



**CITY OF SANDUSKY COMMISSION
REGULAR SESSION AGENDA
March 12, 2012 at 5 p.m.
City Hall, 222 Meigs Street**

INVOCATION

PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

W. Poole, K. Grohe, J. Smith, J. Farrar, P. Brown, J. Hamilton & D. Cole
February 27, 2012

APPROVAL OF MINUTES

AUDIENCE PARTICIPATION

Agenda items listed below only (3 minute limit)

PROCLAMATION

Developmental Disabilities Awareness Day

PRESENTATIONS

**Mannik & Smith RE Clean Ohio Revitalization Fund grant application
Chief Paul Ricci RE Vacant and Abandoned Buildings**

PUBLIC HEARINGS

Amendment to the Zone Map for 2216 Milan Road

COMMUNICATIONS

Motion to accept all communications submitted below

CURRENT BUSINESS

ITEM #1 – Submitted by Paul E. Ricci, Fire Chief

Budgetary Information: The cost associated with the adoption of this proposed legislation is the added workload that will be absorbed by the current administrative staff and the registration fees collected will be used exclusively for the administration and enforcement of this chapter.

ORDINANCE NO. _____: It is requested an ordinance be passed amending part fifteen (Fire Prevention Code), by the addition of Chapter 1505 (registration of vacant commercial and industrial buildings), of the codified ordinances, in the manner and way specifically set forth hereinbelow.

ITEM #2 – Submitted by Scott Miller, Director of General Services

Budgetary Information: Based on service for a one day per week pickup at \$10.50 per month per residence and a contract for nine (9) months, the estimated amount for the 2012 yard waste collection service is \$57,739.50 based on last year's figure of 611 customers. This amount is subject to change due to additions and deletions of customers to the program. The cost of this service will be charged back to the customers in addition to a charge of \$.50 per month for administrative costs.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to enter into a contract with Browning Ferris Industries, Inc. dba Allied Waste Services of Sandusky, Ohio, for the 2012 yard waste collection service which is available for the period of April 1, 2012 through December 31, 2012; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by Todd J. Roth, P.E., P.S.

Budgetary Information: The revised project cost based on bids including engineering, inspection, advertising and miscellaneous expenses is estimated to be \$31,845, of which \$10,615 will be paid with sewer funds, \$10,615 will be paid with water funds and the remaining \$10,615 will be paid with street funds.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the city manager to enter into a contract with Ed Burdue & Company of Sandusky, Ohio, for the Lions Park concrete removal project; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by Nicole Ard, City Manager

Budgetary Information: There is no fee to join the Coalition or commitment for future payment. The Coalition has helped support grants and/or appropriations in Michigan and New York. However, some funds in Fiscal Year 2011 were not received given changes in congressional appropriations policy (earmarks were discontinued).

RESOLUTION NO. _____: It is requested a resolution be passed in support of the Great Lakes Harbors Coalition.

CITY MANAGER'S REPORT

OLD BUSINESS

NEW BUSINESS

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

EXECUTIVE SESSION(S)

ADJOURNMENT

Buckeye CableSystem broadcast on Cable Channel 81:

Replays: Monday, March 12 at 8:30 p.m.
Tuesday, March 13 at 5 p.m.
Monday, March 20 at 7 p.m.

PROCLAMATION

WHEREAS, individuals with developmental disabilities, their families, friends, neighbors and co-workers encourage everyone to focus on the abilities of all people; and

WHEREAS, the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individuals' contribution; and

WHEREAS, opportunities for citizens with developmental disabilities to function as independently and productively as possible must be fostered in our community; and

WHEREAS, we encourage all citizens to support opportunities for individuals with developmental disabilities in our community that include full access to education, housing, employment and recreational activities;

NOW THEREFORE, I, John F. Hamilton, President of the City Commission of Sandusky, Ohio, do proclaim March 24, 2012 as

“Developmental Disabilities Awareness Day”

and recognize that “together” we accomplish more and everyone wins. Take time to get to know someone with a disability and what he or she has to offer.

Dated this 12th day of March, 2012.

John F. Hamilton, President
Sandusky City Commission
City of Sandusky, Ohio



CITY COMMISSIONERS

JOHN F. HAMILTON, President
DIEDRE Y. COLE, Vice President
PERVIS D. BROWN, JR.
JULIE A. FARRAR
KEITH A. GROHE
C. WESLEY POOLE
JEFFREY S. SMITH

NICOLE C. ARD, City Manager
DONALD C. ICSMAN, Law Director
KELLY L. KRESSER, Commission Clerk
HANK S. SOLOWIEJ, C.P.A., Finance Director

222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5850
Fax: 419.627.5825

www.ci.sandusky.oh.us

PRESS RELEASE

Contact: Kelly L. Kresser, City Commission Clerk
kkresser@ci.sandusky.oh.us

February 1, 2012

Notice of Public Hearing

Sandusky – The City Commission of the City of Sandusky, Ohio will conduct a public hearing during the course of its meeting on Monday, March 12, 2012 at 5 p.m. in the City Building, first floor conference room, 222 Meigs Street, Sandusky, Ohio to consider the following:

An application for an amendment to the Zoning Map has been filed by Dimitrios and Violeta Lenos for the following property: 2216 Milan Road, Parcel No. 57-03587.000. This is for the rezoning of this property from "R1-60"/Single-Family Residential District to "R-RB"/Residential Business District to allow for the future business development.

