc. - Deadline of April 1, 2009 for \$4,425 for the Summer Playground Program to cover the cost associated with staffing one playground program site. This cost includes 3 seasonal employees to administer the site. The site would serve approximately 40-50 children ages 6-12 daily, Monday through Friday from 9:00am to 1:00pm for 7 weeks during the summer.
- Sidney Frohman Foundation - Deadline of April 1, 2009 for \$4,000 for the 2009 Summer Event Series to assist with the costs of putting on the events for the community. These expenses include stage, tents, entertainment, tables, chairs, advertising, and any additional items needed for site development. The events

included in this grant are the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market, and Boo at the Bay.

- The Randolph J. and Estelle M. Dorn Foundation - Deadline of April 1, 2009 for \$8,000 for the 2009 Summer Event Series to assist with the costs of putting on the events for the community. These expenses include stage, tents, entertainment, tables, chairs, advertising, and any additional items needed for site development. The events included in this grant are the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market, and Boo at the Bay.

BUDGETARY INFORMATION: There is no budgetary impact. These grants require no matching funds from the City and will be used as partial funding for the costs of the projects.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow for the approval of the submission of the grant applications and if awarded for the City Manager to execute any required agreements and expend funds consistent with the agreements. It is further requested that this be passed to take immediate effect in accordance with Section 14 of the City Charter in order to submit the grant applications before the required deadlines and execute any grant agreements and lawfully expend funds, if awarded, at the earliest opportunity.

Approved:

Michele Hall
Recreation Program Supervisor
Department Grant Designee

Sharon Evanich
Grants Administrator

Warrenette Parthemore
Administrative Services Director
Department Head

I concur with this recommendation:

Matthew D. Kline
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SUBMISSION OF GRANT APPLICATIONS TO THE MURRAY AND MURRAY FOUNDATION, THE GEORGE GUND FOUNDATION, PETCO FOUNDATION, OHIO EAGLES CHARITY FUND, INC., SIDNEY FROHMAN FOUNDATION AND THE RANDOLPH J. AND ESTELLE M. DORN FOUNDATION FOR THE RECREATION DEPARTMENT AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED AGREEMENTS; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Recreation Department requests approval to submit applications for grant funding to assist with the costs associated with the Summer Playground Program and the 2009 Summer Event Series which include the Northern Ohio Racing Expo, North Coast Animal Expo, Sandusky Bay Antique and Flea Market and Boo at the Bay, as listed below:

- Murray and Murray Foundation - requesting \$4,425.00 for the Summer Playground Program by the deadline of March 15, 2009;
- The George Gund Foundation - requesting \$2,500.00 for the 2009 Summer Event Series by the deadline of March 15, 2009; and
- PETCO Foundation - requesting \$2,500.00 for the 2009 North coast Animal Expo Event by the deadline of March 15, 2009; and
- Ohio Eagles Charity Fund, Inc. - requesting \$4,425.00 for the Summer Playground Program by the deadline of April 1, 2009; and
- Sidney Frohman Foundation - requesting \$4,000.00 for the 2009 Summer Event Series by the deadline of April 1, 2009; and
- The Randolph J. and Estelle M. Dorn Foundation - requesting \$8,000.00 for the 2009 Summer Event Series by the deadline of April 1, 2009; 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 submit the grant applications before the required deadlines and, if awarded, to accept and expend funds at the earliest opportunity to assist the Recreation Department; and

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

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

Section 1. This City Commission hereby approves and authorizes the submission of grant applications to the The Murray And Murray Foundation, The George Gund Foundation, PETCO Foundation, Ohio Eagles Charity Fund, Inc., Sidney Frohman Foundation and The Randolph J. And Estelle M. Dorn Foundation for funding to assist the Recreation Department and authorizes and directs the City Manager and/or Finance Director to execute any grant agreements and to lawfully expend funds consistent with the applications should they be awarded.

PAGE 2 - RESOLUTION NO. _____

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

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

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

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

To: Matthew D. Kline
City Manager

From: Jeffrey W. Rosekelly, P.E.
Project Engineer

Date: February 24, 2009

Item for Consideration: This communication is requesting the first and final change order for the Monroe Street Resurfacing Project – Phase III in the amount of \$30,648.67 to account for actual work performed in the field by the contractor. Attached please find a detailed explanation for each of the differing quantities from the plan quantity. Precision Paving, Inc., of Milan, Ohio was the contractor on this job. The City Manager was notified on November 12, 2008 and December 9, 2008 regarding potential changes to quantities that would result in a change order.

Budgetary Information: The original contract price was \$550,770.33, and the final contract cost is \$581,419.00. The Ohio Public Works Grant funded \$195,340.00 of the project, and the private assessment amount is \$100,889.77. The City portion of the project cost is \$285,189.23. The Water Fund expense is \$65,134.50. The Sewer Fund expense is \$8,776.25. The \$5 license fee fund will be \$211,278.48. The final project cost distribution will be calculated for the final assessment legislation.

Action Requested: It is requested that the first and final change order in the amount of \$30,648.67 for the Monroe Street Resurfacing Project – Phase III 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.

Jeffrey W. Rosekelly, P.E.
Project Engineer

I concur with this recommendation:

Matthew D. Kline
City Manager

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

JWR/cal

cc: Matthew D. Kline, City Manager
Ed Widman, Finance Director
Joyce Brown, Commission Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPROVE THE FIRST & FINAL CHANGE ORDER FOR WORK PERFORMED FOR THE MONROE STREET RESURFACING PROJECT PHASE III IN THE AMOUNT OF \$30,648.67 TO BE PAID TO PRECISION PAVING, INC., OF MILAN, 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 submission of an application and to enter into a project agreement with the Ohio Public Works Commission for financial assistance by Resolution No. 044-06R, passed on September 25, 2006; and

WHEREAS, this City Commission declared the necessity for the City to proceed with the Monroe Street Resurfacing Project Phase III by Resolution No. 036-07R passed on December 10, 2007; and

WHEREAS, this City Commission determined to proceed with the Monroe Street Resurfacing Project Phase III by Ordinance No. 08-039, passed on April 28, 2008; and

WHEREAS, this City Commission previously approved the awarding of the contract for work being performed for the Monroe Street Resurfacing Project Phase III by Ordinance No. 08-050, passed on June 23, 2008; and

WHEREAS, this First & Final Change Order reflects the difference between actual work performed in the field by the contractor and the estimate in the original plans; and

WHEREAS, the original contract with Prevision Paving, Inc., was \$550,770.33 and with the addition of this First & Final Change Order in the amount of \$30,648.67, the revised contract cost is \$581,419.00, with the City's portion being \$285,189.23 of which \$65,134.50 is to be paid with Water Funds, \$8,776.25 to be paid from Sewer Funds and \$211,278.48 to be paid from the \$5 License Fee Fund; the Ohio Public Works Commission grant will fund \$195,340.00 and the remaining balance of \$100,889.77 is to be paid through private assessments; 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 Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and **NOW, THEREFORE,**

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

Section 1. The City Manager is hereby authorized and directed to approve this First & Final Change Order for work performed for the Monroe Street Resurfacing Project Phase III in an amount **not to exceed** \$30,648.67 resulting in the final contract cost of Five Hundred Eighty One Thousand Four Hundred Nineteen and 00/100 Dollars (\$581,419.00) with Precision Paving, Inc., of Milan, 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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

27th Pay Period Estimates by Fund

	Total
POLICE PATROL	95,385
POLICE RECORDS	20,037
POLICE-RESERVE	2,435
POLICE-DETECTIVES	16,171
 FIRE	 108,075
 ADMINISTRATIVE SERVICES	 3,595
DATA PROCESSING CENTER	2,928
OAKLAND CEMETERY	6,254
HORTICULTURAL SERVICES	18,617
 BUILDING MAINTENANCE	 9,312
FLEET MAINTENANCE	9,211
 CITY WIDE ECON DEVELOPMNT	 2,652
COMMUNITY DEVELOPMENT	11,238
 CITY MANAGER	 3,521
 CITY COMMISSION CLERK	 2,137
 BUILDING DIVISION	 7,765
ENGINEERING	10,329
 FINANCE	 4,301
INCOME TAX	1,490
 LAW	 7,329
 MUNICIPAL COURT	 27,218
 GENERAL FUND TOTAL	 370,000
 STREETS	 20,415
TRAFFIC & ELECTRICAL MNTC	5,149
STREET FUND TOTAL	25,564
 PAVILION (AQUATIC CENTER)	 715
MILLS CREEK GOLF COURSE	372
RECREATION DEPARTMENT	1,214
PARKS & REC FUND TOTAL	2,300
 FIRE PENSION FUND	 25,567
 POLICE PENSION FUND	 21,513
 CAO	 2,327
BIWW FILTRATION PLANT	23,436
WATER DISTRIBUTION DEPT	16,298
ADMINISTRATIVE SUPPORT	14,422
WATER FUND TOTAL	56,484
 CAO	 2,327
WATER POLLUTION CONTROL	37,741
SEWER MAINTENANCE DEPT	17,973
ADMINISTRATIVE SUPPORT	14,423
SEWER FUND TOTAL	72,465
 TOTAL ALL FUNDS	 573,892



CITY COMMISSIONERS

CRAIG H. STAHL, President
BRETT L. FUQUA, SR., Vice President
PERVIS D. BROWN, JR.
JULIE A. FARRAR
DANIEL J. KAMAN
DAVID L. WADDINGTON
ROBERT R. WARNER

MATTHEW D. KLINE, City Manager
DONALD C. ICSMAN, Law Director
EDWARD A. WIDMAN, Finance Director
B. JOYCE BROWN, Commission Clerk

222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5844
FAX: 419.627.5825

www.ci.sandusky.oh.us

TO: City Commission

FROM: Matthew D. Kline, City Manager

DATE: February 26, 2009

SUBJECT: 2009 Annual Appropriations

ITEM FOR CONSIDERATION: An Ordinance to make appropriations for expenses and other expenditures during the fiscal year ending December 31, 2009 (The City of Sandusky, Ohio – 2009 Budget).

CONSIDERATIONS: Our focus for 2009 will be to maintain a tight reign on expenses and work tirelessly toward increasing our General Fund revenues. The 2009 year will include a 27th pay period. The following General Fund Executive Summary for 2009 shows:

Beginning Balance as of 1/1/09	\$3,690,562
Estimated Revenues	\$16,940,623
Estimated Expenditures	\$17,901,814
Est. Ending Balance at 12/31/09	\$2,729,371

RECOMMENDATION: The 2009 Budget represents a significant amount of time and effort from each Department, City staff, and the Audit/Finance Committee. The result is a process which ensures City revenues are carefully used to enhance the quality of life for Sandusky residents who enjoy living in America's Roller Coast. The City management team will work diligently with a focus on improving these estimated results.

It is recommended that the attached Appropriations Ordinance for the 2009 year be approved.

SANDUSKY, OHIO – HOME OF 'AMERICA'S ROLLER COAST'®

ORDINANCE NO. _____

AN ORDINANCE 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, in accordance with Section 14 of the City Charter, an Ordinance appropriating money may be passed as an emergency; 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 comply with State Law, which requires that the 2009 Calendar Year Operating Budget be passed by the City Commission no later than March 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 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. There shall be and hereby are appropriated out of any funds now in the treasury and any accruing revenues of the City available for said purposes, the values set forth in column marked "appropriations" for the payment of all expenses and obligations of the City during fiscal year 2009, for the various purposes hereinafter specified.

Section 2. The amounts appropriated for the various purposes hereinafter set forth shall, in no event, be exceeded unless the City Commission shall by Ordinance authorize a transfer from one appropriation account to another, or shall appropriate additional unappropriated funds:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
POLICE PATROL	3,402,060	317,730	3,719,790
POLICE RECORDS	790,511	51,706	842,217
POLICE-RESERVE	72,180	2,000	74,180
POLICE-DETECTIVES	618,065	13,580	631,645
FIRE	4,341,188	449,472	4,790,660
STREET LIGHTING	0	215,000	215,000
OAKLAND CEMETERY	218,992	32,281	251,273
COMMUNITY DEVELOPMENT	301,128	46,550	347,678
CITY WIDE ECON DEVELOPMNT	88,154	33,500	121,654
BUILDING DIVISION	249,996	17,494	267,490
HORTICULTURAL SERVICES	636,712	169,663	806,375
JACKSON ST PIER	0	1,150	1,150
CITY MANAGER	119,417	17,210	136,627
STRATEGIC PLANNING	0	5,000	5,000

PAGE 2 - ORDINANCE NO. _____

ADMINISTRATIVE SERVICES	121,243	32,088	153,331
FINANCE	142,155	14,900	157,055
INCOME TAX	52,191	262,290	314,481
DATA PROCESSING CENTER	85,925	22,310	108,235
LAW	261,649	30,351	292,000
CITY COMMISSION	26,609	9,100	35,709
CITY COMMISSION CLERK	78,864	4,385	83,249
MUNICIPAL COURT	819,552	53,500	873,052
BUILDING MAINTENANCE	321,429	288,031	609,460
ENGINEERING	294,223	37,047	331,270
FLEET MAINTENANCE	213,164	61,980	275,144
ADMINISTRATIVE SUPPORT	0	578,204	578,204
TRANSFERS	0	1,509,885	1,509,885
27TH PAY PERIOD	370,000	0	370,000
GENERAL FUND	<u>13,625,407</u>	<u>4,276,407</u>	<u>17,901,814</u>
ST RESURFACING PROGRAM	0	300,000	300,000
STREETS	781,269	232,548	1,013,817
SNOW & ICE REMOVAL	0	92,500	92,500
TRAFFIC & ELECTRICAL MNTC	211,349	72,538	283,887
27TH PAY PERIOD	25,564	0	25,564
STREET FUND	<u>1,018,182</u>	<u>697,586</u>	<u>1,715,768</u>
STATE HIGHWAY M & R DEPT	35,000	30,000	65,000
ST HIGHWAY FUND	<u>35,000</u>	<u>30,000</u>	<u>65,000</u>
PUBLIC TRANSIT SYSTEM	1,000	419,000	420,000
PUBLIC TRANSIT FUND	1,000	419,000	420,000
PAVILION (AQUATIC CENTER)	34,086	11,951	46,037
MILLS CREEK GOLF COURSE	113,104	90,643	203,747
RECREATION DEPARTMENT	75,281	44,121	119,402
BOAT LAUNCH RAMP	1,368	13,379	14,747
27TH PAY PERIOD	2,300	0	2,300
PARKS & RECREATION FUND	<u>226,139</u>	<u>160,094</u>	<u>386,233</u>
FIRE PENSION TRANSFER	844,441	50,193	894,634
FIRE PENSION FUND	<u>844,441</u>	<u>50,193</u>	<u>894,634</u>
POLICE PENSION TRANSFER	584,473	37,215	621,688
POLICE PENSION FUND	<u>584,473</u>	<u>37,215</u>	<u>621,688</u>
HOME CHIP AC061722	0	40,800	40,800
CHIP SPECIAL REVIEW	0	520,000	520,000
COURT SECURITY GRANT	0	1,500	1,500
REVOLVING LOAN - REHAB	0	130,000	130,000
REVOLVING LOAN-ECO DEV	0	58,500	58,500
DRC-PROBATION SERVICES	76,200	0	76,200
STATE GRANTS FUND	<u>76,200</u>	<u>750,800</u>	<u>827,000</u>
EPA ASMT PETROLEUM	0	106,000	106,000
EPA ASMT HAZ WASTE	0	106,000	106,000
HUD ENTITLEMENT	0	100,000	100,000

PAGE 3 - ORDINANCE NO. _____

HUD CDBG B05MC390034	0	90,000	90,000
HUD CDBG B06MC390034	25,000	315,000	340,000
HUD SPECIAL REVIEW	0	250,000	250,000
HUD CDBG B08MC390034	80,000	400,000	480,000
REVOLVING LOAN-ECO DEV	0	500,000	500,000
PUBLIC TRANSIT SYSTEM	66,000	906,000	972,000
FEDERAL GRANTS FUND	<hr/> 171,000	<hr/> 2,773,000	<hr/> 2,944,000
PAPER DISTRICT	0	2,128,000	2,128,000
CLEAN OHIO PH 1	0	26,000	26,000
PAPER DISTRICT - CORF	0	72,000	72,000
PAPER DISTRICT - COAF	0	10,000	10,000
PAPER DISTRICT-GRADEL-CORF	0	15,000	15,000
PAPER DISTRICT-PH 2	0	25,000	25,000
CAPITAL PROJECTS FUND	<hr/> 0	<hr/> 2,276,000	<hr/> 2,276,000
PP REMOVAL UNSAFE BLDGS	0	200,000	200,000
NUISANCE REMOVAL	1,000	10,000	11,000
RENTAL REGISTRATION FEE	100,000	15,000	115,000
INSPECTION FEE	0	20,000	20,000
ADMIN FEE	0	10,000	10,000
MONROE ST PH 3	100,000	1,500,000	1,600,000
SIDEWALK-CURB-GUTTER-2007	50,000	0	50,000
SIDEWALK-CURB-GUTTER-2008	90,000	500,000	590,000
SIDEWALK-CURB-GUTTER-2009	90,000	500,000	590,000
SPECIAL ASSESSMENT FUND	<hr/> 431,000	<hr/> 2,755,000	<hr/> 3,186,000
FIRE STA. #1 RELOCATION	0	273,275	273,275
SCHADE/MYLANDER PLAZA	0	17,363	17,363
LIBRARY LEVY	0	462,465	462,465
ERI-SANDUSKY STREETScape	0	81,425	81,425
COL AVE UNDERPASS IMP	0	4,919	4,919
LANE ST IMPR	0	16,367	16,367
ST-REMINGTON	0	8,256	8,256
BUTLER ST RAMP	0	10,632	10,632
ERI - AMTRAK STATION	0	10,081	10,081
POL/COURT/LAW RENOVATION	0	17,603	17,603
DEBT SERVICE-BONDS	0	616,457	616,457
BOND RETIREMENT FUND	<hr/> 0	<hr/> 1,518,843	<hr/> 1,518,843
DEBT SERVICE-BONDS	0	529,205	529,205
ASMNT BOND RETIREMENT FUND	<hr/> 0	<hr/> 529,205	<hr/> 529,205
CAO	84,927	25,025	109,952
BIWW FILTRATION PLANT	988,162	1,185,127	2,173,289
WATER DISTRIBUTION DEPT	655,656	177,977	833,633
ADMINISTRATIVE SUPPORT	500,000	157,000	657,000
DEBT SERVICE-BASIC UTIL	0	1,732,583	1,732,583
27TH PAY PERIOD	56,484	0	56,484
WATER FUND	<hr/> 2,285,229	<hr/> 3,277,712	<hr/> 5,562,941
CAO	84,927	25,025	109,952
WATER POLLUTION CONTROL	1,346,194	1,344,646	2,690,840

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SEWER MAINTENANCE DEPT	680,420	330,823	1,011,243
SEWER MAINT - CSO	10,000	22,000	32,000
SEWER MAINT - PUMP STATIONS	54,000	14,000	68,000
ADMINISTRATIVE SUPPORT	500,000	204,000	704,000
DEBT SERVICE-BASIC UTIL	0	2,158,177	2,158,177
27TH PAY PERIOD	72,465	0	72,465
SEWER FUND	<u>2,748,006</u>	<u>4,098,671</u>	<u>6,846,677</u>
POLICE	0	8,000	8,000
CONTRABAND TRUST FD	0	14,000	14,000
POLICE-DARE	0	2,000	2,000
POLICE-DIVE TEAM	0	1,000	1,000
POLICE - FED FORT	0	100	100
FIRE	0	500	500
GREEN	0	3,000	3,000
PARK TRUST	0	5,500	5,500
GENERAL TRUST FUND	<u>0</u>	<u>34,100</u>	<u>34,100</u>
SHORELINE PARK IMPR	0	1,000	1,000
PARK ENDOWMENT FUND	<u>0</u>	<u>1,000</u>	<u>1,000</u>
OAKLAND CEMETERY DEPT	20,000	8,300	28,300
CHAPEL RESTORATION	80	420	500
GARDEN MAUSOLEUM	0	5,700	5,700
PERPETUAL CARE	0	2,000	2,000
SPECIAL CARE	200	3,100	3,300
MEMORIAL PLANTINGS	0	3,200	3,200
CEMETERY ENDOW FUND	<u>20,280</u>	<u>22,720</u>	<u>43,000</u>
STATE PATROL TRANSFER FD	0	40,000	40,000
STATE PATROL FUND	<u>0</u>	<u>40,000</u>	<u>40,000</u>
TOTAL ALL FUNDS	<u>22,066,357</u>	<u>23,747,546</u>	<u>45,813,903</u>