Further details and information with respect to the above may be obtained from the Division of Planning Office, 222 Meigs Street, Sandusky, Ohio during normal business hours (Monday through Friday, 8 a.m. to 5 p.m.) All persons interested in or affected by these requests will have the right and opportunity to be heard at this meeting.

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



CITY COMMISSIONERS

JOHN F. HAMILTON, President
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PRESS RELEASE

Contact: Kelly L. Kresser, Commission Clerk
kkresser@ci.sandusky.oh.us

January 20, 2012

Notice of Public Meeting for Clean Ohio Revitalization Fund Grant Application

Sandusky – The City of Sandusky is applying for a grant from the Clean Ohio Revitalization Fund for cleanup of the former Sandusky Cabinets property located at 513 East Washington Street.

The application is available for review at the Sandusky Library, until March 12, 2012, and is also available on the city's website.

A public meeting to discuss and solicit comments to the grant application will be held on March 12, 2012 at 5 p.m. at the city building, 222 Meigs Street.

Please direct questions regarding this grant application to Todd Roth at 419.627.5830.

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

February 28, 2012

MEMORANDUM

TO: Nicole C. Ard, City Manager
FROM: Paul E. Ricci, Fire Chief
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request legislation to establish a program for identifying and registering vacant commercial and industrial buildings to be adopted into the City of Sandusky's Codified Ordinances.

BACKGROUND INFORMATION: Vacant and abandoned structures are unsightly, attract criminal activity, and are a threat to public safety wherever they exist. The National Fire Protection Association (NFPA) statistics indicate that more than ten civilians die and 6000 firefighters are injured each year operating in nearly 31,000 fires in vacant and abandoned buildings. The purpose of this program is to identify, register and inspect vacant commercial and industrial buildings within the City of Sandusky that present a fire hazard, provide temporary occupancy for transients, that may detract from private or public efforts to rehabilitate or maintain structures and that may present a hazard to the health, safety and welfare of the public. Through an effective registration, inspection, identification and monitoring program, buildings can be kept secure from trespassers and provide for safe entry of police and firefighters in the event of an emergency.

This proposed new Chapter is the second part of the City's efforts to address commercial and industrial property concerns. Chapter 1343 (Commercial and Industrial Property Maintenance Code) was adopted by Ordinance No. 11-021, passed on March 14, 2011, to govern the conditions and maintenance of occupied commercial and industrial property and buildings and provide the standards essential to ensure that the structures are safe, sanitary and fit for occupation and use.

BUDGETARY INFORMATION: The cost associated with the adoption of this proposed legislation is the added workload that will be absorbed by the current administrative staff and the registration fees collected will be used exclusively for the administration and enforcement of this Chapter.

ACTION REQUESTED: It is requested that legislation be approved adopting Chapter 1505 of the City of Sandusky's Codified Ordinances.

Approved:

I concur with this recommendation:

Paul E. Ricci, Fire Chief

Nicole C. Ard, City Manager

Cc: Hank Solowiej, Finance Director
Donald C. Icsman, Law Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART FIFTEEN (FIRE PREVENTION CODE), BY THE ADDITION OF CHAPTER 1505 (REGISTRATION OF VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS), OF THE CODIFIED ORDINANCES, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, vacant and abandoned structures are unsightly, attract criminal activity and are a threat to the public safety and the National Fire Protection Association (NFPA) statistics indicate that more than ten civilians die and 6000 firefighters are injured each year operating in nearly 31,000 fires in vacant and abandoned buildings; and

WHEREAS, the purpose of this new Chapter is to establish a program to identify, register and inspect vacant commercial and industrial buildings within the City of Sandusky that may present a fire hazard, that may provide temporary occupancy for transients, that may detract from private or public efforts to rehabilitate or maintain surrounding buildings, and that may present a hazard to the health, safety and welfare of the public; and

WHEREAS, through an effective registration, inspection, identification and monitoring program, buildings can be kept secure from trespassers and provide safe entry of police and firefighters in the event of an emergency; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

Section 1. Part Fifteen (Fire Prevention Code) of the Codified Ordinances of the City be amended by the addition of New Chapter 1505 (Registration of Vacant Commercial and Industrial Buildings) as follows:

**NEW CHAPTER 1505
REGISTRATION OF VACANT
COMMERCIAL AND INDUSTRIAL BUILDINGS**

- 1505.01 Purpose.
- 1505.02 Definitions.
- 1505.03 Obligation of Owners and Persons in Control.
- 1505.04 Registration.
- 1505.05 Registration Fees.
- 1505.06 Inspection.
- 1505.07 Vacant Building Plan.
- 1505.08 Vacant Building Maintenance Standards.
- 1505.09 Notice of Violation.
- 1505.10 Effecting Compliance.
- 1505.11 Appeals.
- 1505.12 Interpretation of Chapter.
- 1505.99 Penalty.