Section 3. 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 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 of this City Commission and any of it's 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 is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE EMERGENCY CLEANUP WORK AT THE G & C FOUNDRY SITE, RATIFYING THE AWARD TO AND EXECUTION OF THE CONTRACT WITH ED BURDUE & CO., LLC, OF SANDUSKY, OHIO; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Manager provided information to this City Commission at the February 23, 2009, regularly scheduled meeting and requested the Commission's approval to deviate from the requirements of formal competitive bidding and to authorize Ed Burdue & Co., LLC, to begin the emergency cleanup work at the G & C Foundry site; and

WHEREAS, this City Commission determined by motion that due to the emergency nature of the cleanup work a deviation from formal competitive bidding and advertising was necessary and authorized the City Manager to enter into an agreement with Ed Burdue & Co., LLC, as the lowest and best of the four (4) responsive quotations; and

WHEREAS, the total cost for the work to be performed is \$49,800.00 and the contractor began performance pursuant to their proposal dated February 23, 2009, the week of March 2, 2009; and

WHEREAS, this legislation should be passed as an emergency measure in accordance with Section 14 of the City Charter in order to ratify the award and execution of the contract with Ed Burdue & Company, LLC, and to allow the contractor to be paid for services rendered; 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. This City Commission ratifies the award of the contract to Ed Burdue & Co., LLC, as the lowest and best bid, and ratifies the execution of the contract with Ed Burdue & Co., LLC of Sandusky, Ohio, in an amount **not to exceed** Forty Nine Thousand Eight Hundred and 00/100 Dollars (\$49,800.00) consistent with the quote submitted by Ed Burdue & Co., LLC, of Sandusky, Ohio, dated February 23, 2009, and currently on file in the office of the Director of Engineering Services.

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

Section 3. This City Commission finds and determines that all formal actions of this

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

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

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:



CITY COMMISSIONERS

CRAIG H. STAHL, President
BRETT L. FUQUA, SR., Vice President
PERVIS D. BROWN, JR.
JULIE A. FARRAR
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222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5844
FAX: 419.627.5825

www.ci.sandusky.oh.us

TO: City Commission

FROM: Matthew D. Kline

DATE: February 25, 2009

SUBJECT: Disposal of Property

ITEM FOR CONSIDERATION: It is requested that the City Commission authorize legislation to dispose of bicycles, equipment and five unneeded vehicles, pursuant to Section 25 of the City Charter.

BACKGROUND INFORMATION: The vehicles below have been determined to be beyond their useful life by city staff and will be sold for scrap:

1990 Dodge Dakota Pickup, 1B7GL26X1LS614859, mileage 101,670
1997 Ford Crown Victoria, 2FALP71WXVX144626, mileage 129,864
1995 Ford Taurus, 1FALP52U0SG227355, mileage 76,976

The items below have all been confiscated by the Sandusky Police Department; the criminal cases involving each of these items have been closed and it is no longer necessary to hold the items (they are of no value to the City of Sandusky):

Misc. clothing	Weightlifting equipment	Air nailer
Misc. jewelry and watches	2 office chairs	12 hand saws
GoGear MP3 player	BAC machine	3 auger bits
Misc. Stereo equipment	Pool cue case	4 chainsaws
Wine & shot-type glasses	5 pry bars	10 Bicycles
Cd case w/ cd's	3 eyewash stations	1 adding machine
2 fishing poles w/ reels	3 12" Rockwell circular saw	1 slow cooker
Several bottles of Cologne	1 Homelite generator	
Set of lockers	4 drills	

The items below are from the respective department listed and are no longer of useful life to the city:

General Services

1 box various building materials
Cordless drill & saw w/ batteries & charger

Municipal Court

1 Unisys receipt printer
Lathem time stamp machine
(broken)
9 old keyboards

7 "Dummy" terminals
2 Axel terminal boxes
1 Modulator (broken)
5 plastic storage computer trays

In addition, it is requested that the following items be disposed of via www.Govdeals.com, an online auction site for governmental entities. Erie County has agreed to place items on this site,

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which is similar to E-Bay for the private individual, on our behalf. There is a 7.5% charge for each item sold on www.Govdeals.com:

2002 Jeep Grand Cherokee, 1J4GW48S82C133840, mileage 96,625 (*confiscated by SPD; of no use to the City of Sandusky*)*
1990 Deluge Sutphen Pumper, 1S9A1BLDXL1003795, mileage 74112.2 miles 6996.6 hours (*useful life has been met per vehicle replacement schedule*)

Misc. items of clothing, shoes*
2 Sony Play Stations 3 w/ controllers*
1 X-box 360 w/ 2 games*
10 watches, various brands & colors*

**Special note: These items have all been confiscated by the Sandusky Police Department; the criminal cases involving each of these items have been closed and it is no longer necessary to hold the items (they are of no value to the City of Sandusky).*

BUDGET IMPACT: Proceeds from the sale of the items from the Police Department will be placed into the Police Department's General Trust Account, with the exceptions of the proceeds for the bicycles which will be placed into the city's General Fund.

ACTION REQUESTED: It is requested the attached legislation be approved authorizing the disposal of the vehicles and equipment listed above. It is further requested this legislation take immediate effect in full accordance with Section 14 of the City Charter. The auction is scheduled to be held on Thursday, March 26 at 6 p.m. at the City Service Center, 1024 Cement Avenue.

/klk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO DISPOSE OF SURPLUS PERSONAL PROPERTY AND EQUIPMENT AS HAVING BECOME UNNECESSARY AND UNFIT FOR CITY USE PURSUANT TO SECTION 25 OF THE CITY CHARTER; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, Section 25 of the City Charter authorizes the City Manager to conduct all sales of personal property that has become obsolete, unnecessary and unfit for City use; and

WHEREAS, the following vehicles have been determined to be obsolete, unnecessary and unfit for City use and it is requested the vehicles be sold for scrap:

Year Make / Model	Vehicle ID Number	Mileage
1990 Dodge Dakota Pickup	1B7GL26X1LS614859	101,670
1997 Ford Crown Victoria	2FALP71WXVX144626	129,864
1995 Ford Taurus	1FALP52U0SG227355	76,976

WHEREAS, the following items have been confiscated by the Sandusky Police Department and the related Court cases have been adjudicated and closed thereby eliminating the need to retain these items as evidence and these items have been determined to be obsolete, unnecessary and unfit for City use:

Misc. clothing	Weightlifting equipment	Air nailer
Misc. jewelry and watches	2 Office chairs	12 hand saws
GoGear MP3 player	BAC machine	3 auger bits
Misc. Stereo equipment	Pool cue case	4 chainsaws
Wine & shot-type glasses	5 pry bars	10 Bicycles
Cd case w/ cd's	3 eyewash stations	1 adding machine
2 fishing poles w/ reels	3 12" Rockwell circular saw	1 slow cooker
Several bottles of Cologne	1 Homelite generator	
Set of lockers	4 drills	

WHEREAS, the following items have been determined to be obsolete, unnecessary and unfit for City use by the respective department listed:

<u>Municipal Court</u>	<u>General Services</u>
1 Unisys receipt printer	1 box various building materials
Lathem time stamp machine (broken)	Cordless drill & saw w/ batteries & charger
9 old keyboards	
7 "Dummy" terminals	
2 Axel terminal boxes	
1 Modulator (broken)	
5 plastic storage computer trays	

WHEREAS, in addition it is requested that the following items that have been determined to be obsolete, unnecessary and unfit for City use be disposed of via www.Govdeals.com which is an online auction site for governmental entities and Erie County has agreed to place these items on this site on our behalf; there is a 7.5% charge for each item sold on www.Govdeals.com:

<u>Year Make / Model</u>	<u>Vehicle ID Number</u>	<u>Mileage</u>
2002 Jeep Grand Cherokee (confiscated by SPD)	J4GW48S82C133840	96,625
1990 Deluge Sutphen Pumper (useful life has been met per vehicle replacement schedules - 6996.6 hours)	1S9A1BLDXL1003795	74,112.2

WHEREAS, the following items have been confiscated by the Sandusky Police Department and the related Court cases have been adjudicated and closed thereby eliminating the need to retain these items as evidence and these items have been

determined to be obsolete, unnecessary and unfit for City use and will be disposed of via www.Govdeals.com:

Misc. items of clothing & shoes
2 Sony Play Stations 3 w/controllers
1 x-box 360 w/2 games
10 watches, various brands & colors

WHEREAS, the proceeds from the sale of the items from the Police Department will be placed into the Police Department's General Trust Account with the exception of the proceeds from the bicycles which will be placed in the City's General Fund; 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 allow for the items to be declared unnecessary and unfit for City use prior to the auction date of March 26, 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 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 finds and determines that the personal property described in the preamble above has become obsolete and is unnecessary and unfit for City use pursuant to Section 25 of the City Charter and the City Manager is authorized and directed to dispose of the personal property through public auction, sale process or via www.Govdeals.com with the proceeds received to be placed in the Police Department's Trust Account or the City's General Fund.

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

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

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

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

February 24, 2009

MEMORANDUM

To: Matthew D. Kline, City Manager

From: Michael R. Meinzer, Fire Chief

RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Legislation authorizing the City Manager to expend funds not to exceed \$38,376.00 at Firelands Regional Medical Center, Corporate Health Center for firefighter medical exams and fit for duty testing.

BACKGROUND INFORMATION: In accordance with the current IAFF Labor Agreement, firefighters are required to have a medical examination on a yearly basis which requires that firefighters be tested on applicable fit for duty testing. In the event an employee is unable to meet or exceed the applicable fitness standard, the employee will be placed on a fitness program designed by Firelands Corporate Health through Firelands Regional Medical Center. Firefighters also must pass this medical exam to be certified to wear a respirator. The medical exam consists of laboratory test, stress test, chest x-ray (every 2 years), pulmonary function test, hearing test, physical examination, pap smear, mammogram and body fat analysis/bmi.

BUDGETARY INFORMATION: Firelands Regional Medical Center (FRMC) is the sole provider of the contractually required annual testing for firefighters within the City of Sandusky. Having the tests performed within the City allows firefighter to be tested while on duty and therefore, avoids the additional expense of overtime and mileage. In addition, FRMC maintains the firefighter's medical charts and current testing is based upon what each firefighter had tested for in the immediate prior year which means not all firefighters need to have all tests done which will also be a cost savings to the City.

The total estimated cost for the medical examinations is not to exceed \$38,376.00. The cost for the exams are included in the Fire Department's 2009 budget.

ACTION REQUESTED: It is requested that the proper legislation be prepared to move forward with the medical examinations and fit for duty testing from Firelands Corporate Health Center in an amount not to exceed \$38,376.00. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to schedule the annual physicals as soon as possible to provide immediate health safety to our firefighters and to be absolutely sure they are fit for duty and to follow the IAFF Labor Contract which states that physicals must be done on an annual basis.

Approved:

I concur with this recommendation:

Michael R. Meinzer, Fire Chief

Matthew D. Kline, City Manager

Cc: Ed Widman, Finance Director
Don Icsman, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS TO FIRELANDS REGIONAL MEDICAL CENTER, CORPORATE HEALTH CENTER OF SANDUSKY, OHIO, FOR ANNUAL MEDICAL EXAMS AND FIT FOR DUTY TESTING TO BE COMPLETED FOR THE SANDUSKY FIRE DEPARTMENT IN CY 2009; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, in accordance with the current IAFF labor agreement firefighters are required to have a medical examination on a yearly basis and to be tested on applicable fit for duty testing and upon passing the exam allows them to be certified to wear a respirator; and

WHEREAS, this annual medical exam consists of a laboratory test, stress test, chest x-ray (every 2 years), pulmonary function test, hearing test, physical examination, pap smear, mammogram and body fat analysis / BMI testing; and

WHEREAS, Firelands Regional Medical Center (FRMC) is the sole provider of the contractually required annual testing for firefighters within the City of Sandusky and having the tests performed within the City allows firefighters to be tested while on duty and, therefore, avoids the additional expense of overtime and mileage and in addition, FRMC maintain the firefighter's medical charts and current testing is based upon what each firefighter had tested for in the immediate prior year which means not all firefighters need to have all tests done which will also be a cost savings to the City; and

WHEREAS, the total estimated cost for the medical examinations is not to exceed \$38,376.00, and the cost for the annual exams are included in the Fire Department's 2009 budget; 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 schedule the annual medical exams and fit for duty testing as soon as possible to provide immediate health safety to our firefighters and make absolutely sure they are fit for duty and to follow the IAFF Labor Contract which states physicals must be done on an annual basis; 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 Fire 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. The City Manager is authorized and directed to expend funds to Firelands Regional Medical Center, Corporate Health Center of Sandusky, Ohio, for firefighter medical exams and fit for duty testing to be completed for the Sandusky Fire Department in an amount **not to exceed** Thirty Eight Thousand Three Hundred Seventy Six and 00/100 Dollars (\$38,376.00).

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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:



Department of Development

Planning 419-627-5872
Grants Administration 419-627-5973
Transit 419-621-8462
Economic Development 419-627-5827
Code Enforcement 419-627-5913

222 MEIGS STREET
SANDUSKY, OH 44870
FAX: 419-627-5945

TO: Matthew D. Kline
City Manager

FROM: Carrie Handy Sharon Evanich
Chief Planner Grants Administrator

DATE: February 24, 2009

SUBJECT: Commission Agenda Item – U.S. Department of Housing and Urban Development:
FY2008 Community Development Block Grant – Volunteers of America Northwest
Ohio Subrecipient Agreement.

ITEM FOR CONSIDERATION:

Legislation for the approval of the City of Sandusky, Department of Development Public Services Subrecipient Agreement between the City of Sandusky and Volunteers of America Northwest Ohio to provide homeless prevention services including emergency rental, mortgage and utility assistance to low- and moderate income residents in Sandusky. The CDGB Funds shall be utilized only to sustain current residents of the City of Sandusky. The intent of this proposed project is to prevent homelessness by assisting those of the Sandusky community keep their current housing.

BUDGETARY INFORMATION:

The City of Sandusky will award Volunteers of America \$55,000 to provide homeless prevention services including emergency rental, mortgage and utility assistance to low- and moderate income residents in Sandusky under the rules and regulations of the Community Development Block Grant. Emergency rental, mortgage and utility (gas, water and electric) assistance will be provided for maximum of three months. The maximum assistance is \$1,500 per family. Volunteers of America Northwest Ohio is providing \$182,455 from other local and government program funding sources and \$14,500 of in-kind rent assistance. There is no impact to the City's General Fund.

ACTION REQUESTED:

It is requested that the proper legislation be prepared to allow for the approval of the Agreement. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to execute the Subrecipient Agreement as soon as possible and allow the Volunteers of America Northwest Ohio to expend the funds before the deadline of June 30, 2009.

Carrie R. Handy
Chief Planner

Sharon Evanich
Grants Administrator

I concur with this recommendation:

Matthew D. Kline
City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE VOLUNTEERS OF AMERICA NORTHWEST OHIO, SUBSTANTIALLY IN THE SAME FORM AS ATTACHED HERETO, AND TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$55,000.00 FROM THE FY 2008 COMMUNITY DEVELOPMENT BLOCK GRANT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Title I of the Housing and Community Development Acts of 1974 and 1977, as amended, the City has applied for and received a Community Development Block Grant (CDGB) for certain community development activities; and

WHEREAS, under this Agreement, the City of Sandusky will award the Volunteers of American Northwest Ohio up to \$55,000.00 to provide homeless prevention services including emergency rental, mortgage and utility assistance to low and moderate income residents in Sandusky under the rules and regulations of the Community Development Block Grant; 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 execute the Subrecipient Agreement as soon as possible and allow the Volunteers of America Northwest Ohio to expend the funds before the deadline of June 30, 2009.

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. This City Commission hereby approves and authorizes the execution of the Subrecipient Agreement with the Volunteers of America Northwest Ohio, a copy of which is marked Exhibit "A" and is attached to this Ordinance, and is specifically incorporated as if fully rewritten herein, together with such revisions or additions thereto as are approved by the Law Director as not being substantially adverse to the City and as being consistent with the purpose thereof as set forth in the preamble hereto, to provide homeless prevention services and authorizes the City Manager and/or Finance Director to expend funds in an amount **not to exceed** Fifty Five Thousand and 00/100 Dollars (\$55,000.00) from the FY 2008 Community Development Block Grant Funds to the Volunteers of America Northwest 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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

**City of Sandusky
Department of Development
Public Services
Subrecipient Agreement**

This agreement entered into as of the March 10, 2009, by and between the City of Sandusky (hereinafter referred to "City"), 222 Meigs Street, Sandusky, Ohio acting through its City Manager and upon the advice of its Development Department, and the Volunteers of America Northwest Ohio, (hereinafter referred to as "Subrecipient"), 1843 Superior Street, Sandusky, Ohio 44870.

WITNESSETH THAT:

WHEREAS, pursuant to Title I of the Housing and Community Development Acts of 1974 and 1977, as amended, the City has applied for and received a Community Development Block Grant (CDBG) for certain community development activities; and

WHEREAS, included in said application, or provided for and referred to in subsequent attachments to said application, the Subrecipient is to provide Homeless Prevention Services including emergency rental, mortgage and utility assistance;

WHEREAS, it is necessary that the City and the Subrecipient enter into an AGREEMENT for the implementation of said activity;

NOW, THEREFORE, the parties do hereby agree as follows;

1. Responsibility for Grant Administration

The City, acting through the Department of Development, is responsible for ensuring the administration of CDBG funds in accordance with all program requirements. The use of Subrecipients or Contractors does not relieve the City of its responsibility. The City is also responsible for determining the adequacy of performance under Subrecipient Agreements and procurement contracts and for taking appropriate action when performance problems arise.

2. Other Program Requirements

This AGREEMENT shall require the Subrecipient to carry out each activity in compliance with all Federal laws and regulations as further described in ATTACHMENT II – Certifications and Other Regulations, which is attached hereto and made a part thereof, as if fully rewritten, except that:

- a. The Subrecipient does not assume the City's environmental responsibilities; and
- b. The Subrecipient does not assume the City's responsibility for initiating the governmental review process under Executive Order 12372.

3. Scope of Services

The Subrecipient hereby agrees to utilize funds made available under the CDBG Program for the purpose of implementing the aforementioned activity as described in ATTACHMENT I Statement of Work, which is attached hereto and made a part thereof as if fully rewritten.

The Section 3 Act of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (as amended), requires that the Subrecipient certifies that the community development project provided for herein gives to the greatest extent feasible, priority to activities that benefit low-or moderate-income families or aids in the prevention or elimination of slums or blight.