CROSS REFERENCES

Commercial and Industrial Property Maintenance Code - see BLDG. Chapt. 1343

Ohio Fire Code - see Ohio Administrative Code Section 1301:7-7

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Removal of unsafe buildings - see Ohio R.C. 715.26(B), 715.261

1505.01 PURPOSE.

This Chapter is adopted to establish a program for identifying and registering vacant commercial and industrial buildings within the City that may present a fire hazard, that may provide temporary occupancy by transients, that may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that may present a hazard to the health, safety and welfare of the public. Through a registration, inspection, and monitoring process, vacant commercial and industrial buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety and welfare of the public is served by these regulations.

1505.02 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall for the purpose of this chapter, have the following meanings:

(a) "Authorized agent" means a person that resides within Erie County, Ohio who shall be authorized in writing by the owner or person in control of a vacant commercial or industrial building to be responsible for the security and maintenance of the building and property, who shall have access to the building and property and who shall be available at all times during business and non-business hours in the case that an emergency occurs requiring immediate response and/or to make immediate repairs.

(b) "Commercial or industrial building" means any structure, or part thereof, that is used, or designed to be used for any private or public manufacturing, industrial, or commercial business purposes whether or not legally zoned for such use.

(c) "Evidence of vacancy" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe the building is vacant. Such conditions include, but are not limited to, no or significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, automobile parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by neighboring property owners, delivery persons, U.S. Postal Service employees, and/or governmental employee(s) that the building is vacant.

(d) "Fire Chief" means the Fire Chief of the City of Sandusky or his or her designee.

(e) "Fire Code" means Part Fifteen of the City of Sandusky's Codified Ordinances.

(f) "Fire Department" means the Fire Department of the City of Sandusky.

(g) "Key box" means a secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that

may be required for access in an emergency.

(h) “Owner” means any person who, alone, or jointly or severally with others, shall have the legal or equitable title to a property, and shall include executors, administrators, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure as evidenced by the signature of the judge upon the confirmation of sale, whether or not the deed has been filed with the Erie County Recorder’s Office. The term “owner” shall also include partnerships, corporations, and other unincorporated associations. Any individual owner, regardless of whether he or she shares ownership responsibility with any other person, any general partner of a partnership, and any officer of a corporation or unincorporated association, shall have direct and personal responsibility and liability for compliance with the provisions of this Chapter.

(i) “Person” means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

(j) “Person in control” means the owner of the property; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the property, and/or its duly authorized agent(s), with the authority to bring a building or property into compliance with the provisions of this Chapter, including but not limited to any mortgagee that has filed an action in foreclosure on the particular property at issue, based on breach or default of a mortgage agreement, until title to the property is transferred to a third party.

(k) “Property” means not only the vacant commercial or industrial building and any other structures of any kind or nature located on the lot, but also the entire parcel of land surrounding the vacant commercial or industrial building, including, but not limited to, fences, walkways, walls, and appurtenances.

(l) “Vacant commercial or industrial building” means a commercial or industrial building that is not occupied by its owner, lessee or other person in lawful possession, or at which substantially all lawful manufacturing, industrial or commercial business operations and/or occupancy has ceased, or which is substantially devoid of content.

1505.03 OBLIGATIONS OF OWNERS AND PERSONS IN CONTROL.

(a) No owner or person in control of a vacant commercial or industrial building shall fail to do any of the following:

- (1) Register the vacant commercial or industrial building with the Fire Department in accordance with the requirements of this Chapter.
- (2) Designate an authorized agent if the owner or person in control of the vacant commercial or industrial building does not reside within Erie County, Ohio or a contiguous county.
- (3) Submit a Vacant Building Plan which shall be approved by the Fire Chief in accordance with Section 1505.07 of this Chapter.
- (4) At all times maintain the property in accordance with the Vacant Building Maintenance Standards set forth in Section 1505.08 of this Chapter.

- (5) Acquire or otherwise maintain general liability insurance covering the vacant commercial or industrial building and property in an amount of not less than one million dollars (\$1,000,000). The insurance policy shall provide for written notice to the Fire Chief within thirty (30) days of any lapse, cancellation, or change in coverage.

1505.04 REGISTRATION.

(a) All buildings located within the City that are vacant commercial or industrial buildings shall be registered by the owner or person in control thereof with the Fire Department within sixty (60) days after the effective date of this Chapter and no later than December 31st of every year thereafter. Every commercial or industrial building that subsequently becomes vacant shall be registered by the owner or person in control thereof with the Fire Department within thirty (30) days from the date of the last occupancy, or within thirty (30) days of being notified by the Fire Department of the requirement to register based on evidence of vacancy.