4. **Time of Performance**
This AGREEMENT shall take effect as of March 10, 2009 THROUGH AND INCLUDING June 30, 2009.
5. **Compensation**
The City shall compensate the Subrecipient for all expenditures made in accordance with the aforementioned service activities (See Attachment I). Compensation shall be provided on a reimbursement basis during the term of the AGREEMENT not to exceed award amount of fifty-five thousand dollars and no cents (\$55,000.00).
6. **Ineligible Use of Funds**
Funds are not authorized for food and beverages, entertainment and/or lobbying expenses.
7. **Method of Payment**
Subject to receipt of funds from the United States Treasury, the City agrees to reimburse the Subrecipient for authorized expenditures for which original vouchers and other similar documentation to support payment expenses are submitted by the Subrecipient under those generally accepted accounting principles and procedures approved by Sandusky and outlined in OMB circulars A-110- and A-122. **Documentation shall be submitted to the City by the fifteen (15) day of April, May, and June 2009. Final payment is based on the Closeout Project Report due within 45 days of the AGREEMENT end date (See Attachment I).**
8. **Project Progress Reporting**
 - (a) During the term of this contract, the Subrecipient will submit a Project Progress Report to the City for the following periods: March 10 – March 31, April 1 – April 30, and May 1 – May 30, 2009. The Subrecipient will submit the Project Progress Report to the City within 15 days of the close of each reporting period. For each period, the report will describe the status of the project with respect to each implementation task including, at a minimum, the percentage of the project which has been completed, costs incurred, funds remaining, anticipated completion date and required CDBG supporting documentation (See Attachment 1). The report must also describe any significant problems encountered and/or any necessary modification of the project scope or implementation schedule.
 - (b) **The City will not honor claims for payment until the required Project Progress Report has been submitted to and approved by the City.**
9. **Program Income**
All income received from CDBG funded activities shall be considered program income and subject to the requirements set forth in OMB Circular A-110.
10. **Reversion of Assets**
Upon expiration of the AGREEMENT, the Subrecipient shall transfer to the City any CDBG funds on hand at the time of expiration and any account receivable attributable to the use of CDBG funds. It shall also ensure that any real property under the Subrecipient's control that was acquired or improved in whole or in part with CDBG funds in excess of \$25,000 is either:
 - a. used to meet one of the three National Objectives of the CDBG Program until five (5) years after expiration of the AGREEMENT, or such longer period of time as determined appropriate by the City; or
 - b. is disposed of in a manner that results in the City being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures on non-CDBG funds for acquisition of, or improvement to, the property. Reimbursement is not required after five years.

11. Subcontracting

None of the services covered by this AGREEMENT shall be subcontracted without the prior written approval of the City.

12. Compliance with Regulations

The Subrecipient will comply with the applicable uniform administrative requirements as described in ATTACHMENT II – Certifications and Other Regulations, which are attached hereto and made a part hereof as if fully rewritten. In addition, Playing by the Rules: A Handbook for CDBG Subrecipients on Administrative Systems (www.Hud.gov) is a component of supplemental program compliance regulations and are made a part hereof as if fully rewritten.

13. Faith-Based Organization

Where applicable, faith-based organizations may not use CDBG funds to support inherently religious activities such as worship or religious instruction. All eligible program beneficiaries must be served without regard to religion.

14. Proof of Status

The Subrecipient must submit upon signature of contract the following items: 1) Proof of 501(c)(3) status, 2) General Liability Insurance, 3) Directors and Officers Liability Insurance, 4) Current Form 990 or most recent audit, 5) annual budget and 6) DUNS number.

15. Liaison

Sharon Evanich, Grants Administrator for the City of Sandusky, is the City's liaison with the Subrecipient regarding all administrative and technical matters concerning this Contract.

16. Indemnification

(a) The Subrecipient waives any and all claims and recourse against the City including the right of contribution, for loss or damage to persons or property arising from, growing out of, or in any way connected with or incidental to the Subrecipient's performance under this Contract.

(b) Further, the Subrecipient will indemnify, hold harmless, and defend the City against any and all claims, demands, damages, costs, expenses, or liability arising out of the Subrecipient's performance of this Contract. In the event that the City is named as a codefendant in any action relating to activities to be performed by the Subrecipient under this Contract, the Subrecipient will notify the City of the action and will represent the City in the action unless the City undertakes to represent itself as a codefendant, in which case the City will bear its own litigation costs, expenses, and attorneys' fees.

17. Maintenance and Availability of Records

In connection with the AGREEMENT, the Subrecipient shall maintain all accounting and client records and documents, papers, maps, photographs, other documentary materials and any evidence pertaining to costs incurred for five (5) years. Subrecipients may follow their own practices as long as they provide for retention for five (5) years and access for audit and public examination. If any litigation, claim or audit is started, the records shall be retained beyond five (5) years.

Such records shall be furnished and available for inspection by the Department of Housing and Urban Development (HUD), the Comptroller General of the United States, or any authorized representative, and the City. Such records shall be available at the Subrecipient's office at all reasonable times during the contract period. If a claim, investigation or litigation is pending after what is assumed to be the final payment, that, in effect, cancels the final payment date. The retention period will not begin until final settlement of the claim, investigation or litigation, as referenced in OMB Circular A-110.

15. Contract Amendment

- (a) Changes in the contract may be requested by either the City or the Subrecipient and shall be incorporated in written amendments to the AGREEMENT.
- (b) However, the City will allow an amendment by the Subrecipient only if the Subrecipient clearly demonstrates that the modification is justified and will enhance the overall impact of the original project. The City will consider each request to determine whether the modification is substantial enough to necessitate reevaluating the AGREEMENT.
- (c) If the City determines that the proposed amendment represents a budgetary item of 30% or more and/or a change within the programmatic/service scope of the plan, the City will enact a public comment period of thirty (30) days and a public hearing convened at a location convenient and accessible to citizens for final approval.

16. Termination and Suspension

The City may terminate this AGREEMENT as follows:

- a. Termination Due to Noncompliance with Agreement Terms. If the City determines that the Subrecipient has failed to comply with the general terms and conditions of this AGREEMENT, the project schedule, or any special conditions, and if upon notification of the defect the Subrecipient does not remedy the deficiency within a reasonable period to be specified in the notice, the City may terminate this Agreement in whole or in part at any time before the date of completion, or temporarily withholding cash payments pending correction of the deficiency; disallow all or part of the cost of the activity and/or action not in compliance; withhold further awards; and/or take other remedies that may be legally available.
- b. The City will promptly notify the Subrecipient in writing of the decision to terminate, the reasons for the termination, and the effective date of the termination; or
- c. Violates any provision of the Housing and Community Development Act of 1974 & 1977, as amended; or
- d. Violates any applicable regulations or terms and conditions of approval of the applications which the Secretary of HUD has issued or shall subsequently issue during the period of the AGREEMENT; or
- e. Termination and Modification Due to Loss of Funding. If, for any reason, the federal financial resources required by the City to fund the Subrecipient's project are withdrawn from the City, the City may unilaterally terminate or modify the terms of this Contract to reflect the loss of funding. If a termination or modification is required, the City will, to the extent permitted by available CDBG funds, compensate the Subrecipient for eligible work elements the Subrecipient has completed and for actual, necessary and eligible expenses incurred by the Subrecipient as of the revised termination date. The City will give the Subrecipient written notice of the effective date of the modification or termination of this AGREEMENT and, if a reduction in funding is required, will provide the Subrecipient with a modified project budget.
- f. Effect of Termination. In the event of termination due to the Subrecipient's failure to comply with the terms of this AGREEMENT, any costs incurred will be the responsibility of the Subrecipient. However, at its discretion, the City may approve requests by the Subrecipient for reimbursement of expenses incurred. The City's decision to authorize payment of these costs or to recover expended CDBG funds will be based on a consideration of the Subrecipient's extent to which the expenditure of those funds represented a good faith effort of the to comply with the terms of this

AGREEMENT and on whether any failure to comply with the terms of this AGREEMENT was the result of circumstances beyond the Subrecipient's control.

17. Audit

The Subrecipient is encouraged to comply with the audit requirements set forth in OMB Circular A-133. If the audit requirements of A-133 are not followed by the Subrecipient, the audit requirements of OMB Circular A-110 must be followed.

IN WITNESS WHEREOF, the City and the Subrecipient have executed this AGREEMENT as of the date first above written.

City of Sandusky

Subrecipient

Matthew D. Kline
City Manager

Susan Ream-Snyder, Executive Director
Volunteers of America, Northwest Ohio

Date

Date

Donald Icsman, Law Director

Date

Edward Widman, Finance Director

Date

**ATTACHMENT I
STATEMENT OF WORK**

**SCOPE OF SERVICES
PROGRAM BUDGET
CDBG SUPPORTING DOCUMENTATION
CLOSEOUT PROCEDURES**

ATTACHMENT I STATEMENT OF WORK

SCOPE OF SERVICES

The Scope of Services provides the foundation for grantee monitoring of the Subrecipient performance in accomplishing planned objectives.

Volunteers of America Northwest Ohio is to provide Homeless Prevention Services including emergency rental, mortgage and utility assistance to low-moderate income Sandusky residents based upon the scope of services outlined in the approved FY2009 Proposal application.

**ATTACHMENT I
STATEMENT OF WORK**

PROGRAM BUDGET

Description of Work	Total Project Costs	CDBG Funds Requested	Other Funding Sources	In-Kind Contributions
Salaries, Wages, & Benefits	\$ 28,900.00	\$ 5,500.00	\$ 23,400.00	
Office Supplies/Equipment	\$ 665.00	\$ 265.00	\$ 400.00	
Printing	\$ 470.00	\$ 145.00	\$ 325.00	
Utilities	\$ 1,220.00	\$ 275.00	\$ 945.00	
Postage	\$ 455.00	\$ 155.00	\$ 300.00	
Advertising	\$ 285.00	\$ 135.00	\$ 150.00	
Training and Travel	\$ 175.00		\$ 175.00	
Consultant Services/Planning	\$ -			
Other Operating Expenses	\$ 425.00	\$ 125.00	\$ 300.00	
Computer	\$ 500.00		\$ 500.00	
Office Furniture	\$ 250.00		\$ 250.00	
Other Capital Expenses	\$ -			
Client Services				
Rental Assistance	\$ 106,100.00	\$ 20,000.00	\$ 86,100.00	\$14,500.00
Mortgage Assistance	\$ 29,600.00	\$ 14,000.00	\$ 15,600.00	
Utility payments	\$ 68,400.00	\$ 14,400.00	\$ 54,000.00	
Total Project Expenditures	\$237,445.00	\$ 55,000.00	\$ 182,445	\$ 14,500.00

**ATTACHMENT I
STATEMENT OF WORK**

CDBG SUPPORTING DOCUMENTATION FORMS

CDBG supporting documentation must also be submitted with the Progress Project Reports and the Closeout Project Report in order for the Subrecipient to be reimbursed for authorized expenditures. The supporting documentation forms include, but are not limited to the following:

Individual CDGB Public Services Clientele Forms (to be filed for five years at Subrecipient's location)

To Be Submitted:

Accumulated Total of the CDGB Public Services Clientele Form

Copies of Promotional Materials and Program Brochures, if applicable.

Copies of Advertising/Marketing Ads, if applicable.

ATTACHMENT I CLOSEOUT PROCEDURES

Closeout Procedures commence once the following have occurred:

- All costs to be paid with CDBG funds have been incurred, with the exception of closeout costs (e.g., audit) or contingent liability costs.
- The work to be financed with CDBG has been completed, including activities financed through escrow accounts, loan guarantees, or similar mechanisms.
- The other responsibilities of the Subrecipient under its agreement with the grantee have been met, or the grantee feels that there is no further benefit in keeping the Agreement open for the purpose of securing performance.

When the City has determined that these criteria have been met, or upon the expiration or termination of the Subrecipient Agreement, the City requires the Subrecipient to provide within 45 days the final versions of all financial, performance, and other reports that were a condition of the award. The City requires the Subrecipient to liquidate all obligations incurred under the CDBG award before the submission of the final financial status report. These reports may include but are not limited to:

- A final performance or progress report.
- A financial status report (including all program income, if applicable).
- A final request for payment.
- A final inventory of property in the Subrecipient's possession that was acquired or improved with CDBG funds, if applicable.
- The amount of any unused CDBG funds.
- Other provisions appropriate to any special circumstances.

Continuing Subrecipient Responsibilities

As specified in 24 CFR 84.72 and 85.51, the closeout of a CDBG award to a Subrecipient does not affect:

- The grantee's right to disallow costs and/or recover funds on the basis of a later audit or other review.
- The Subrecipient's obligation to return funds due to the grantee from subsequent refunds, corrections, or other transactions.
- The Subrecipient's responsibilities for records retention.
- The CDBG property management and disposition requirements.
- Audit requirements.

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CONFLICT OF INTEREST
EQUAL OPPORTUNITY
DRUG-FREE WORKPLACE
CERTIFICATION REGARDING LOBBYING
ASSURANCES – NON-CONSTRUCTION PROGRAMS**

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CERTIFICATION
CONFLICT OF INTEREST**

Please read the following Conflict of Interest Statements excerpted from the Code of Federal Regulations at 24 CFR 570.611 and indicate your acceptance on the proceeding signature page.

- (a) Applicability.
(1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.
(2) In all cases not governed by 24 CFR 85.36 and 24 CFR 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to §§ 570.203, 570.204, 570.455, or 570.703(i)).
- (b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.
- (c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.
- (d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirement of paragraph (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.
(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:
(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

- (i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
- (ii) Whether an opportunity was provided for open competitive bidding or negotiation;
- (iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

- (iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;
- (v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;
- (vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- (vii) Any other relevant considerations.

I have read the attached Conflict of Interest Statements excerpted from the Code of Federal Regulations at 24 CFR 570.611, and I agree to abide by the principles embodied therein.

Susan Ream-Snyder, Executive Director
Volunteers of America Northwest Ohio

Date

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CERTIFICATION
EQUAL OPPORTUNITY**

The provider agrees to comply with:

- a. Title VI of the Civil Rights Act of 1964 that no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal Financial Assistance by way of grant, loan, or contract and will immediately take any measures necessary to effectuate this Agreement.

- b. Section 109 of the Housing and Community Development Acts of 1974 and 1977, as amended, and in conformance with all requirements imposed by or pursuant to the Regulations of the Department of HUD (24CFR Part 570.601) issued pursuant to that Section, and in accordance with Equal Opportunity obligations of that Section, no person shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with community development funds.

Susan Ream-Snyder, Executive Director
Volunteers of America Northwest Ohio

Date

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CERTIFICATION
DRUG-FREE WORKPLACE**

The applicant certifies it will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing an on-going drug-free awareness program to inform employees about:
 1. the dangers of drug abuse in the workplace;
 2. the grantee's policy of maintaining a drug-free workplace;
 3. any available drug counseling, rehabilitation and employee assistance programs; and
 4. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a;
- d. Notifying the employee in the statement required by paragraph a., as a condition of employment under the grant, the employee will;
 1. abide by the terms of the statement; and
 2. notify the employer of any criminal drug statute conviction for the violation occurring in the workplace no later than five (5) days after such conviction;
- e. Notifying HUD within ten (10) days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted;
 1. taking appropriate personnel action against such an employee, up to and including termination; or
 2. requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State or local health, law enforcement or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) through (f) above.

Susan Ream-Snyder, Executive Director
Volunteers of America Northwest Ohio

Date

**ATTACHMENT II
CERTIFICATIONS & OTHER REGULATIONS**

**CERTIFICATION
LOBBYING**

Certification for Contracts, Grants, Loans and Cooperative Agreements:

The undersigned certifies to the best of his knowledge and belief that:

1. No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a members of congress, an officer or employee of congress or an employee of a member of congress in connection with awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement and the extension, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress or an employee of a member of congress in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants and contracts under grants, loans and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

Susan Ream-Snyder, Executive Director
Volunteers of America Northwest Ohio

Date

ATTACHMENT II CERTIFICATIONS & OTHER REGULATIONS

CERTIFICATION ASSURANCES-NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal-awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

- (1) Has the legal authority to apply for Federal Assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application
- (2) Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (3) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organization conflict of interest, or personal gain.
- (4) Will initiate and complete the work within the time frame after receipt of approval of the awarding agency.
- (5) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 48-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for Merit System of Personnel Administration (5 CFR 900 subpart F).
- (6) Will comply with all Federal Statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964(PL 88-352) which prohibits discrimination on the basis of race, color or national origin: (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex: c Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps: (d) the Age Discrimination Act of 1975), as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age: (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relative to nondiscrimination on the basis of drug abuse: (f) the Comprehensive Alcohol Abuse and Alcoholism Preventing, Treatment and Rehabilitation Act of 1972 (P.L. 091-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism: (g) 523 and 527 of the Public Health Service Act of 1912 (42 U. S.C. 290 dd-3 and 290 ee-3) as amended, relating to confidentiality of alcohol and drug abuse patient records: (h) Title VII of the Civil Rights Act of 1968 (52 U.S.C. 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing: (l) any other nondiscrimination provisions in the specific statutes under which applications for Federal assistance is being made: (j) the requirements of any other nondiscrimination statutes which may apply to the application.
- (7) Will comply, or has already complied with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for a fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired to projected purposes regardless of Federal participation in purchases.

- (8) Will comply, as applicable with provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (9) Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 374), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333). Regarding labor standards for federally assisted construction sub-agreements.
- (10) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition if \$10,000 or more
- (11) Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy 11424: (b) notification of violating facilities pursuant to EO 11738: c protection of wetlands pursuant to EO 11990: (d) evaluation of flood hazards in flood plains in accordance with EO 11988: (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (15 U.S.C. 1451 et seq.): (f) conformity of Federal actions to State (Clear Air0 implementation Plans under Section 176c of the Clear Air Act of 1955, as amended (41 U.S.C. 7401 et seq.): (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523): and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- (12) Will comply with the Wild and Scenic Rivers Act of 1964 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the nation wild and scenic rivers system.
- (13) Will assist the awarding agency is assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) EQ 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
- (14) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (15) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended and 7 U.S.C. 2131 et seq.), pertaining to the care, handling and treatment of warm blooded animals held for research, teaching or other activities supported by this award of assistance.
- (16) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
- (17) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133. Audits of Institutions of Higher Learning and other Non-profit institutions.
- (18) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Susan Ream-Snyder, Executive Director
Volunteers of America Northwest Ohio

Date

TO: Daniel J. Kaman, City Commissioner, Brownfields Committee Chair
Matthew D. Kline, City Manager

FROM: Ruth S. Haag
Operating the Brownfields Local Redevelopment Authority (BLRA)
Under contract to the Sandusky City Commission

DATE: February 25, 2009

SUBJECT: Commission Agenda Item

ITEMS FOR CONSIDERATION: An Ordinance approving and ratifying the second and third change order for the Paper District Public Waterfront Improvements Project, a part of the Bayfront Paper District Redevelopment Project. This effort is also known informally as the "Chesapeake Walkway Project." The second change order is for a time extension request for in-water work, with no change to the walkway completion date. The third change order is for a decrease in scope of the project, with no change to the completion date. The City currently has a contract with Hoty Builders, LLC, of Sandusky, Ohio.

For the second change order: Hoty representative Todd Hart met with City Commissioner Dan Kaman, and BLRA contractors Ruth and Bob Haag on 19-Feb-09, and asked that the City formally request a time extension for the in-water work on the project, from the Ohio Department of Natural Resources (ODNR). The in-water work deadline, of March 15, is set by the ODNR to protect the cold water fish spawning season. Todd Hart followed up his request with a letter dated February 19. Commissioner Dan Kaman introduced this information at the February 23 City Commission meeting during "new business," and the Commissioners voted to approve sending the request to ODNR. This change order does not request an extension of the completion date for the project and does not require any additional funds to be expended.