(b) Registration shall be made on forms provided by the Fire Chief and verified by the owner or person in control of the vacant commercial or industrial building and shall contain all of the following:

- (1) The name, address and telephone number of the owner or person in control;
- (2) The name, address and telephone number of the authorized agent, if required;
- (3) The names, addresses, and telephone numbers of all known lien holders and all other parties with any legal interest in the vacant commercial or industrial building and property;
- (4) If the vacant commercial or industrial building is for sale, the name, address and telephone number of the company and the realtor or agent responsible for marketing the property;
- (5) The address of the vacant commercial or industrial building and the permanent parcel tax identification number of the land on which the vacant commercial or industrial building is located;
- (6) The date on which the building became vacant or will become vacant;
- (7) The reason for the vacancy and the estimated length of time the building is expected to remain vacant;
- (8) A certificate of general liability insurance in the amount required by Section 1505.03; and
- (9) A Vacant Building Plan in accordance with Section 1505.07.

(c) No person shall furnish false information to the Fire Department in the Registration Form.

(d) Registration shall be valid until December 31st of each year, unless a transfer of title to the vacant commercial or industrial building has been completed.

(e) No person, including but not limited to, an owner, person in control, purchaser, escrow agent, real estate agent, or realtor, shall participate in a transfer of title to, or disburse proceeds from a transfer of title to, a vacant commercial or industrial building without having in escrow with the escrow agent handling the transfer of title to the property, a copy of a registration form completed by the purchaser of the property and the annual registration fee in an amount based on the duration of time the building has been vacant. The escrowed documents and the annual registration fee shall be forwarded to the Fire Chief upon the transfer of title. The annual registration fee shall not be prorated. In the event that the transfer of title is completed within ninety (90) days from the end of the calendar year, the annual registration fee shall be applied to the following calendar year.

(f) No owner or person in control of a vacant commercial or industrial building shall fail to notify the Fire Department and file an amended registration form within seven (7) days of any change in the registration information required by this section.

1505.05 REGISTRATION FEES.

(a) Vacant commercial and industrial building registration fees shall be reasonably related to the administrative costs of the vacant commercial and industrial building registration process and for the costs incurred by the City in monitoring the vacant commercial or industrial building site. The annual increase in registration fee amounts shall be reasonably related to the costs incurred by the City for hazard abatement, repair and/or demolition of vacant commercial and industrial buildings in addition to the continued administrative costs. Money collected under this section shall be used exclusively for the administration and enforcement of this Chapter.

(b) The annual registration fee for a vacant commercial or industrial building shall be based on the duration of time the building has been vacant regardless of a change in ownership. The owner of a vacant commercial or industrial building shall pay an annual registration fee of four hundred dollars (\$400) for the first year the building remains vacant. For every consecutive year that the building remains vacant, the annual registration fee shall be assessed at double the previous year's registration fee amount for a maximum annual registration fee equaling the five (5) year registration fee of six thousand four hundred dollars (\$6,400) which shall be the registration fee for the fifth and all consecutive, subsequent years of vacancy.

(c) The registration fee shall be paid in full prior to the issuance of any building permits. The Fire Chief shall refund the vacant commercial or industrial building registration fee paid if the subject building is brought into compliance with standards of the Ohio Building Code and reoccupied within one year of payment of the annual registration fee. The refund shall be for the amount of the registration fee paid during the year in which the building was approved for re-occupancy. Registration fees paid in previous years shall not be refunded.

(d) If a registration form is filed late, an additional late fee shall be paid in addition to the annual registration fee and shall be equal to the annual registration fee or one thousand dollars (\$1,000), whichever is less.

(e) All delinquent registration fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant commercial or industrial building.

(f) If an owner or person in control of a vacant commercial or industrial building or a purchaser fails, neglects or refuses to pay a registration fee within

the time ordered pursuant to this section then the Fire Chief shall so notify the Director of Finance. The Director of Finance shall certify the registration fee to the County Auditor. In addition to the registration fee, an interest rate equal to the current rate of interest charged by the City on special assessments shall be imposed by the City for the life of the registration fee, added to the registration fee, and collected as provided in this section. The Director of Finance shall then certify the amount of the registration fee, including interest, to the County Auditor. The County Auditor shall enter the amount on the tax duplicate of the County as a special assessment against the person's real estate that is subject to the registration fee.

1505.06 INSPECTION.

(a) At the time of registration the owner or person in control may arrange for an inspection of the property by the Fire Chief in the presence of the owner, person in control, or authorized agent of the owner having responsibility for security and maintenance of the property for the purpose of determining the structural integrity of the building, that it will be safe for entry by fire fighters and police officers in times of emergency, and that it complies with the requirements of this Chapter.

(b) If the owner or person in control fails or refuses to consent to and arrange for an inspection, the Fire Chief shall obtain a search warrant from a court of competent jurisdiction to authorize inspection of the property.