For the third change order: City Manager Matt Kline sent a letter to Hoty Builders dated February 23, asking them to change the configuration of the northwest corner of the Walkway. Since this change will necessitate approvals from the Army Corps of Engineers and the ODNR it will be impossible for Hoty builders to implement it before the March 15 (or March 22 if extended) deadline for in-water work. In order to maintain the terms of the contract with Hoty Builders, a decrease in the scope of the project is requested. Hoty Builders will construct the walkway to the western tip of the existing armor stone, but will not continue on to fill in the area further to the west. Hoty Builders will not extend the sewer pipe, and will not install sheet piling in this northwestern corner. Hoty Builders will complete the reduced scope within the specified contract deadlines.

The configuration changes requested by the City Manager will be addressed by means of a future change order.

BUDGETARY INFORMATION: The second change order will have no affect on the budget, only on a milestone within the contract. It is estimated that the third change order will decrease the budget by approximately \$104,050.00, as detailed below for each numbered bid item:

3. Sidewalk concrete: $-2,550 \text{ SF} \times \$3.80/\text{SF} = -\$9,690.00$
4. Gravel base for sidewalk: $-2,550 \text{ SF} \times \$0.55/\text{SF} = -\$1,402.50$
5. Excavating for walk (neglected as insignificant)
7. Hanover Lanterns: $-5 \times \$1,200 \text{ EA} = -\$6,000.00$
8. Cable and conduit installed: $-255 \text{ LF} \times \$4.50/\text{LF} = -\$1,147.50$
9. Seed/mulch/fertilize/topsoil: $-9,500 \text{ SF} \times \$0.22/\text{SF} = -\$2,090.00$
11. Common borrow, on-site material: delete item = $-\$8,000.00$
12. $\frac{3}{4}$ " gravel borrow, on-site material: no estimate
13. Compaction: no estimate
14. 48" RCP: delete item = $-\$25,740.00$
- 15L. Steel sheet piling labor: $-255 \text{ LF} \times \$196/\text{LF} = -\$49,980.00$
- 15M. Steel sheet piling materials: no deduct, due to materials ordered.

The current contract with Hoty Builders, LLC, is \$784,744.00 and with the deduction of this Third Change Order estimated in the amount of \$104,050.00, the estimated revised contract cost is \$680,694.00, and will be funded with City Capital Funds, based upon notes to be issued by the City and retired with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominium.

ACTION REQUESTED: It is recommended that an Ordinance approving and ratifying the second and third change order for the Chesapeake Walkway Project be passed under suspension of the rules and in full accordance with Section 14 of the City Charter, in order to allow the Contractor to continue to meet the project completion deadline of June 2, 2009, and to meet the newly requested deadline of March 22, 2009, for the in-water work.



Ruth S. Haag
Operating the Brownfields Local Redevelopment Authority (BLRA)
Under contract to the Sandusky City Commission

I concur with this recommendation:

Matthew D. Kline, City Manager

Attachments: Letter from Hoty Builders dated February 20, 2009
Letter from City Manager Matt Kline dated February 23, 2009

cc: Don Icsman, Law Director
Joyce Brown, Clerk of City Commission
Ed Widman, Finance Director

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND RATIFYING THE THIRD CHANGE ORDER FOR WORK BEING PERFORMED BY HOTY BUILDERS, LLC, OF SANDUSKY, OHIO, FOR THE PAPER DISTRICT PUBLIC WATERFRONT IMPROVEMENTS PROJECT "CHESAPEAKE WALKWAY PROJECT" AND TO DEDUCT THE CONTRACT AMOUNT BY AN ESTIMATED AMOUNT OF \$104,050.00; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission previously approved the awarding of the contract to Hoty Builders, LLC, of Sandusky, Ohio, for work being performed for the Paper District Public Waterfront Improvements Project "Chesapeake Walkway Project" by Ordinance No. 08-187, passed on December 22, 2008; and

WHEREAS, the City is requesting a time extension for the in-water work on the project from the Army Corps of Engineers and the Ohio Department of Natural Resources (ODNR) from the deadline of March 15, 2009, until March 22, 2009, due to the late start date and inclement weather; and

WHEREAS, while awaiting for approval of the deadline extension and in order to maintain the terms of the contract with Hoty Builders, LLC, the City Manager requested by a letter to Hoty Builders, LLC, dated February 23, 2009, a change in the current approved plan to the northwest corner of the Chesapeake property for a decreased scope in which Hoty Builders, LLC, will construct the walkway to the western tip of the existing armor stone, but will not continue on to fill in the area further to the west nor extend the sewer pipe or install sheet piling in the northwester corner; and

WHEREAS, the configuration changes requested by the City Manager will be addressed by means of a future change order; and

WHEREAS, the current contract with Hoty Builders, LLC, is \$784,744.00 and with the deduction of this Third Change Order estimated in the amount of \$104,050.00, the estimated revised contract cost is \$680,694.00, and will be funded with City Capital Funds, based upon notes to be issued by the City and retired with the proceeds from the TIF arrangement on the Chesapeake Lofts Condominium; 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 continue to meet the project completion deadline of June 2, 2009, and to meet the newly requested deadline of March 22, 2009, for the in-water work; 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. This City Commission hereby approves and ratifies this Third Change Order for the work being performed for the Paper District Public Waterfront Improvements Project "Chesapeake Walkway Project" and to **deduct** from the contract amount the estimated sum of One Hundred Four Thousand Fifty and 00/100 Dollars

(\$104,050.00) resulting in an estimated revised contract amount of \$680,694.00 with Hoty Builders, LLC, 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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:



CITY COMMISSIONERS

CRAIG H. STAHL, President
BRETT L. FUQUA, SR., Vice President
PERVIS D. BROWN, JR.
JULIE A. FARRAR
DANIEL J. KAMAN
DAVID L. WADDINGTON
ROBERT R. WARNER

MATTHEW D. KLINE, City Manager
DONALD C. ICSMAN, Law Director
EDWARD A. WIDMAN, Finance Director
B. JOYCE BROWN, Commission Clerk

222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5844
FAX: 419.627.5825

www.ci.sandusky.oh.us

TO: City Commission

FROM: _____
Matthew D. Kline

DATE: March 5, 2009

SUBJECT: Supplement to Development Agreement

Item for Consideration: It is requested an Ordinance be approved authorizing the City Manager to execute a Supplement to the Development Agreement between the City of Sandusky and Mid-States Bayfront Development LLC.

For the benefit to all involved, and to move The Paper District development forward, it has been agreed upon by both parties, the City of Sandusky and the heirs to Mid-States Bayfront Development LLC, to dissolve the business relationship created five years ago. This Supplemental Agreement ensures the completion of Parcel 1, the Chesapeake, and terminates the Development Agreement and releases both parties to any further obligations to Parcel 2, the Tri-Cor property.

Budgetary Information: The Developer shall pay to the City the total amount of \$100,000 within 10 days following the Effective Date of this Agreement.

Action Requested: It is recommended that an Ordinance be approved authorizing the City Manager to execute a Supplement to the Development Agreement under Section 14 of the City Charter so that we can expeditiously move forward with providing for the future redevelopment of this property.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND RATIFYING THE SECOND CHANGE ORDER FOR WORK BEING PERFORMED FOR THE PAPER DISTRICT PUBLIC WATERFRONT IMPROVEMENTS PROJECT "CHESAPEAKE WALKWAY PROJECT"; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission previously approved the awarding of the contract to Hoty Builders, LLC, of Sandusky, Ohio, for work being performed for the Paper District Public Waterfront Improvements Project "Chesapeake Walkway Project" by Ordinance No. 08-187, passed on December 22, 2008; and

WHEREAS, Hoty Builders, LLC, representative met with City Officials on February 19, 2009, requesting the City formally request a time extension for the in-water work on the project from the Army Corps of Engineers and the Ohio Department of Natural Resources (ODNR) from the deadline of March 15, 2009, until March 22, 2009, due to the late start date and inclement weather; and

WHEREAS, this City Commission was informed of this contemplated request for a change order during "new business" at the regularly scheduled City Commission meeting on February 23, 2009, and the Commission approved the submission of the request; 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 continue to meet the project deadline and to meet the newly requested deadline of March 22, 2009, for the in-water work; 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. This City Commission hereby approves and ratifies this Second Change Order to request an extension from the Army Corps of Engineers and the Ohio Department of Natural Resources (ODNR) for the in-water work from the deadline of March 15, 2009, until March 22, 2009, for the work being performed for the Paper District Public Waterfront Improvements Project "Chesapeake Walkway Project" by Hoty Builders, LLC, 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.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND APPROVING A SUPPLEMENT TO DEVELOPMENT AGREEMENT WITH MID-STATES BAYFRONT DEVELOPMENT LLC, AND DECLARING AN EMERGENCY.

WHEREAS, the City Commission of the City of Sandusky by Ordinance No. 00-179 passed on June 12, 2000, approved the Bayfront Urban Revitalization Plan, which plan subsequently has been amended pursuant to authorization by this City Commission (the plan as amended, the "Bayfront Urban Revitalization Plan" or "Plan"), which constitutes an urban renewal plan within the meaning and requirements of Chapter 725 of the Ohio Revised Code (the "Act"), and which Plan includes undertakings and activities by the City comprising an urban renewal project for the public purpose of elimination and prevention of recurrence of blight in the Plan area; and

WHEREAS, to carry out the Bayfront Urban Revitalization Plan, the City and Mid-States Bayfront Development LLC (the "Developer") entered into a Development Agreement dated November 24, 2004 (as amended, the "Development Agreement") to provide for redevelopment of certain properties in the Plan area consisting generally of two parcels of property referred to therein as Parcel 1 and Parcel 2 (together, the "Property"); and

WHEREAS, the Developer and the City have worked cooperatively to carry out the terms of the Development Agreement, including the construction of certain private improvements to the Chesapeake building on Parcel 1 and the construction of certain public improvements in the surrounding area; and

WHEREAS, in furtherance of the development of the Property, the City and the Developer have worked cooperatively to provide for the demolition of the Tricor building on Parcel 2 and a portion of the environmental remediation of Parcel 2; and

WHEREAS, due to current economic conditions in the nation and the region, the City and the Developer have determined to supplement the terms of the Development Agreement through a Supplement to Development Agreement (the "Agreement"), in order to terminate the portion of the Development Agreement with respect to Parcel 2 and to provide for certain other agreements between the parties as described therein, including the construction by the City of certain shoreline improvements on Parcel 1, as contemplated in the Development Agreement;

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to approve the aforesaid Agreement which is urgently required to expedite the carrying out of certain shoreline improvements and to resolve certain open issues relating to the redevelopment of the Property in order to provide for the future redevelopment of the Property, in order to enable the City to carry out its public purpose of elimination and prevention of recurrence or spread of conditions of blight and deterioration in the Plan area, and by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW, THEREFORE,

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

Section 1. This Commission hereby approves the Agreement, a copy of which is on file in the office of the Clerk of the City Commission, and the City Manager is hereby authorized to execute the Agreement on behalf of the City in substantially the form of the Agreement on file with the Clerk, and 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 the objectives of the Plan and with carrying out the City's public purposes.