1505.07 VACANT BUILDING PLAN.

(a) The owner or person in control of the vacant commercial or industrial building shall submit a Vacant Building Plan that shall be approved by the Fire Chief. The Vacant Building Plan shall be selected from and include the minimum requirements from one (1) of the three (3) following categories:

- (1) Demolition. If the vacant commercial or industrial building is to be demolished, the Vacant Building Plan shall include a proposed time frame for demolition which shall include a commencement date within thirty (30) days of approval of the proposed demolition time frame and shall not exceed one (1) year in duration.
- (2) Secured Structure. If the vacant commercial or industrial building is to remain vacant, the Vacant Building Plan shall contain all of the following:
 - A. A plan for fire alarm and fire protection as required by the Fire Chief.
 - B. A plan of action to remedy any public nuisance existing in the building or on the property.
 - C. A lighting plan for the exterior of the building and property, walkways adjacent thereto, parking or loading areas and night-time illumination of areas and walkways of the building and property which may be vulnerable to vandalism and vagrancy as determined by the Chief of Police.
 - D. A regular maintenance plan for all exterior lighting and illumination fixtures.

- E. A plan for the maintenance of all structural openings, such as windows, doors, areaways and other openings to avoid the necessity of boarding up. Windows, doors, areaways and other openings that are located on the first floor and facing the street shall not be papered, soaped, blacked out or boarded up, and to avoid the appearance of vacancy, a form of display shall be set up that shall be approved by the Fire Chief or designee.
 - F. A plan of action to maintain the vacant commercial or industrial building and property in compliance with the Vacant Building Maintenance Standards set forth in Section 1505.08 of this Chapter.
- (3) Rehabilitation. If the vacant commercial or industrial building is to be returned to lawful occupancy or use, the Vacant Building Plan shall include a rehabilitation time frame for the building and property. The rehabilitation time frame shall not exceed twelve (12) months. The Fire Chief may grant an extension of time upon receipt of a written statement from the owner detailing the reasons for the extension. All applicable laws shall be complied with and all required permits shall be obtained. The building shall be kept secured and in compliance with the Vacant Building Maintenance Standards as provided in Section 1505.08 of this Chapter at all times during rehabilitation.

1505.08 VACANT BUILDING MAINTENANCE STANDARDS.

All vacant commercial and industrial buildings and property within the City shall be maintained in accordance with the following Vacant Building Maintenance Standards:

(a) Exterior openings, except those prohibited by Section 1505.07(a)(2)E which cannot be secured by locking an existing door or window shall be boarded, secured, and protected from intrusion by birds, vermin and trespassers in accordance with the United States Fire Administration's National Arson Prevention Initiative Board Up Procedures, hereby incorporated by reference as if fully set forth herein. A copy of the United States Fire Administration's National Arson Prevention Initiative Board Up Procedures shall be kept on file with the Fire Department.

(b) A vacant commercial or industrial building shall be protected from deterioration and maintained in accordance with the Commercial and Industrial Property Maintenance Code set forth in Chapter 1343 of the Codified Ordinances of the City of Sandusky.

(c) A vacant commercial or industrial building and the property on which it is located shall be kept clean, safe, sanitary and free from public nuisance in accordance with Chapter 531 of the Codified Ordinances of the City of Sandusky.

(d) A vacant commercial or industrial building shall display a hazardous identification placard that is readily visible from normal access points of the building pursuant to the Sandusky Fire Department and Task Force Vacant and Abandoned Building Project in accordance with the International Association of Arson Investigators (IAAI) Vacant/Abandoned Building Marking System.

(e) A key box shall be installed on each vacant commercial or industrial building in the City in case immediate access to the interior of the building by fire

department personnel is necessary for life-saving or firefighting purposes. Each key box shall be of a type that is approved by the Fire Chief. The key box shall be installed in accordance with manufacturer's recommendations and shall be installed in a location approved by the Fire Chief. The cost of purchase and installation of each key box shall be paid by the owner. Each key box shall contain keys to gain access to all areas of the building including the roof and basement. The person in control of the building shall immediately notify the Fire Chief and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

1505.09 NOTICE OF VIOLATION.

(a) Content. Whenever the Fire Chief determines that there is a violation of the provisions of this Chapter, he shall give notice of such violation to the person or persons responsible therefore and order compliance, as herein provided. Such notice and order shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations, refer to the sections and divisions violated and order remedial action which will effect compliance with the provisions of this Chapter;
- (4) Include a correction order allowing a reasonable time to bring the property into compliance with the provisions of this Chapter;
- (5) State the right of the violator to file an appeal of the notice and order with the Fire Prevention Board of Appeal in the manner and within the time limitations provided for in Section 1501.07 of the Fire Code; and
- (6) Include a statement that any action taken by the City on such property shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(b) Service. A notice of violation shall be deemed to be properly served if one (1) or more of the following methods are used:

- (1) By personal delivery to the owner or occupant of the property or by leaving the notice at the property with a person of suitable age and discretion; or
- (2) By certified mail, return receipt requested, to the person or persons responsible at their last known address. If the certified mail is returned unclaimed, then service shall be sent by ordinary mail and the mailing shall be evidenced by a certificate of mailing. If the certified mail is returned undeliverable, a copy shall be posted in a conspicuous place in or on the property found in violation.

1505.10 EFFECTING COMPLIANCE.

Upon failure of the owner or person in control of the property in violation to comply with the notice within the period of time stipulated, the Fire Chief shall

give notice to the Sewer Maintenance Department if the building or structure is open and unsecure, to proceed with any requirements of Section 1505.08. Upon the completion of such labor, the Director of Sewer Maintenance shall determine all costs associated thereof, including registration fees, with labor charges incurred at one hundred and fifty dollars (\$150.00) per hour, provided however there shall be a minimum fee of not less than one hundred dollars (\$100.00). In the event the City is required to employ outside services for the abatement work, the fee shall be the actual costs of the contract plus fifteen percent (15%) for administration charges. The total labor costs and registration fee shall be forwarded by the Fire Chief to the Finance Director of the City who shall make a return in writing to the Erie County Auditor of such total charge which shall be entered upon the tax duplicate of the County and be allocated onto the taxes in accordance with Ohio R.C. 731.54.

1505.11 APPEALS.

Any person aggrieved by an order of the Fire Chief, or whenever the Fire Chief fails to approve a Vacant Building Plan as required in Section 1505.07 of this Chapter, the person may file an appeal with the Fire Prevention Board of Appeal in the manner and within the time limitations provided for in Section 1501.07 of the Fire Code. The decision of the Fire Prevention Board of Appeal shall be final.

1505.12 INTERPRETATION OF CHAPTER.

This Chapter shall not, in any manner, abrogate any of the other provisions of the Codified Ordinances of the City of Sandusky pertaining to the abatement of public nuisances or unsafe buildings.

1505.99 PENALTY.

Whoever violates any of the provisions of this Chapter shall be guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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

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

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

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

Passed:



DEPARTMENT OF GENERAL SERVICES

Scott A. Miller, Director
smiller@ci.sandusky.oh.us

1024 Cement Avenue
Sandusky, OH 44870

Fleet Maintenance
Greenhouse
Horticultural Services
Oakland Cemetery & Memorial Park
Municipal Buildings
Traffic Services
Recreation

419.627.5984 PHONE
419.627.5911 FAX

www.ci.sandusky.oh.us

TO: Nicole Ard, City Manager
From: _____
Scott Miller, Director of General Services
Date: February 28, 2012
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Ordinance awarding a contract to Browning Ferris Industries Inc., dba Allied Waste Services of Sandusky for the 2012 Yard Waste Collection Service.

As in the past, the City is offering yard waste pick up for a monthly fee to residents who sign up for the program. The monthly fee consists of labor, disposal and administration and is added to the water bills of participating customers. The pickup service is available starting April 1st and ends December 31st. At the end of 2011 there were 611 customers enrolled in the program. The monthly fee for 2011 was \$7.00 per customer and was awarded to Browning Ferris Industries, dba Allied Waste Services of Sandusky. The fee for 2012 will be \$11.00 per customer per month.

Only one bid was received this year for the 2012 Yard Waste Collection and that was furnished by Browning Ferris Industries, dba Allied Waste Services of Sandusky for \$10.50 per month per customer. Again for this year, their bid was only for the 1 day per week pickup; they did not bid on the 5 days per week pick up which coincides with the customer's regular trash pick-up day. Other Haulers were contacted but did not respond or did not express interest in bidding on the program.

Allied Waste Services of Sandusky noted that 2011 was their first initial year of experience in collecting yard waste and needed to add additional labor to the route. They absorbed the addition labor cost in 2011 to meet their contractual commitment to the city. So, the increase in cost from \$6.48 per month to \$10.50 is to pay for additional labor for 2012. The pick-up day for all customers will be on Friday. If a holiday falls on a Friday, the pickup day will be on Saturday.

BUDGETARY INFORMATION: Based on service for a one day per week pickup at \$10.50 per month per residence and a contract for nine (9) months, the estimated amount for the 2012 Yard Waste Collection Service is \$57,739.50 based on last years figure of 611 customers. This amount is subject to change due to additions and deletions of customers to the program. The cost of this service will be charged back to the customers in addition to a charge of \$0.50 per month for administrative costs.

ACTION REQUESTED: It is recommended that a contract with Browning Ferris Industries, dba Allied Waste Services of Sandusky be approved for the 2012 Yard Waste Collection Service. It is also recommended that the necessary legislation be passed under suspension of the rules in full accordance with Section 14 of the City Charter in order to provide sufficient time for the contractor to begin the program April 1st.