Section 2. This Commission hereby authorizes the City Manager, the Director of Law, the Director of Finance, the City Engineer, and other City officials as appropriate to prepare, execute and deliver or accept delivery of such other easements, instruments, licenses or agreements, in form satisfactory to the Director of Law, to provide such information, carry out such investigations and studies, 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. For the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be immediately effective in order to approve the aforesaid Agreement which is urgently required to expedite the carrying out of certain shoreline improvements and to resolve certain open issues relating to the redevelopment of the Property in order to provide for the future redevelopment of the Property, in order to enable the City to carry out its public purpose of elimination and prevention of recurrence or spread of conditions of blight and deterioration in the Plan area, and by reason thereof, this ordinance shall take effect forthwith upon its passage and due authentication by the President and the Clerk of the City Commission.

CRAIG H. STAHL
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: _____, 2009

SUPPLEMENT TO DEVELOPMENT AGREEMENT

This Supplement to Development Agreement (the "Agreement") has been made and entered into as of the ____ day of _____, 2009 (the "Effective Date") between the CITY OF SANDUSKY, OHIO (the "City"), a municipal corporation and political subdivision duly organized and validly existing under the Constitution and laws of the State of Ohio, and MID-STATES BAYFRONT DEVELOPMENT LLC, or its permitted assigns (the "Developer"), a limited liability company duly organized and validly existing under the laws of the State of Ohio.

WITNESSETH:

WHEREAS, the City has undertaken a program for the clearance, redevelopment and rehabilitation of blighted areas in the City, and the City, under its home rule powers, and acting through its City Commission, by Ordinance No. 00-179, passed on June 12, 2000, approved the Bayfront Urban Revitalization Plan for the Bayfront Urban Revitalization Area, which plan has subsequently been amended pursuant to authorization by the City Commission (which plan, together with all amendments thereto, is herein referred to as the "Plan"); and

WHEREAS, to carry out the Plan, which includes undertakings and activities by the City comprising an urban renewal project in accordance with Ohio Revised Code Chapter 725, for the purpose of elimination of blight and to obtain redevelopment to prevent the recurrence of blight, and to create jobs and employment opportunities and to improve the economic welfare of the people of the City, and to provide for the preservation of the Plan area (the "Plan District") with the productive development and reuse of property located in the Plan District by addressing property conditions that preclude and inhibit environmentally sound and economic use or reuse of property, the City and the Developer entered into a Development Agreement dated November 24, 2004 (the "Development Agreement") to provide for the redevelopment of certain property located in the Plan District consisting generally of two parcels of property referred to therein as Parcel 1 and Parcel 2 (together, the "Property"); and

WHEREAS, the Developer and the City have worked cooperatively to carry out the terms of the Development Agreement, including the construction of certain Private Improvements to the Chesapeake building on Parcel 1 and the construction of certain Public Improvements in the surrounding area; and

WHEREAS, in furtherance of the development of the Property, the City and the Developer have worked cooperatively to provide for the demolition of the Tricor building and a portion of the environmental remediation of Parcel 2; and

WHEREAS, the City and the Developer each signed a Memorandum of Agreement (the "MOA") with the U.S. Army Corps of Engineers and the Ohio Historic Preservation Office, which MOA provides for certain historic preservation activities in the area of the Property, including certain activities relating to the Keller building on Parcel 2; and

WHEREAS, due to current economic conditions in the nation and the region, the City and the Developer have determined to supplement the terms of the Development Agreement through this Agreement, in order to terminate the portion of the Development Agreement with respect to Parcel 2 and to provide for certain other agreements between the parties as described herein;

NOW, THEREFORE, in consideration of the premises and the mutual obligations of the parties set forth in this Agreement, each of them does hereby covenant and agree as follows:

Section 1. Use of Defined Terms. In addition to the words and terms defined elsewhere in this Agreement, the words and terms used herein shall have the meanings set forth in the Development Agreement.

Section 2. Developer Contribution. The Developer shall pay to the City the total amount of \$100,000 within 10 days following the Effective Date of this Agreement.

Section 3. Construction of Urban Renewal Improvements on Parcel 1. The City agrees to use good faith efforts to complete the Urban Renewal Improvements with respect to Parcel 1 as soon as possible following the City's execution of a contract to perform the Urban Renewal Improvements with respect to Parcel 1. The City shall execute said contract no later than April 1, 2009. The Urban Renewal Improvements with respect to Parcel 1 shall be consistent with the Phase 1 – Parcel 1 descriptions in Exhibit C attached to the Development Agreement. The obligations of the City pursuant to this Section 3 are subject to the City obtaining financing necessary to construct the Urban Renewal Improvements with respect to Parcel 1, but without the condition that the City shall issue Urban Renewal Bonds to finance the costs of the Urban Renewal Improvements with respect to Parcel 1 and without the condition that the Developer shall purchase the Urban Renewal Bonds. The City hereby releases and discharges the Developer, along with its officers, directors, officials, employees, shareholders, successors, heirs and assigns from any further obligation with respect to the Urban Renewal Improvements related to Parcel 1 and the Urban Renewal Bonds related to Parcel 1.

Section 4. Parcel 2. The City expects to utilize all or part of the assorted debris that is currently located on Parcel 2 for the construction of the Urban Renewal Improvements with respect to Parcel 1. The City agrees to use good faith efforts to remove any remaining debris promptly following the completion of the Urban Renewal Improvements with respect to Parcel 1. The City further agrees to grade and seed Parcel 2 immediately after the removal of any remaining debris.

Section 5. Termination of Development Agreement as to Parcel 2. The parties hereby acknowledge and agree that both the City and the Developer negotiated and entered into the Development Agreement in good faith and worked cooperatively to provide for the development of Parcel 2. Subject to the terms and conditions of this Agreement, the City and the Developer mutually agree to terminate the Development Agreement solely as it relates to Parcel 2. Accordingly, neither the City nor the Developer shall be obligated to perform any obligations relating to the purchase and sale of Parcel 2 (except as to the City's obligations under Section 4 herein), the development of Parcel 2, the related Urban Renewal Improvements for Parcel 2 or

the issuance and purchase of Urban Renewal Bonds relating thereto. It is expressly understood and agreed between the parties that this Agreement is in full satisfaction of the terms of the Development Agreement relating to Parcel 2.

Section 6. Release of Obligations Relating to Parcel 2 and the MOA. Notwithstanding anything to the contrary in the Development Agreement, the parties each hereby release and discharge the other party to this Agreement, along with their officers, directors, officials, employees, shareholders, successors, heirs and assigns for and from any and all liability, claims, demands, controversies, damages, judgments, actions, causes of action, and any and all loss and damage of every kind and nature, known and unknown, which relate directly or indirectly to Parcel 2, including, but not limited to, the purchase of Parcel 2, the Public Improvements with respect to Parcel 2, the Urban Renewal Improvements related to Parcel 2 and the Urban Renewal Bonds related to Parcel 2, or which relate directly or indirectly to the MOA.

Section 7. Counterparts. This Agreement may be signed in several counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

Section 8. Construction of Agreement. Each party cooperated in the drafting of this Agreement. Therefore, in the construction of this Agreement, the provisions shall not be construed against either party.

Section 9. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and it supercedes all prior and contemporaneous oral and written agreements and discussion, and there are no representations, warranties, agreements, arrangements, promises or undertakings, written or oral, between or among the parties hereto relating to the subject matter hereof which are not fully expressed herein.

Section 10. Binding Agreement. This Agreement is binding upon and shall inure to the benefit of the parties and their respective officers, directors, officials, representatives, successors, employees, heirs and assigns and to the successors in interest to the Property.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the City and the Developer have each caused their duly authorized representatives to execute this Agreement as of the date aforesaid.

CITY OF SANDUSKY, OHIO

By: _____
City Manager

**MID-STATES BAYFRONT
DEVELOPMENT LLC**

By: Mid-States Development Corporation,
Its Sole Member

By: _____
Title:

The legal form of the within instrument
is hereby approved.

By: _____
Director of Law

Date: _____, 2009

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

On this _____ day of _____, 2009, before me a Notary Public in and for said County and State, personally appeared Matt Kline, City Manager of the City of Sandusky, Ohio, who acknowledged the execution of the foregoing instrument as the authorized officer of the City on behalf of the City, and that the same is his voluntary act and deed as the officer on behalf of the City and the voluntary act and deed of said City.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at Sandusky, Ohio on the day and year aforesaid.

[SEAL]

Notary Public

STATE OF OHIO)
) SS:
COUNTY OF _____)

On this _____ day of _____, 2009, before me a Notary Public in and for said County and State, personally appeared _____, being the _____ of Mid-States Development Corporation the sole member of Mid-States Bayfront Development LLC, who acknowledged the execution of the foregoing instrument as the duly authorized representative thereof, and that the same is his voluntary act and deed as said representative and the voluntary act and deed of said company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal at _____, Ohio on the day and year aforesaid.

[SEAL]

Notary Public

CERTIFICATE OF DIRECTOR OF FINANCE

The undersigned, fiscal officer of the City, hereby certifies that the money required to meet the obligations of the City during the year 2009 under the Agreement has 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.

Director of Finance