I concur with this recommendation:

Nicole Ard, City Manager

cc: Kelly Kresser, City Commission Clerk
Hank Solowiej, Finance Director
Don Icsman, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROWNING FERRIS INDUSTRIES, INC. D.B.A. ALLIED WASTE SERVICES OF SANDUSKY, OHIO, FOR THE 2012 YARD WASTE COLLECTION SERVICE WHICH IS AVAILABLE FOR THE PERIOD OF APRIL 1, 2012 THROUGH DECEMBER 31, 2012; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, as in the past, the City is offering a yard waste collection service for a monthly fee (labor, disposal, and administration) that is added to participating customer's water and sewer bills and the monthly fee for 2012 will be \$11.00 per customer; and

WHEREAS, upon public competitive bidding as required by law one (1) appropriate bid was received and the bid for one (1) day per week service from Browning Ferris Industries, Inc. d.b.a. Allied Waste Services of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the estimated cost of this program based upon service for a one (1) day per week pickup at a cost of \$10.50 per month per residence and a contract for (9) months is \$57,739.50 (based on 2011 end of year enrollment of 611 customers) which will be charged back to the customers in addition to a charge of \$0.50 per month for administrative costs and is subject to change due to additions and deletions of customers in the program; 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 allow sufficient time for Allied Waste Services to begin the program on April 1, 2012; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with Browning Ferris Industries, Inc. d.b.a. Allied Waste Services of Sandusky, Ohio, for the 2012 Yard Waste Collection Service for the period of April 1, 2012 through December 31, 2012 at a cost of Ten and 50/100 Dollars (\$10.50) per month per residence opting into the program, consistent with the bid submitted by Browning Ferris Industries, Inc. dba Allied Waste Services of Sandusky, Ohio, currently on file in the office of the Director of Planning, Engineering and Development.

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.

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

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

Passed: March 12, 2012



DEPARTMENT OF PLANNING, ENGINEERING & DEVELOPMENT

TODD J ROTH, P.E., P.S.

222 Meigs Street
Sandusky, Ohio 44870
Phone 419/627-5829
Fax 419/627-5933
troth@ci.sandusky.oh.us

To: Nicole Ard, City Manager
From: Todd J Roth, P.E., P.S.
Date: February 28, 2012
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: An ordinance awarding a contract to Ed Burdue & Company, Sandusky, Ohio for the Lions Park Concrete Removal Project. This project involves the crushing of the concrete pile currently located at Lions Park and removing the crushed material to three City sites. The alternate was a deduction if City trucks were used to remove the crushed material to the City sites.

The following four (4) bids were received and opened on February 23, 2012:

		Bid Amount	Alternate – Deduct	Local Preference- bid evaluation 5%
Pat Riley Trucking	Norwalk, OH	\$48,885.75	\$16,200.00	
Willis & Sons	Fremont, OH	\$54,250.00	\$17,500.00	
Ed Burdue & Company	Sandusky, OH	\$28,950.00	\$3,000.00	\$27,502.50
Speer Bros.	Sandusky, OH	\$42,000.00	\$9,100.00	

The local preference Ordinance which was included in the bid documents was applied. The local preference Ordinance provides that no preference is utilized in evaluating bids from businesses outside the City limits when competing against a bidder whose principal place of business is located within the City limits. Ed Burdue & Company was determined to be the lowest and best bid. It has been determined that it is best to not use City trucks to remove the crushed material; therefore, we will not be going with the alternate.

BUDGETARY INFORMATION: The revised project cost based on bids including engineering, inspection, advertising and miscellaneous expenses is estimated to be \$31,845.00, of which \$10,615.00 will be paid with Sewer Funds, \$10,615.00 will be paid with Water Funds and the remaining \$10,615.00 will be paid with Street funds.

ACTION REQUESTED: It is recommended that an Ordinance awarding a contract to Ed Burdue & Company of Sandusky, Ohio for the Lions Park Concrete Removal Project in the amount of \$28,950.00 be approved. It is requested that the legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter to execute the contract and allow the contractor to begin work immediately so that the park will be available for use by the public when warm weather arrives.

I concur with this recommendation:

Nicole Ard
City Manager

cc: Donald Icsman, Law Director
Hank Solowiej, Finance Director

City of Sandusky

Department of Planning, Engineering & Development

Lions Park Concrete Removal Project

DESCRIPTION	Pat Riley Trucking	Willis & Sons	Ed Burdue & Co.	Speer Bros.
	Norwalk, OH	Fremont, OH	Sandusky, OH	Sandusky, OH
Bid	\$48,885.75	\$54,250.00	\$28,950.00	\$42,000.00
Total Base Bid	\$48,885.75	\$54,250.00	\$28,950.00	\$42,000.00
Alternate - deduct *	\$16,200.00	\$17,500.00	\$3,000.00	\$9,100.00
local preference reduction 5%			\$1,447.50	
			\$27,502.50	
* City will not be using alternate				

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ED BURDUE & COMPANY OF SANDUSKY, OHIO, FOR THE LIONS PARK CONCRETE REMOVAL PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission declared the necessity to proceed with the proposed Lions Park Concrete Removal Project by Resolution No. 002-12R, passed on January 23, 2012; and

WHEREAS, the Lions Park Concrete Removal Project involves the crushing of concrete that was removed from the shoreline during Phase I of the Lions Park Project and temporarily placed within the existing parking lot and removing the crushed material to the City sites; and

WHEREAS, upon public competitive bidding as required by law four (4) appropriate bids were received and the bid from Ed Burdue & Company of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total revised project cost based on bids, including engineering, inspection, advertising and miscellaneous expenses is estimated to be \$31,845.00 of which \$10,615.00 will be paid with Sewer Funds, \$10,615.00 will be paid with Water Funds, and the remaining \$10,615.00 will be paid with Street Funds; and

WHEREAS, this legislation should be passed under suspension of the rules in accordance with Section 14 of the City Charter in order to execute the contract and allow the contractor to immediately begin work so the park will be available for use by the public when warm weather arrives; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with Ed Burdue & Company of Sandusky, Ohio, for the Lions Park Concrete Removal Project in an amount not to exceed Twenty Eight Thousand Nine Hundred Fifty and 00/100 Dollars (\$28,950.00) consistent with the bid submitted by Ed Burdue & Company of Sandusky, Ohio, currently on file in the office of the Director of Planning, Engineering and Development.

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.

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

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

Passed: March 12, 2012

TO: Commissioners

FROM: Nicole Ard, City Manager

DATE: March 2, 2012

SUBJECT: MEMBERSHIP IN THE SMALL HARBORS COALITION

ITEM FOR CONSIDERATION: A resolution of support for the Great Lakes Small Harbors Coalition (Coalition). The resolution would enroll the City in membership to Coalition. The item is in follow-up to a request from Commissioner Cole and Mr. Chuck May, Chair Pro Tem of the Coalition.

A copy of Coalition materials forwarded by Commissioner Cole is attached. Also attached is correspondence from Ms. Nancy May. As of February 1, there were 70 Coalition members. While the majority of Coalition members are based in other Great Lake states, according to the Mays several Ohio communities have issued resolutions of support, including Ashtabula, Fairport, Conneaut, Huron, Vermillion, and Geneva on the Lake.

The Coalition works to advocate on behalf of commercial and shallow draft small harbors, including Federal and State funds for dredging and maintenance, to help "...address the long-term viability and safety of our harbors". The Coalition works with the Great Lakes Coalition, Lake Erie Marine Trades Association, and Ohio SeaGrant. The intent is to help small harbors garner attention and funding that larger harbors generate.

BUDGETARY IMPACT: According to Ms. May, there is no fee to join the Coalition or commitment for future payment. The Coalition has helped support grants and/or appropriations in Michigan and New York. However, some funds in Fiscal Year 2011 were not received given changes in Congressional appropriations policy (earmarks were discontinued).

ACTION REQUESTED: Staff recommends adoption of a resolution of support authorizing staff to enroll the City in the Great Lakes Small Harbors Coalition.

cc: Kelly Kresser
Hank Soloweij
Don Icsman
Scott Miller
Todd Roth

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF THE GREAT LAKES HARBORS COALITION.

WHEREAS, the Great Lakes Small Harbors Coalition is a group representing small harbors from around the Great Lakes where dredging and harbor maintenance issues are of particular concern and will work with federal and Great Lakes entities to effect the changes needed to address the long-term viability and safety of our harbors; and

WHEREAS, there are approximately 120 federally authorized small Great Lakes harbors; and

WHEREAS, the federal government is responsible for maintaining boater access to these harbors through adequate dredging and maintenance of navigation infrastructure (hereinafter referred to as maintenance); and

WHEREAS, small harbors perform other valuable functions such as ports of refuge during inclement weather, ports for U.S. Coast Guard rescue stations, ports for law enforcement, ports for commercial fleets, ports for Great Lakes research vessels, and ferry terminals; and

WHEREAS, many of the 120 federally authorized small harbors in the Great Lakes require regular maintenance because of natural sedimentation, low water levels, storm events, and littoral drift, among other factors; and

WHEREAS, longstanding federal policy prevents the U.S. Army Corps of Engineers from allocating funds for the maintenance of small harbors in its operation and maintenance budget for the Great Lakes, thus forcing these harbors to seek Congressional assistance or "earmarks" to secure funds for maintenance; and

WHEREAS, this inefficient, inequitable system has resulted in maintenance backlogs that have hindered, or in some cases totally blocked access to Great Lakes small harbors, causing significant economic loss and increased risk to human health and safety; and

WHEREAS, small harbors in the Great Lakes have not, to date, had an organization through which to unite and speak with one voice to address concerns about maintenance and other shared interests to federal and state agencies; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

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

Section 1. This City Commission hereby supports and commits to being a member of the Great Lakes Small Harbors Coalition and urges the Great Lakes Small Harbors Coalition to advocate for a more equitable, sustainable, needs-based system to allocate funds for adequate maintenance of small Great Lakes harbors.

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 Ordinance shall take effect at the earliest time allowed by Law.

JOHN F. HAMILTON
PRESIDENT OF THE CITY COMMISSION

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

Passed: