



**CITY OF SANDUSKY COMMISSIONERS
REGULAR SESSION AGENDA
February 28, 2011 at 5 p.m.
City Hall, 222 Meigs Street**

INVOCATION, PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

J. Hamilton, R. Brady, J. Farrar, D. Waddington, D. Cole, P. Brown & D. Kaman

APPROVAL OF MINUTES

February 14, 2011

February 22, 2011 (special meeting)

AUDIENCE PARTICIPATION

Agenda items listed below only (3 minute limit)

PRESENTATIONS

Aaron Klein, Greener Corners

Larrick Zirckle, Nehemiah Partners

COMMUNICATIONS

Motion to accept all communications submitted below

ITEM #1 – Submitted by Carrie Handy, Chief Planner

TABLED 2.14.11

Budgetary Information: The total cost for the professional services is \$10,000 for the implementation of the fair housing program to provide fair housing services to low- and moderate- income residents in Sandusky under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant. There is no impact to the city's general fund.

ORDINANCE NO. _____: It is requested an Ordinance be passed authorizing and directing the city manager to enter into a contract with Donald B. Eager & Associates, LLC, of Lancaster, Ohio, for professional services for the implementation of the city's Community Development Block Grant fair housing program; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #2 – Submitted by Amanda Meyers, Paralegal

Budgetary Information: The cost associated with this purchase agreement is the real estate agent's listing fee of 7% of the sales price, the total amount of the title examination, deed preparation, escrow fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. Pursuant to Ohio Revised Code Section 5722.08 (A), the city will recoup expenses incurred on account of the acquisition, administration, management, maintenance and disposition of the property from the proceeds of the sale, and the remaining balance, if any, will be paid to the county treasurer for reimbursement to the taxing districts. The commercial development of this property will enhance surrounding property values and the taxing districts will once again begin collecting real property taxes.

ORDINANCE NO. _____: It is requested an Ordinance be passed declaring that certain real property owned by the city as part of the land reutilization program identified as parcel no. 60-00412.001, located at 1011 Fremont Avenue is no longer needed for any municipal purpose and authorizing the execution of a purchase agreement with respect to that real property; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #3 – Submitted by Jane E. Cullen, Engineering Technician

Budgetary Information: The total estimated project cost including engineering, inspection, advertising and miscellaneous expenses is \$292,067.65. The city is responsible for the entire project cost and it will be paid with the city's water fund.

RESOLUTION NO. _____: It is requested a Resolution be passed declaring the necessity for the city to proceed with the proposed Hayes Avenue waterline improvement project; approving the specifications and engineer's estimate of cost thereof; and directing the city manager to advertise for and receive bids in relation thereto; and declaring that this Resolution shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #4 – Submitted by Todd J. Roth, Director of Planning, Engineering & Development

Budgetary Information: The total project cost based on bids including engineering, inspection, advertising and miscellaneous expenses is \$326,355.00. The city has applied for federal funds from a discretionary earmark for \$164,755.25 (55% of construction cost) from the U.S. EPA. The city's share (45% of construction cost plus other costs) is \$161,599.75, to be paid with sewer funds.

ORDINANCE NO. _____: It is requested an Ordinance be passed authorizing and directing the city manager to enter into a contract with C & K Industrial Services, Inc., of Cleveland, Ohio, for the Eastside and Westside interceptors cleaning project; and declaring that this Ordinance shall take immediate effect in accordance with Section 14 of the city charter.

ITEM #5 – Submitted by James F. Lang, Interim Police Chief

Budgetary Information: Proceeds from the sale of the 1996 Lexus ES300 and the 2004 Chrysler Sebring will be placed into the police department's contraband trust fund, 863 1050 101 00.

ORDINANCE NO. _____: It is requested an Ordinance be passed 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.

ITEM #6 – Submitted by Sgt. Richard Braun, Animal Control Supervisor and Officer Robert Gardin, Animal Control Officer

Budgetary Information: The cost associated with this request for legislation is the total amount of administrative staff time utilized for any necessary enforcement by the police department.

ORDINANCE NO. _____: It is requested an Ordinance be passed amending part five (general offenses) chapter 505 (animals and fowl), in the manner and way specifically set forth hereinbelow.

ITEM #7 – Submitted by Paul E. Ricci, Interim Fire Chief

Budgetary Information: There will be no proceeds from the donation of the structural firefighting clothing which includes 12 jackets, 12 pants, 12 hoods, 12 sets of gloves, 12 pair of boots and 12 helmets.

RESOLUTION NO. _____: It is requested Resolution be passed authorizing the disposal of twelve (12) sets of structural firefighting clothing as being unnecessary and unfit for city use, approving their donation to the Sandusky Career Center Fire & Rescue Academy; and declaring that this Resolution take immediate effect in accordance with Section 14 of the city charter.

CITY MANAGER’S REPORT

OLD BUSINESS

NEW BUSINESS

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

EXECUTIVE SESSION

ADJOURNMENT

Buckeye Cablesystem broadcast on Cable Channel 81:

LIVE: Monday, February 28 at 8:30 p.m.

REPLAYS: Tuesday, March 1 at 5 p.m.
Monday, March 7 at 7 p.m.

TO: Donald C. Icsman
Acting City Manager

FROM: Carrie Handy
Chief Planner

DATE: February 22, 2011

SUBJECT: Commission Agenda Item – U.S. Department of Housing and Urban Development:
FY2010 Community Development Block Grant – Donald B. Eager & Associates, LLC
Fair Housing Contract.

ITEM FOR CONSIDERATION:

Consideration is being requested to enter into a contract with Donald B. Eager and Associates, LLC, of Lancaster, Ohio, to act as the City's consultant for the implementation of the City's CDBG Fair Housing program. Under this contract, Donald B. Eager and Associates, LLC, would be responsible for fair housing services for the City of Sandusky. This would include such activities as providing timely and professional responses to fair housing discrimination complaints and landlord/tenant issues, informing the complainant of fair housing rights and providing the complainant with additional information and advice, and conduct fair housing educational programs and activities for Sandusky residents.

In order to select a fair housing consultant, proposals were solicited from two Ohio firms that specialize in providing fair housing services – Ohio Regional Development Corporation and Donald B. Eager and Associates. The proposals were reviewed by a staff committee comprised of the City Manager, the Finance Director, the Director of Planning Engineering and Development and the Chief Planner. After scoring the proposals using an evaluation worksheet developed for the selection process, it was determined that Donald B. Eager and Associates was the most qualified firm.

BUDGETARY INFORMATION:

The total cost for the professional services is \$10,000 for the implementation of the Fair Housing Program to provide fair housing services to low- and moderate income residents in Sandusky under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant. There is no impact to the City's General Fund.

ACTION REQUESTED:

It is requested that the proper legislation be prepared authorizing the City Manager to enter into a contract with Donald B. Eager & Associates for professional services for the implementation of the City's CDBG Fair Housing Program. It is further requested that this legislation be passed in accordance with Section 14 of the City Charter in order to execute the contract to allow Donald B. Eager & Associates, LLC to implement the program and to expend the funds before the deadline of February 28, 2012.

Todd Roth
Dir. of Planning, Eng. & Dev.

Carrie Handy
Chief Planner

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DONALD B. EAGER & ASSOCIATES, LLC, OF LANCASTER, OHIO, FOR PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FAIR HOUSING PROGRAM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this contract would allow Donald B. Eager & Associates, LLC, to act as the City's consultant for the implementation of City's Fair Housing program and to provide fair housing services to low- and moderate income residents in Sandusky under the rules and regulations of the U.S. Department of Housing and Urban Development Community Development Block Grant; and

WHEREAS, proposals were requested from two Ohio firms (Ohio Regional Development Corporation and Donald B. Eager and Associates) that specialize in providing fair housing services and thereby developed a professional expertise and unique knowledge in this area and subsequently the proposals were reviewed by a committee comprised of the City Manager, Finance Director, Director of Planning Engineering & Development and the Chief Planner and after scoring the proposals using an evaluation worksheet developed for the selection process, it was determined that Donald B. Eager and Associates was the most qualified firm; and

WHEREAS, the cost for the professional services for the implementation of the City's Fair Housing Program is \$10,000.00 and will be paid with Community Development Block Grant (CDBG) funds; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to execute a contract and allow Donald B. Eager & Associates, LLC to implement the program and to expend the funds before the deadline of February 28, 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 the Municipal Departments, including the Division of Planning 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 Donald B. Eager & Associates, LLC, of Lancaster, Ohio, for professional services for the implementation of the City's Community Development Block Grant (CDBG) Fair Housing program, consistent with the proposal submitted, a copy of which is marked Exhibit "1" and attached to this Ordinance and is specifically incorporated as if fully rewritten herein together with such revisions or additions as are approved by the Law Director as not being adverse to the City and as being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes, in an amount not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00).

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 28, 2011

FAIR HOUSING PROGRAM PROPOSAL AND STATEMENT OF QUALIFICATIONS FOR THE CITY OF SANDUSKY

This proposal outlines a comprehensive plan to provide professional services for the implementation of the fair housing program for the City of Sandusky by fair housing consultants Donald B. Eager & Associates. The City's fair housing program is administered in accordance with its Community Development Block Grant (CDBG) program as approved by U.S. Department of Housing and Urban Development (HUD) and will be implemented over a twelve-month period.

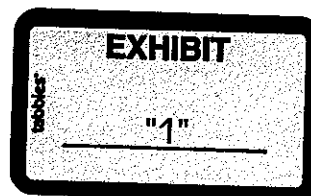
Donald B. Eager & Associates is located in Lancaster Ohio, an entitlement similar in size to Sandusky, which is approximately 25 miles southeast of Columbus. Because three of the four team members are residents of Lancaster, we feel that we have a clear picture of small town issues, values and culture. As small town residents and lifelong advocates, we realize the importance of being readily and consistently accessible to clients as well as fellow social service agencies.

The purpose of a fair housing program is to address community needs and to ensure compliance with the regulations governing the City of Sandusky's housing programs - affirmatively further fair housing. As fair housing consultants with over sixty years of combined advocacy experience, we have found that an efficient and effective fair housing program must:

- Adopt an organized consistent housing discrimination complaint intake system which includes procedures and forms specifically designed to address discrimination complaints and landlord/tenant issues
- Train any fair housing board, commission or organization established by city ordinance on fair housing and civil rights related laws
- Conduct education and outreach seminars
- Provide fair housing training
- Conduct Home Mortgage Disclosure Act (HMDA) analysis
- Incorporate a testing component that includes self-initiated test as well as tests that are in response to complaints
- Conduct Community Reinvestment Act reviews and challenges
- Assist in addressing the impediments identified in the Analysis of Impediments

In order to provide adequate fair housing services, the program must be designed not only to assist LMI residents, minorities, and the disabled, but the entire community. It must be designed to provide assistance to members of the housing industry (realtors, landlords, lenders, etc.), community groups, organizations and city wide community members in general. The City of Sandusky Fair Housing program, if implemented by Donald B. Eager & Associates, will provide access to fair housing information and assistance to every resident of the City of Sandusky.

Citizens will access fair housing services adequately only when everything associated with the City of Sandusky Fair Housing program features the following fair housing contact information:



The City of Sandusky Fair Housing Program
222 Meigs Street
Sandusky, OH 44870
419-627-5703
1-800-850-0467 (Fair Housing Hotline)
TTY 1-800-750-0750

This will be accomplished in several ways:

- Fair housing materials such as posters, brochures and fair housing related information will display the fair housing contract information.
- Handouts such as rulers, pencils, pens, etc. will contain fair housing contact information.
- A Fair Housing advertisement on the City of Sandusky web site will contain fair housing contact information.
- Donald B. Eager & Associates Fair Housing website will be linked to the City of Sandusky Fair Housing web page. The Donald B. Eager & Associates website contains basic information on the history, law and complaint process of fair housing. It also contains printable related materials on fair housing law, landlord and tenant law, the escrowing of rent process, predatory lending issues, hate crime issues and activity, teaching tolerance program and various current fair housing articles and publications.
- Flyers, newspaper ads, community service newspaper ads and community service radio ads, and community service local television station ad. These will be a major source for marketing training sessions and promoting compliance with fair housing law and landlord/tenant issues.
- Ongoing educational programs/activities and outreach service to community groups and organizations - perhaps the best means by which a fair housing program can promote citizen accessibility to fair housing services.

SCOPE OF SERVICES

ANALYSIS OF IMPEDIMENTS (AI) UPDATE:

The Analysis of Impediments provides a basis for the development of strategies to affirmatively further fair housing for the City of Sandusky. Upon final approval of the current AI by the U.S. Department of Housing and Urban Development, Fair Housing and Equal Opportunity Division, Columbus Fair Housing Center, the City's Analysis of Impediments will as a part of the City's Fair Housing program be reviewed and updated annually. That review and update will be submitted with the City's annual Fair Housing report.

FAIR HOUSING DISCRIMINATION COMPLAINTS AND LANDLORD/ TENANT ISSUES

Donald B. Eager & Associates' knowledge and experience ensures that our organization will provide a timely and professional response to discrimination complaints. Since discrimination complainants often fail to file complaints, history shows that referral of fair housing complaints to the Ohio Civil Rights Commission (OCRC) or HUD are best addressed as quickly as possible. The ability to readily refer complaints and monitor discriminatory activities can make a significant difference in findings and thus the outcome of fair housing complaints.

The Department of Housing and Urban Development (HUD) requires fair housing programs to have in place a fair housing complaint intake and referral system. In response to this requirement, we offer a local fair housing office contact number and a fair housing hotline (1-800-854-0467). Both telephone numbers and the office address are printed on all informational and marketing materials. Materials are mailed to various organizations and distributed at public, civic, social service and school educational meetings throughout the program year.

Fair Housing complainants are informed of fair housing rights and remedies and mailed a fair housing complaint form, cover letter and informational materials regarding complaint procedures. A stamped/self-addressed envelope and fair housing brochure are also included with each complaint form. The complainant is asked to forward the original complaint form to the appropriate agency and return a copy of the signed, completed complaint form. In addition, complainants are advised that the consultant and/or local contact person is available to assist them in person or by phone. Should the complainant prefer to deal directly with the responsible agency, the complainant is given the agency regional office address and phone number.

Although we are not attorneys and hence do not give legal advice, our staff members have a thorough knowledge of Ohio Landlord and Tenant Law and Fair Housing Law. Staff answers a 1-800 fair housing and landlord/tenant hotline five days a week during normal business hours. They provide information to local residents with questions and concerns regarding housing discrimination and landlord tenant issues. If it is determined that we cannot be of assistance, the caller is referred to the appropriate person, agency or office. For messages left in voice-mail on the hotline after regular business hours (Monday through Friday - 9:00 am to 5:00 pm) and on holidays, a response will be made within 24 hours.

Finally, we will maintain records and collect reporting data in accordance with the HUD-27061-H Race and Ethnic Data Reporting Form (see attachment A). The classification provides a minimum standard for maintaining, collecting, and presenting data on race and ethnicity for all Federal reporting purposes.

EDUCATIONAL PROGRAMS AND ACTIVITIES

Primary to any effective fair housing program is a comprehensive fair housing education plan. This effort works in cooperation with the enforcement effort of the program by assuring that residents of the City and all members of the housing industry (lenders, real estate professional, landlords,

insurance agents, etc.) have access to training that will help them understand their rights and responsibilities regarding fair housing regulations.

Education efforts will work in cooperation with the current HUD approved AI and the ongoing annual AI update. A comprehensive fair housing education plan will address typical fair housing issues such as: fair housing law - local, state, federal; fair housing and real estate issues; fair housing as it relates to landlord/tenant issues; predatory lending; hate crimes; and, fair housing and home ownership education. Fair housing materials and handouts (ruler, pen, pencil, etc.) will be available at all training.

Documentation for each training will be all inclusive. It will include all information connected to the training: sign-in sheet, comprehensive minutes describing the meeting, a list of various materials distributed, a copy of all advertising, list of mailing labels and copies of all flyer, letters, etc. created to market the training. All documentation will be included in the quarterly report to the City of Sandusky.

Over the years, Donald B. Eager & Associates has developed training designed for specific audiences and special target groups or populations. Fair Housing training for program year 2011 will include any six (6) of the following fair housing training sessions:

- Landlord Appreciation Night - Fair Housing and Landlord/Tenant Law training with refreshments and door prizes designed specifically for the landlord
- Tenant's Rights Information Night - Fair Housing and Landlord/Tenant Law training with refreshments and door prizes for tenants to learn about their rights and responsibilities as tenants
- Fair Housing Act and Landlord/Tenant Law workshop with refreshments and door prizes for advocates to learn about rights and responsibilities of landlords and tenants
- Fair Housing Law, Predatory Lending Abuses and Landlord/Tenant Law - Fair housing course for the general public
- Don't Be a Victim of Predatory Lending: A Fair Housing Issue - Course for senior citizens, general public, community leaders and local lenders
- Fair Housing History, Law and Regulations - Comprehensive Fair housing course community leaders
- Harvesting Wealth - A Primer for Real Estate Professionals - 1 CEU course for real estate professional
- Fair Housing and the Real Estate Professional - 3 CEU's course for real estate professional

- Protecting Your Community: The Role of the Real Estate Professional in the Community - 3 CEU's course for real estate professional
- Stand Against Hate: Fair Housing and Hate Crimes - Course for high school students and teachers
- Teaching Tolerance - Course for high school students and teachers

OUTREACH TO COMMUNITY GROUPS AND ORGANIZATIONS

Through years of fair housing program experience, Donald B. Eager & Associates has found working with community groups and organizations to be necessary in the operation of a successful fair housing program. Ongoing comprehensive education of agency staff and clients establishes a community accessibility that no amount of marketing can provide. Clearly, community groups and organizations have daily contact with residents of all walks of life. Only by a cooperative effort with these groups are we, as fair housing service providers, able to reach those in most need of the protection that fair housing law provides.

We propose that outreach services work in two ways:

- Education of staff and clients (where possible) to address housing related issues and remove barriers to affordable housing

Three (3) fair housing training sessions per year

Each training will be custom designed to meet the needs of the organization, staff and clients. However, the basis format will be a course in Fair Housing Law, Predatory Lending Abuses and Landlord/Tenant Law - Fair housing. We distribute fair housing materials and handouts (ruler, pen, pencil, etc.) at all training.

Documentation for each training will be all inclusive. It will include all information connected to the training: sign-in sheet, comprehensive minutes describing the meeting, a list of various materials distributed, a copy of all advertising, list of mailing labels and copies of all flyer, letters, etc. created to market the training. All documentation will be included in the quarterly report to the City of Sandusky.

- Distribution of fair housing and fair housing related posters, brochures and other informational materials

Annual distribution of City of Sandusky Fair Housing information/education materials to twenty (20) advocacy groups, churches, libraries, schools, largest employers or organizations :

- Creation and distribution of a dated fair housing cover letter introducing materials and fair housing program. This will be distributed throughout the City to community service groups and organizations with brochures and posters. These community service groups and organizations will be asked to distribute the fair housing brochures to clients and staff
- Creation and distribution of fair housing brochure. This will be distributed throughout the City to community service groups and organizations. These community service groups and organizations will be asked to distribute the fair housing brochures to clients and staff
- Creation and distribution of a fair housing poster. This will be distributed throughout the City to community service groups and organizations. These community service groups and organizations will be asked to distribute the fair housing brochures to clients and staff
- Creation and distribution of other pertinent brochures such as Predatory Lending, Tenant/Landlord, Repair To Rentals, Reasonable Accommodation, Service and Companion Animals, etc.

Documentation for each distribution will be all inclusive. It will include all information connected to the distribution: dated cover letter, mailing list of organizations, posters, brochures and fair housing related brochures. All documentation will be included in the quarterly report to the City of Sandusky.

BUDGET

The budget for the City of Sandusky Fair Housing program will be a total of \$10,000.00. This budget is inclusive of all time and materials needed to carry out the program.

This budget is based on the volume of service as described in the scope of services above. Should cost adjustments, higher or lower, become necessary because of a significant change in the volume of services, we will gladly work out an amenable solution with the City of Sandusky.

STATEMENT OF QUALIFICATIONS

DONALD B. EAGER & ASSOCIATES, LLC

Donald B. Eager and Associates, LLC was formed in 1991 AND officially incorporated in 1995. Their collective fair housing and community planning experience dates from 1977 when Donald Eager became a planner for a four county regional planning and development organization -NEFCO.

Several members of the company have served as directors of prestigious private fair housing organizations and community development corporations. They have also authored fair housing statutes and regulations, litigated fair housing cases, and advised Governors on fair housing/fair lending issues. Their wide range of training experience includes: non-profit organizations, city officials, state agencies, and, finally, HUD Field and Executive Staff where they received the highest rating of any training program in the agency's history.

Donald B. Eager and Associates, LLC has conducted Fair Housing Impediments Analysis in nine states and for over thirty jurisdictions. Many of these analyses have been for the largest entitlement communities in the state. The company has helped set the standard for conducting these analyses for local, state and federal agencies. By developing a model that can be used in rural and urban communities, the Impediments Analysis can be used with equal success for long and short term planning.

The company has developed a nationally recognized expertise in fair lending. It has developed affirmative marketing agreements for mortgage lenders, provided training on how to use lending data and prepared research on Home Mortgage Disclosure Act data for states and local communities. Recently the company completed one of the most comprehensive lending research projects ever undertaken in the State of Ohio. Staff has also assisted state agencies and private non-profit fair housing organizations in developing lending testing programs.

Staff has assisted many communities in developing sound, effective zoning regulations, housing codes and implementation strategies. Staff has developed effective community-based plans for the distribution of affordable housing and fair share plans. They have worked with local communities in preparing community development efforts in the area of housing and economic development. Staff has been responsible for the design and implementation and coordination of numerous fair housing testing programs in sales, rental, lending and insurance testing.

The Company's staff has received numerous national and state awards and citations for their remarkable accomplishments in the fair housing/fair lending field. Their extensive and diverse experience is recognized throughout the United States. In sum, Donald B. Eager and Associates is a proven expert.

Staff

Donald B. Eager, President
Linda S. Eager, Senior Associate
Kim Griffith, Contract Associate
R. J. Stidham, Legal Associate

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E Mail - lseager@greenapple.com
National toll free 1-800-850-0467
www.dbeager.com

CATALOGUE OF SERVICES

Donald B. Eager and Associates is proud to offer the following range of expert services:

Fair Housing Education, Outreach, and Enforcement
Design and Implementation of Audit/Testing Programs (sales, rental, lending & insurance)
Tester Training, Education and Recruitment
Organization and Development of Private and Public Fair Housing Agencies
Fair Housing Training for Commissions & Boards
Design and Implementation of Education and Outreach Programs
Case Management and Evaluation
Administrative and Judicial Complaint Preparation and Oversight
Monitoring of Consent Decrees/Dispute Resolutions
Serving as Expert Witness in State & Federal Fair Housing Litigation

Planning

Conduct Analysis of Impediments to Fair Housing Choice
Assistance in Preparation of Consolidated/Comprehensive Plans
Design and Development of Fair Housing Action Plans
Drafting of Fair Housing Legislation/Administrative Regulations
Assessment of Zoning/Building/Real Property Tax Regulations
Assistance in Achieving Substantial Equivalency
Mortgage Lending and Property & Casualty Insurance
Comprehensive HMDA Analysis, with Overall Lending Review
CRA Evaluations, Training and Monitoring
ECOA Evaluations, Training and Monitoring
Design and Development of LMI Underwriting Guidelines Organization and Development of Loan
Counseling Programs

Design and Implementation of Audit/Testing Programs
Design and Implementation of HO Insurance Testing Programs
Evaluation and Analysis of HO Insurance Policies, Underwriting Criteria
Design, Implementation and Analysis of Lending Testing Programs for industry, government and non-profits

Housing and Community Development

General Training in Non-Profit Real Estate Development
Assistance in the Creation of CDC's and CHDO's
Fair Housing Impact Analyses of Proposed Development Projects
Overall Project Development Assistance for LMI and Affordable Housing
Assistance in Preparation of Consolidated/Comprehensive Plans
Advice and Assistance to PHA's and Assisted Housing Projects
Design and Writing of Consolidate Plans
Design and Implementation of Area Wide Housing Opportunities Plans

REFERENCES

As Fair Housing Consultants, Donald B. Eager & Associates, LLC, have provided services to the following areas:

Arizona Attorney General's Office, AIFHC - Lending Only
Southern Arizona Fair Housing Center
Arizona Fair Housing Center
Arizona Association of Realtors
Kentucky Fair Housing Center
Minnesota Fair Housing Council
Savannah/Chatham Fair Housing Agency
North Dakota Fair Housing Council - AIFHC
Department of Housing & Urban Development
Ohio Community Reinvestment Coalition
The City of Texarkana, Arkansas - AIFHC
The City of Fort Smith - AIFHC
The City of Fort Smith Consolidated Plan
Arkansas Realtors Association
The City of Albany, Georgia - AIFHC
Human Relations Commission, State of Montana
North Dakota Regional Fair Housing Conference
North Dakota Bar Association, Conference for Lawyers.
City of Little Rock, Arkansas
The City of Little Rock Community Housing Resource Board
The Louisiana ACORN Fair Housing Organization
The New Mexico ACORN Fair Housing Organization
The City of Santa Fe, New Mexico - AIFHC
Tierra Del Sol Housing Corporation

Housing Consortium- Cities of Greensboro, High Point and Burlington, Alamance County and Guilford County, North Carolina - City and County consortium for multi-jurisdictional Fair Housing Impediments Analysis

The City of Omaha Nebraska - AIFHC

The City of Bismarck, North Dakota - AIFHC

The City of Grand Forks, North Dakota - AIFHC

Donald B. Eager & Associates, LLC, has worked with over 50 cities and counties, from small rural communities to large urban cities. They have conducted over 400 training seminars for real estate professionals, lenders, community leaders and fair housing advocates. The group manages over 20 fair housing programs in the state, including education and outreach and enforcement. Staff conducted AIFHC for the below listed urban areas, all a multi-jurisdictional project, plus an additional AIFHC in 35 cities and counties in Ohio. A list of some of the AIFHC's completed is included below.

City of Cleveland/Cuyahoga County- Included 7 communities and Cuyahoga County in a multi-jurisdictional AIFHC - Best Practice Award from HUD

Columbus/Franklin County - AIFHC

Cincinnati/Hamilton County - AIFHC

Montgomery County/ City of Kettering - AIFHC

Greensboro HOME Consortium - Cities of Greensboro, High Point & Burlington and the Counties of Alamance & Guilford, North Carolina

Buckeye Hills Planning Organization - Ohio counties of Washington, Morgan & Noble

Santa Fe, New Mexico

Texarkana, Arkansas

Fort Smith, Arkansas

Albany, Georgia

Bismarck, North Dakota

Macon, Georgia (with Tanya, Inc.)

Grand Forks, North Dakota

Orange County, North Carolina

(Lending Analysis)

City of Greensboro, North Carolina

(lending Analysis)

Hamilton, Ohio

Elyria, Ohio

Lorain, Ohio

Bowling Green, Ohio

Lancaster, Ohio

Clermont County, Ohio

City of Fairfield, Ohio

City of Barberton, Ohio

City of Mobile, Alabama

(Lending Analysis)

North Ridgeville, Ohio

Donald B. Eager & Associates, LLC. has been facilitating meetings, developing citizens' participation programs and working with community-based organizations for twenty years. As planners they have worked to organize public meetings for Community Development programs, Group Homes, HOME and HOPWA projects, fair housing and mediation.

Some of its earliest efforts were in gathering public assistance in placing low-moderate income housing in communities that were resistant to such housing. Its efforts in developing Area-wide Housing Opportunities Plans (AHOP) as means of dispersing public housing were some of the first

in Ohio. Staff has worked with many organization's in putting together public outreach programs and in encouraging participation from citizens in the planning process.

For a complete listing of activities past and present in Ohio please call our national toll-free number 1-800-850-0467 for a detailed list.

ATTACHMENT A FAIR HOUSING PROGRAM COMPLAINT INTAKE FORM

Date: _____ Time: _____ Phone: _____

Email Address: _____ Referred By: _____

Discrimination Complaint: _____ Tenant/Landlord Complaint: _____

Name: _____

Address: _____

Apartment: _____ Single Family Home - Own or Rent _____ Mobile Home _____

Demographic Information:

Ethnicity (please check one):

- Hispanic or Latino
- Non-Hispanic or Non-Latino

Race (please check one or more boxes):

- White
- Asian
- Native Hawaiian/Other Pacific Islander
- Asian and White
- Am. Indian/Alaskan Native & Black African American
- Black/African American
- American Indian/Alaskan Native
- American Indian/Alaskan Native & White
- Black/African American and White
- Other Multi-racial

Household (please check one):

- Homeless
- Female Headed Household
- Disabled/Special Needs

Household Income (check the box that has the income level closest to, but not greater than, your total annual household income):

- | | | | | | |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| <input type="radio"/> \$13,450 | <input type="radio"/> \$15,350 | <input type="radio"/> \$17,300 | <input type="radio"/> \$19,200 | <input type="radio"/> \$20,750 | <input type="radio"/> \$22,250 |
| <input type="radio"/> \$22,400 | | | | | |
| <input type="radio"/> \$23,800 | <input type="radio"/> \$25,350 | <input type="radio"/> \$25,600 | <input type="radio"/> \$28,800 | <input type="radio"/> \$32,000 | <input type="radio"/> \$34,550 |
| <input type="radio"/> \$35,850 | | | | | |
| <input type="radio"/> \$37,100 | <input type="radio"/> \$39,700 | <input type="radio"/> \$40,950 | <input type="radio"/> \$42,250 | <input type="radio"/> \$46,100 | <input type="radio"/> \$51,200 |
| <input type="radio"/> \$55,300 | | | | | |
| <input type="radio"/> \$59,400 | <input type="radio"/> \$63,500 | <input type="radio"/> \$67,600 | | | |

Narrative: _____

Recommendation: _____

Result: _____

TO: Don Icsman, Acting City Manager
FROM: Amanda Meyers, Paralegal
DATE: February 17, 2011
RE: City Commission Agenda Item

ITEM FOR CONSIDERATION: The purpose of this communication is to request approval of legislation allowing the City Manager to execute a 'Purchase Agreement' and sale of non-productive land that the City has acquired through the City of Sandusky's Land Reutilization Program, identified as 1011 Fremont Avenue, Sandusky, Ohio, Erie County Parcel No. 60-00412.001, which is no longer needed for any municipal purpose and would be best suited for commercial development.

BACKGROUND INFORMATION: Pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City has acquired this nonproductive land by forfeiture through foreclosure. The parcel was foreclosed upon by the Erie County Treasurer for delinquent property taxes and went through at least two (2) sheriff's sales with no bidders/no sale. The City was offered the property for the Land Reutilization Program by the Assistant Erie County Prosecutor before it was forfeited to the State of Ohio. The City Commission approved the acquisition on September 13, 2010 by adoption of Resolution No. 031-10R. The City Commission also approved a request to allow realtor Mac Lehrer of Hoty Enterprises to market the property in conjunction with the adjoining property located at 1001 Fremont Avenue, formerly known as "Steuk's."

A worksheet was developed in order to quantitatively evaluate purchase proposals based in part on the purpose of the Land Reutilization Program pursuant to Ohio Revised Code Chapter 5722, based in part on the City's Zoning Code and Master Plan, and with the purpose of marketing the property in conjunction with the Steuk's property or to a business that had the possibility to utilize the Steuk's property for future expansion, or at least enhance the Steuk's property and make it more attractive to the commercial market. The

taxing districts were also contacted via email and asked to express any important concerns that they had and their feedback and suggestions were incorporated into the evaluation.

The Land Bank Committee met on January 28, 2011 and evaluated three (3) purchase proposals presented by Mac Lehrer. An evaluation worksheet was completed for each proposal by each voting Land Bank Committee Member present. The worksheets were collected and the totals were calculated with the following results:

Offeror's Name:	Fox Cycle Works	Daniel & David Shupe	Father's Heart Ministries
Points Scored:	149	117	101
Purchase Offer:	\$100,000	\$160,000	\$140,000

Fox Cycle Works, LLC scored the highest points. Fox Cycle Works is a small, full service motorcycle repair facility specializing in Harley Davidson parts and repair, established in 2009 and currently located in Margaretta Township. They have quickly outgrown their current facility and need to expand. The property located at 1011 Fremont Avenue would fulfill this need and the adjoining Steuk's property could possibly be utilized for future expansion. The business currently employs 4 full time employees and 1 part-time employee, but upon expansion, has the potential to grow the number of employees to 6-8 full time employees and 3-4 part-time employees. Although they had submitted the lowest bid of \$100,000, they had asked through their proposal to reserve the right to negotiate their offer. The Land Bank Committee approved a negotiated sales price of \$150,000.

Pursuant to the City's Policy for the Sale or Lease of Real Property Owned by the City, the proper City officials met on February 17, 2011 and reviewed the Land Bank Committee's evaluation of the purchase proposals for 1011 Fremont Avenue and agreed with their recommendation that the City enter into a purchase agreement with Fox Cycle Works LLC for the purchase price of \$150,000.

****Please note that Fox Cycle Works has currently set up their corporate charter and their legal name is "Fox Den Properties LLC" and will be referred to as such in the Purchase Agreement.**

BUDGET IMPACT: The cost associated with this purchase agreement is the real estate agent's listing fee of 7% of the sales price, the total amount of the title examination, deed preparation, escrow fees and any other customary fees that may be due and payable in the ordinary course of the sale and purchase transaction. Pursuant to Ohio Revised Code Section 5722.08(A), the City will recoup expenses incurred on account of the acquisition, administration, management, maintenance, and disposition of the property from the proceeds

of the sale, and the remaining balance, if any, will be paid to the County Treasurer for reimbursement to the taxing districts. The commercial development of this property will enhance surrounding property values and the taxing districts will once again begin collecting real property taxes.

ACTION REQUESTED: It is requested legislation be adopted allowing the City Manager to enter into a purchase agreement and to sell the property no longer needed for any municipal purpose identified as 1011 Fremont Avenue, Sandusky, Ohio, Erie County Parcel No. 60-00412.001 to Fox Cycle Works. It is further requested that the legislation be passed under suspension of the rules and in full accordance with Section 14 of the City Charter in order to promptly execute the closing with the escrow agent.

Amanda J. Meyers
Paralegal

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

Land Bank Committee Meeting
January 28, 2011
3:30 p.m.

Present: Julie Farrar, City Commissioner (voting member)
Carrie Handy, Chief Planner (voting member)
Scott Miller, Director of General Services (voting member)
Kathy McKillips, Engineer (voting member)
Amanda Meyers, Paralegal (non-voting member)

Excused: Charlie Sams, Assistant Police Chief (voting member)

Amanda introduced Mac Lehrer and advised that the City had received three (3) purchase offers proposed for 1011 Fremont Avenue. Amanda explained that she developed an evaluation worksheet based in part on the purpose of the Land Reutilization Program pursuant to Ohio Revised Code Chapter 5722, and based in part on information provided by Carrie Handy pursuant to the City's Zoning Code and Master Plan. Amanda stated that she contacted the taxing districts via email and asked for any important concerns that they would like to add. Amanda also noted that the reason that Mac Lehrer was marketing the property was initially in conjunction with the old Steuk's property – to either market the parcels together or to a business that had the possibility to utilize the Steuk's property for future expansion or that would at least enhance the Steuk's property and make it more attractive to the commercial market.

Amanda advised that she research all three offerors and all three have companies registered with the Secretary of State in good standing. Daniel and David Shupe and Fox Cycle are registered as limited liability companies and Father's Heart Ministries is a §501(c)(3) nonprofit corporation. However, Daniel Shupe is listed as having a delinquent sewer/water account with the City on a rental property located at 1103 W. Adams Street in the amount of \$55.29. None of the offerors have a history of property maintenance, nuisance or building code violations.

Mac Lehrer presented the three (3) purchase offers proposed for 1011 Fremont Avenue (all offers are cash offers with no financing involved):

1. Daniel & David Shupe: \$110,000 initial offer, it was increased this morning to \$160,000. They would like to close on or before March 3, 2010 utilizing Lawyer's Title. They are waiving inspections, but would like an infestation report and utilities turned on and would like to take immediate possession. They are real estate investors and have no long term plans for the building other than resale or lease of the property after rehabilitation and renovation.

2. Father's Heart Ministries represented by Chris Wechter, Lighthouse Real Estate: \$140,000 offer. They would like to close on or before February 28, 2010 utilizing Hartung Title. They would like assurance that all assessments and utilities are paid and will waive infestation inspection and take property in "as is" condition. Mac Lehrer read a letter from Mr. Wechter and presented several letters of support from upstanding members of the community.

3. Fox Cycle Works: \$100,000 offer, reserving the right to negotiate offer. They would like to close on or before March 15, 2011 utilizing Southern Title. They would like an inspection of the property with an infestation report. Fox Cycle Works is a small, full service motorcycle repair facility specializing in Harley Davidson parts and repair, established in 2009 and currently located in Margarett Township. They have quickly outgrown their current facility and need to expand. The property located at 1011 Fremont Avenue would fulfill this need and the adjoining Steuk's property could possibly be utilized for future expansion. The business currently employs 4 full time employees and 1 part-time employee, but upon expansion, has the potential to grow the number of employees to 6-8 full time employees and 3-4 part-time employees.

After evaluations were completed it was discussed that the zoning was not appropriate for Father's Heart Ministries. 1011 Fremont Avenue is zoned Commercial Services and churches are not a permitted use in a commercially zoned area. Discussion ensued as to a location in the City that would be suitable for the church and Carrie suggested the Monroe School property because it had an auditorium and ample parking. Carrie advised that it is for sale and the current owner did some rehab work on the structure to provide handicapped restroom facilities and brought some of the duct work up to current fire code standards. She thought it might be worth looking in to. Everyone wanted try to help find an appropriately zoned area of the City that would fit the church's needs. Carrie said that she would do a little more research and Amanda said she would keep her eye out for any delinquent property foreclosures that might become available.

LAND BANK COMMITTEE
EVALUATION WORKSHEET
1011 FREMONT AVENUE

Total Points Scored Per Question

OFFEROR'S NAME:	Fox Cycle Works	Daniel & David Shupe	Father's Heart Ministries	
1.) Is the offeror delinquent on any real estate taxes or personal property taxes in Erie County?	12	12	12	
2.) Is the offeror delinquent on any water or sewer accounts with the City of Sandusky?	12	10	12	
3.) Does the offeror have a history of property maintenance, nuisance, or building code violations at any of the properties they own and/or have any current or outstanding violations?	12	12	12	
4.) Is the proposed use of the property in harmony with the City's Master Plan?	12	9	4	
5.) The property is currently zoned for commercial use. Is the zoning proper for the proposed use?	12	9	2	
6.) Does the offeror have a realistic development plan for the property?	12	5	11	
7.) Does the offeror have past experience with the development plan being proposed or a similar type of development?	9	9	5	
8.) Will the proposed use return this non-productive property back to tax producing status and begin generating real estate taxes for the taxing districts once again?	11	9	0	
9.) Will the proposed use and development of the property bring jobs into the City and/or create jobs?	11	7	8	
10.) Does the property have enough room for growth if needed for future expansion?	11	10	10	
11.) Will the proposed use and development of the property have a positive impact on the surrounding community and help increase property values?	12	8	10	
12.) Does the proposed use of the property use involve plans to sell or serve hard liquor on the premises?	12	10	12	
***** Scoring: 0 = Definitely Yes / 1 = Probably Yes / 2 = Probably No / 3 = Definitely No				
*Question added per request of Taxing District Committee Member representing ADAMHS				
13.) Is there any potential for acquiring the adjoining property (formerly Steuk's) in conjunction with the proposed use and development of this property?	6	3	1	
IF ABOVE QUESTION IS NOT APPLICABLE PLEASE ANSWER QUESTION BELOW INSTEAD				
Will the proposed use and development of this property help make the adjoining property more attractive and marketable for new commercial development?	5	4	2	
Total	149	117	101	

ORDINANCE NO. _____

AN ORDINANCE DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY AS PART OF THE LAND REUTILIZATION PROGRAM IDENTIFIED AS PARCEL NO. 60-00412.001, LOCATED AT 1011 FREMONT AVENUE IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE AND AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT WITH RESPECT TO THAT REAL PROPERTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, pursuant to Ordinance No. 07-026 passed June 11, 2007, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

WHEREAS, this City Commission previously authorized the acquisition of the property located at 1011 Fremont Avenue, Parcel No. 60-00412.001 by Resolution No. 031-10R, passed on September 13, 2010, under said Land Reutilization Program, which property is more specifically described in Exhibit "A" (the "Property") attached to a certain Purchase Agreement, a copy of which is marked Exhibit "1" with respect thereto (the "Purchase Agreement"), which property is no longer needed for any municipal purposes; and

WHEREAS, the City of Sandusky's Land Reutilization Policies and Procedures facilitate reutilization of nonproductive land situated within the City of Sandusky and supports neighborhood revitalization and development within the City; and

WHEREAS, this City Commission approved a request to allow the property located at 1011 Fremont Avenue to be marketed in conjunction with the adjoining property located at 1001 Fremont Avenue, formerly known as Steuk's; and

WHEREAS, a worksheet was developed in order to quantitatively evaluate purchase proposals based in part on the purpose of the Land Reutilization Program pursuant to Ohio Revised Code Chapter 5722, based in part on the City's Zoning Code and Master Plan, and with the purpose of marketing the property in conjunction with the Steuk's property or to a business that had the possibility to utilize the Steuk's property for future expansion, or at least enhance the Steuk's property and make it more attractive to the commercial market; and

WHEREAS, the Land Bank Committee met on January 28, 2011, and evaluated three (3) purchase proposals presented by the realtor and completed evaluations for each one with the proposal of Fox Cycle Works, LLC, receiving the highest points; and

WHEREAS, pursuant to the City's Policy for the Sale or Lease of Real Property Owned by the City, the proper City officials met on February 17, 2011, and reviewed the Land Bank Committee's evaluation of the purchase proposals for 1011 Fremont Avenue and agreed with their recommendation that the City enter into a purchase agreement with Fox Cycle Works, LLC, for the purchase price of \$150,000.00 and the proceeds from such sale shall be, and are hereby appropriated to be, applied and distributed pursuant to the provisions of Section 5722.08 of the Ohio Revised Code; 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 promptly execute the closing with the escrow agent; 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, determines and declares that the Property, Parcel No. 60-00412.001, located at 1011 Fremont Avenue, Sandusky, more specifically described in Exhibit "A", a copy of which is attached to this Ordinance and is specifically incorporated as if fully rewritten herein, is no longer needed for any municipal purpose and that the execution of the Purchase Agreement providing for the sale, pursuant to Section 25 of the Charter of this City, to the Purchasers of the Property at the purchase price set forth in the Purchase Agreement, is in the economic interest of the City and in furtherance of the City's Land Reutilization Program referenced in those preambles in accordance with the provisions of Chapter 5722 of the Ohio Revised Code. The City Manager is hereby authorized and directed to execute the Purchase Agreement on behalf of the City, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the City's public purpose. Upon the exercise by the Purchasers to purchase the Property pursuant to that Purchase Agreement, the City Manager is also hereby authorized and directed on behalf of the City to execute a quit claim deed conveying the Property to the Purchasers, which quit claim deed shall be in a form satisfactory to the Law Director. The City Manager, Law Director, Finance Director, and other City officials, as appropriate, are each hereby authorized to execute and deliver such instruments, certificates and other documents and take such actions as are necessary and in the best interests of the City in order to carry out and consummate the foregoing actions authorized by this Ordinance.

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

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

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

KELLY L. KRESSER
CLERK OF THE CITY COMMISSION

Passed: February 28, 2011

PURCHASE AND SALE AGREEMENT

The City of Sandusky, Ohio, a chartered Ohio Municipal Corporation, 222 Meigs Street, Sandusky, Ohio 44870, hereinafter "Seller," agrees to sell to Fox Den Properties LLC, a Limited Liability Corporation, 4007 Tiffin Avenue, Sandusky, Ohio, 44870, hereinafter "Buyer," and Buyer agrees to purchase from Seller the real property herein located at 1011 Fremont Avenue, Sandusky, Ohio, more fully described on attached "Exhibit A."

ARTICLE I. PURCHASE PRICE **Amount**

1.01 The purchase price shall be One Hundred Fifty Thousand and No/100 Dollars (\$150,000) payable in cash at the time of closing.

Earnest Money Deposit

1.02 A five thousand dollar (\$5,000) earnest money deposit shall be paid to the escrow agent upon full execution of this Agreement. The earnest money deposit shall be applied to the purchase price at closing. In the event this transaction does not close for any reason, other than default by Buyer, or in the event all conditions precedent are not fully satisfied or waived, the earnest money deposited shall be returned in full to the Buyer. However, upon waiver of all contingencies at the expiration of the Inspection Period pursuant to Article 3.02 of this Agreement, and so long as there is no default by Seller, the earnest money shall become non-refundable.

ARTICLE 2. ESCROW **Opening of Escrow**

2.01 An escrow shall be opened pursuant to this Agreement at Southern Title of Ohio, 416 W. Market Street, Sandusky, Ohio 44870, at the soonest practicable time; time being agreed to be of the essence, all documents and funds shall be deposited in escrow on or before _____, 2011.

Conditions of Escrow

2.02 The close of such escrow and the Buyer's obligation to purchase the property are conditioned on:

Good Title

(1) The conveyance to Buyer of good and marketable title to said property by a quit claim deed, as evidenced by an Owner's Policy of Title Insurance that may be issued by Southern Title of Ohio, or other reputable title company doing business in Erie County, Ohio, subject to all restrictions, easements, conditions, reservations, limitations, zoning ordinances, and taxes and assessments, both general and special, not yet due and payable.

Delivery of Possession

(2) Possession of the property shall be delivered to the Buyer on _____, 2011.

Title Evidence

2.03 The parties shall procure a title insurance commitment with all exceptions noted and copies of the documents which are the basis for such, to Buyer within ten (10) days from the date of this Agreement. Seller shall have a minimum of thirty (30) days from the date upon which Seller receives a copy of a title insurance commitment or a title report within which to resolve any title exceptions or defects or other title issues which in any way impede or impair Seller's ability to convey title as required herein. If, within such thirty (30) day period, Seller determines that it is unable or unwilling, at its sole discretion, to resolve such matters, then the Buyer may (1) take title in its then existing state, thereby waiving any title objections, or (2) terminate the Purchase Agreement and receive a refund of any deposit as Buyer's sole and exclusive remedy.

Title and Escrow Fees

2.04 The expenses of closing described in this Article shall be paid in the following manner:

- (1) The cost of securing the title insurance commitment described in paragraph 2.03 of this Agreement shall be paid by Seller.
- (2) An Owner's Policy of Title Insurance is optional and may be obtained at Buyer's sole expense.
- (3) The cost of preparing, executing, and acknowledging any deeds or other instruments required to convey title to Buyer in the manner described in this Agreement shall be paid by Seller.
- (4) Each party hereto shall be responsible for their own attorney fees relating to this Agreement and its implementation.
- (5) The cost of transfer and recording the deed shall be paid by Buyer.
- (6) Any tax imposed on the conveyance of title to the property to Buyer shall be paid by Buyer.
- (7) Any fee charged by the escrow agent shall be equally shared between the Seller and the Buyer.

Pro-ration of Taxes

2.05 All real estate taxes shall be pro-rated as of the date of closing based upon the latest available tax duplicate of the Erie County Auditor. Any and all assessments on the property attributable to all periods prior to closing, including deferred assessments, shall be paid by Seller at closing.

ARTICLE 3. NO REPRESENTATION OR WARRANTIES: PROPERTY SOLD "AS IS"

3.01 Buyer acknowledges and understands that the property is being sold as-is, and with all faults. Buyer further acknowledges and understands that the property was acquired by the Seller through forfeiture after a foreclosure action and therefore the Seller was not an owner-occupant and its information concerning the property and its condition is limited. Buyer is hereby informed that Seller is unaware of any latent defects in the property or any appurtenant systems, including but not limited to plumbing, heating, air conditioning and electrical systems, fixtures, appliances, roof, sewers, soil conditions, foundation, structural integrity, or environmental conditions. Seller makes no representations or warranties as to any of the above, the condition of the property, the

property's systems, the serviceability or fitness for a particular use of the property, or any component of the property. Buyer agrees that in contracting to buy the property, buyer has not relied upon any representation or warranty made by the Seller or any of its officers, employees, agents, or representatives. Buyer has been afforded the opportunity to undertake its own investigations and inspections of the property.

Inspections

3.02 Buyer, at Buyer's sole cost and expense, and after Seller's written acceptance of this Agreement, shall have the opportunity to inspect the Property including, but not limited to, environmental, asbestos, radon gas, lead paint, physical defects including structural defects, roof, basement, mechanical systems such as heating and air conditioning, electrical systems, sewage and septic systems, plumbing, exterior site drainage, termite and other types of pest and insect infestation or damage caused by such infestation, and review and/or order a boundary survey. If Buyer does not give to Seller written notice of cancellation, for any reason Buyer deems appropriate, within seven (7) calendar days of the date of this Agreement, Buyer shall conclusively be deemed to have: (1) completed all inspections, investigations, reviewed all applicable documents and disclosures and removed all contingencies; (2) elected to proceed with the transaction; (3) assumed all liability, responsibility, and expense for repairs and/or corrections other than for items which Seller has otherwise agreed in writing to repair or correct. If Buyer objects to the condition of the property within the specified time period, Buyer as their sole option may terminate the Agreement and neither party shall have any further obligations hereto. As a condition to termination under the inspection period, Buyer agrees to submit to Seller any and all written reports as to such inspections within three (3) calendar days following the expiration of the inspection period, after which time Seller will immediately refund the earnest money deposit.

Repairs

3.03 The property is being sold "as-is" and any repairs to the property identified by Buyer shall be the responsibility of the Buyer. The Seller will be under no obligation whatsoever to make any repairs to the property. Buyer agrees not to enter the property

prior to closing for the purpose of making any repairs or alterations without express written permission from Seller.

Rehabilitation

3.04 Upon transfer of title to Buyer, Buyer shall rehabilitate and occupy the property for use as a commercial business establishment. Construction shall start within thirty (30) days and completion of construction shall occur within twelve (12) months from the date Buyer acquires title. If the Buyer fails to complete construction and occupy the property according to the proposed plans attached as "Exhibit B" within twelve (12) months from the date Buyer acquires title, the title to the property together with all improvements made or erected shall automatically be forfeited and revert to and vest in the City of Sandusky. The City shall have the right to re-enter and take possession of the property.

ARTICLE 4. CONTROL OF PROPERTY DURING ESCROW **Destruction of Improvements**

4.01 All of the representations, warranties, and agreements made by the Seller and by the Buyer shall survive the closing and shall not be merged therein.

ARTICLE 5. MISCELLANEOUS **Assignment of Agreement**

5.01 This Agreement shall be binding on the respective heirs, executors, administrators, successors, and to the extent assignable, on the assigns or nominees of the parties hereto, provided Buyer shall not transfer or assign this Agreement without first having obtained the express written consent of Seller.

Notice

5.02 Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United State Mail, postage prepaid, certified mail, return receipt requested, addressed to Seller or Buyer, as the case may be, at the address set forth under the signatures of such party hereto.

Ohio Law to Apply

5.03 This Agreement shall be construed under and in accordance with the laws of the State of Ohio. All obligations of the parties created hereunder are performable in Erie County, Ohio.

Legal Construction

5.04 In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained herein.

Prior Agreements Superseded

5.05 This Agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the aforesaid subject matter.

Time of Essence

5.06 Time is of the essence of this Agreement.

Descriptive Heading

5.07 The descriptive headings used herein are for convenience only and are not intended to necessarily refer to the matter in sections which precede or follow them, and have no effect whatsoever in determining the rights of obligations of the parties.

Parties Bound

5.08 The terms, promises, covenants and agreements contained in this Agreement of Sale shall apply to, define upon, and inure to the benefit of the parties hereto and their heirs, executors and administrators.

IN WITNESS WHEREOF, intending to be legally bound hereby, the Seller on the ___ day of March, 2011, at Sandusky, Ohio, and the Buyer on the ___ day of March, 2011, at Sandusky, Ohio executed several counterparts hereof, each of which shall be deemed an original.

THE CITY OF SANDUSKY, OHIO, Seller

By: _____
Donald C. Icsman
Acting City Manager

FOX DEN PROPERTIES LLC, Buyer

By: _____

Title: _____

By: _____

Title: _____

Approved as to Form:

Donald C. Icsman
Law Director
City of Sandusky

EXHIBIT A

Description of Real Property

Situated in the Margaretta Township, City of Sandusky, County of Erie and State of Ohio

PARCEL 1:

Being a parcel of land located in part of Lot 65, Heywood's Subdivision, Annexation North of Section 2, Margaretta Township, City of Sandusky, Erie County, Ohio and being more particularly described as follows:

Beginning at ODOT monument found on the centerline of the Lima-Sandusky Road (U.S. Route 6) at station 39+00, said monument being located South 79° 34' 24" West along the centerline of the Lima-Sandusky Road (U.S. Route 6), a distance of 494.74 feet from the southeasterly corner of said Lot 65, thence North 79° 34' 24" East along the centerline of Lima-Sandusky Road (U.S. Route 6), a distance of 97.39 feet to the southeasterly corner of the Oak Lawn Cemetery, thence North 03° 49' 24" East along the easterly line of said Oak Lawn Cemetery, a distance of 56.75 feet to a 1/2" iron pin set on the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), thence North 79° 34' 24" East along the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), a distance of 177.44 feet to westerly line of lands now or formerly owned by Carol Steuk, as recorded in Volume 536, Page 559 of the Erie County Deed Records, thence North 05° 53' 36" West along the westerly line of said Steuk's land, a distance of 149.15 feet to the southwesterly corner of lands now or formerly owned by William Charles Steuk, as recorded in Volume 487, Page 222 of the Erie County Deed Records and the principal place of beginning for this description;

1. Thence North 10° 25' 36" West along the westerly line of said Steuk's land, a distance of 159.32 feet to a 1/2" iron pin set at the northwesterly corner of said Steuk's land;
2. Thence North 79° 34' 24" East along the northerly line of said Steuk's land, a distance of 74.52 feet to a point;
3. Thence South 10° 25' 36" East, a distance of 159.32 feet to the northerly line of said Carol Steuk's land;
4. Thence South 79° 34' 24" West along the northerly line of said Carol Steuk's land, a distance of 74.52 feet to the principal place of beginning and containing 0.2725 acres of land, but subject to all legal highways, easements and restrictions of record.

Bearings are assumed and used to indicate angles only.

This description was prepared by Baharoglu and Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio, on March 25, 1992 from an actual survey of the premises dated, March, 1992, by Baharoglu & Associates, Inc. Consulting Engineers and surveyors, Norwalk, Ohio per Ronald A. Morehouse, Registered Surveyor No. 5340.

Transferred	
In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code.	
P.L.E. \$	
EXEMPT:	<input checked="" type="checkbox"/>
W.E. TRANSFER:	
By:	
Thomas J. Paul Erie County Auditor	
Trans. Fees: \$	
Date: 10/25/10	By: [Signature]

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4738-37-07 of the
Ohio Administrative Code only. No Field
Verifications for Accuracy made.

[Signature]
Erie County Engineer 10/25/10

PARCEL 2:

Being a parcel of land located in part of Lot 65, Heywood's Subdivision, Annexation North of Section 2, Margaretta Township, City of Sandusky, Erie County, Ohio and being more particularly described as follows:

Beginning at ODOT monument found on the center line of the Lima-Sandusky Road (U.S. Route 6) at station 39+00, said monument being located South 79° 34' 24" West along the centerline of the Lima-Sandusky Road (U.S. Route 6), a distance of 494.74 feet from the southeasterly corner of said Lot 65, thence North 79° 34' 24" East along the centerline of Lima-Sandusky Road (U.S. Route 6), a distance of 97.39 feet to the southeasterly corner of the Oak Lawn Cemetery, thence North 03° 49' 24" East along the easterly line of said Oak Lawn Cemetery, a distance of 56.75 feet to a ½" iron pin set on the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), thence North 79° 34' 24" East along the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), a distance of 177.44 feet to westerly line of lands now or formerly owned by Carol Steuk, as recorded in Volume 536, Page 559 of the Erie County Deed Records and the principal place of beginning for this description;

1. Thence North 05° 53' 36" West along the westerly line of said Steuk's land, a distance of 149.15 feet to the southwestery corner of lands now or formerly owned by William Charles Steuk, as recorded in Volume 487, Page 222 of the Erie County Deed Records;
2. Thence North 79° 34' 24" East along the southerly line of said Steuk's land, a distance of 74.52 feet to a point;
3. Thence South 10° 25' 36" East, a distance of 158.68 feet to a ½" iron pin set on the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), said point being located 45.00 feet northerly from, measured at right angles to said centerline;
4. Thence South 79° 34' 24" West along the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), a distance of 87.10 feet to a ½" iron pin set;
5. Thence North 05° 53' 36" West along the westerly line of said Steuk's land, a distance of 10.03 feet to the principal place of beginning and containing 0.2944 acres of land, but subject to all legal highways, easements and restrictions of record.

Bearings are assumed and used to indicate angles only.

This description was prepared by Baharoglu and Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio on March 25, 1992 from an actual survey of the premises dated, March, 1992, by Baharoglu & Associates, Inc. Consulting Engineers and Surveyors, Norwalk, Ohio per Ronald A. Morehouse, Registered Surveyor No. 5340.

PARCEL 3:

Being a parcel of land located in part of Lot 65, Heywood's Subdivision, Annexation North of Section 2, Margaretta Township, City of Sandusky, Erie County, Ohio and being more particularly described as follows:

Beginning at ODOT monument found on the centerline of the Lima-Sandusky Road (U.S. Route 6) at station 39+00, said monument being located South 79° 34' 24" West along the centerline of the Lima-Sandusky Road (U.S. Route 6), a distance of 494.74 feet from the southeasterly corner of said Lot 65, thence North 79° 34' 24" East along the centerline of Lima-Sandusky Road (U.S. Route 6), a distance of 97.39 feet to the southeasterly corner of the Oak Lawn Cemetery, thence North 03° 49' 24" East along the easterly line of said Oak Lawn Cemetery, a distance of 56.75 feet to a ½" iron pin set on the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6) and the principal place of beginning for this description;

1. Thence continuing North 03° 49' 24" East along the easterly line of said cemetery, a distance of 187.45 feet to a ½" iron pin set;
2. Thence North 17° 40' 36" West continuing along the easterly line of said cemetery, a distance of 198.00 feet to a ½" iron pin set;
3. Thence North 79° 34' 24" East, a distance of 26.30 feet to a ½" iron pin set;
4. Thence North 10° 25' 36" West, a distance of 194.02 feet to a ½" iron pin set on the southerly line of lands now or formerly owned by Carol Steuk, as recorded in Volume 536, Page 690 of the Erie County Deed Records;
5. Thence South 88° 24' 36" East along said Steuk's southerly line, a distance of 88.29 feet to a ½" iron pin set at southeasterly corner of said Steuk land;
6. Thence North 07° 22' 36" West along said Steuk's easterly line, a distance of 16.28 feet to a ½" iron pin set;
7. Thence North 79° 34' 24" East, a distance of 129.08 feet to a ½" iron pin set;
8. Thence South 10° 25' 36" East, a distance of 262.00 feet to the northerly line of lands now or formerly owned by William Charles Steuk, as recorded in Volume 487, Page 222 of the Erie County Deed Records;
9. Thence South 79° 34' 24" West along said Steuk's northerly line, a distance of 74.52 feet to a ½" iron pin set at said Steuk's northwesterly corner;
10. Thence South 10° 25' 36" East along said Steuk's westerly line, a distance of 159.32 feet to the northwesterly corner of lands now or formerly owned by Carol Steuk, as recorded in Volume 536, Page 559 of the Erie County Deed Records;
11. Thence South 05° 53' 36" East along the westerly line of said Steuk's land, a distance of 149.15 feet to a ½" iron pin set on the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), said point being located 55.00 feet northerly from, measured at right angles to said centerline;
12. Thence South 79° 34' 24" West along the northerly right of way line of the Lima-Sandusky Road (U.S. Route 6), a distance of 177.44 feet to the principal place of beginning and containing 2.4331 acres of land, but subject to all legal highways, easements and restrictions of record.

EXHIBIT B

Fox Cycle Works LLC
4007 Tiffin Ave.
Margaretta Township, OH 44870
419-621-5888

Fox Cycle Works is a full service motorcycle repair facility specializing in Harley Davidson parts and repair. Fox Cycle Works was established in June of 2009 after the closure of Roeder Harley Davidson. As a small business, we currently employ 4 Full-Time and 1 Seasonal Part Time Employees. Our two largest revenue streams are motorcycle part sales and service. We also generate revenue from online part sales, used part sales and winter motorcycle storage.

Fox Cycle Works is currently at a turning point in our business endeavors. In less than 2 years we have outgrown our existing 5,000 sq ft facility in Margaretta Township. We are currently looking to purchase a facility that will help us expand and grow our business even further to meet current market demands. During the 2010 Riding Season, our service department was typically booked 2 to 3 weeks in advance. As our business becomes more established and mature, we feel that this lead time will only grow larger thus potentially hindering our business.

In addition, it is well known that the top two factors in choosing a repair facility is quality of workmanship and cost. By being an independent service shop with factory trained technicians, we have been able to capitalize and offer dealer level service without the high dealer pricing. We also feel that the current rise in gas prices will lead to increased bike usage and sales. This trend will then lead to increased riding miles and therefore, positively impacting our service business of changing tires, brakes and general overall maintenance.

We are looking to not only expand our current service offerings but also to immediately expand our services with used motorcycle sales, bike detailing, motor clothing and accessories, additional winter storage options, parts exporting and increased internet sales. Our current facility limits growth in these areas due to lack of space. By having the additional space needed to expand in these areas we could potentially triple our current revenue and grow our number of employees to 6 to 8 fulltime and 3 to 4 part-time.

The Ramones/Crystal Palace building is an excellent fit for our expanding business. The size of the facility fills not only our immediate needs for space but also our future needs as we execute our areas targeted for expansion. The location is roughly 2 miles from our current location and easily accessible from Route 2. This should provide little to no impact in regards to lost customers or employees due to moving our business.

Our goal is to turn Fox Cycle Works into a Motorcycle Superstore that is a destination location for riders throughout Ohio and the Midwest. This location provides us with the space and ideal location to turn this dream into a reality. We are excited to move our business into the city of Sandusky for the 2011 riding season and beyond. We appreciate your ongoing support to drive small business growth and look forward to a successful future working together.



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: Donald C. Icsman, Acting City Manager
From: Jane E. Cullen, Engineering Technician
Date: February 17, 2011
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Resolution of Necessity for the Hayes Avenue Waterline Improvement Project. This project will replace the existing six inch watermain in Hayes Avenue between Buchanan St. & Perkins Ave. with a new twelve inch watermain. The existing watermain was found to be poor condition during the construction of the Hayes Avenue and Buchanan Street Waterline Project.

BUDGETARY INFORMATION: The total estimated project cost including engineering, inspection, advertising and miscellaneous expenses is \$292,067.65. The City is responsible for the entire project cost and it will be paid with the City's Water Fund.

ACTION REQUESTED: It is recommended that the proposed Hayes Avenue Waterline Improvement Project (between Buchanan St. & Perkins Ave.) be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to bid and complete the project during the summer break for Sandusky High School.

Jane E. Cullen
Engineering Technician

I concur with this recommendation:

Donald C. Icsman,
Acting City Manager

Todd Roth, P.E., P.S.
Director of PED

cc: Kelly Kresser, Clerk of City Commission
Hank Solowiej, Finance Director

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY TO PROCEED WITH THE PROPOSED HAYES AVENUE WATERLINE IMPROVEMENT PROJECT; APPROVING THE SPECIFICATIONS AND ENGINEER'S ESTIMATE OF COST THEREOF; AND DIRECTING THE CITY MANAGER TO ADVERTISE FOR AND RECEIVE BIDS IN RELATION THERETO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the proposed Hayes Avenue Waterline Improvement Project will provide for the replacement of the existing six inch watermain in Hayes Avenue, between Buchanan Street and Perkins Avenue, with a new twelve inch watermain; and

WHEREAS, the total estimated cost of this project including engineering, inspection, advertising and miscellaneous expenses is \$292,067.65 and will be paid with Water Funds; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to allow the project to be bid, receive competitive prices and complete the project during the summer break for Sandusky High School; and

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

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

Section 1. The specifications and estimates of cost as prepared by the Director of Planning, Engineering and Development and submitted to this City Commission, and which are now on file in the offices of the Director of Planning, Engineering and Development and the Clerk of the City Commission, for the proposed Hayes Avenue Waterline Improvement Project, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the proposed Hayes Avenue Waterline Improvement Project at the earliest possible time.

Section 3. The City Manager is authorized and directed to advertise for and to receive bids in relation to the proposed Hayes Avenue Waterline Improvement Project as required by law.

Section 4. 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 5. 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 6. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 28, 2011



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: Donald C. Icsman, Acting City Manager
From: Todd J Roth, Director
Date: February 17, 2011
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Ordinance awarding a contract to C&K Industrial Services, Inc., Cleveland, Ohio, for the Eastside and Westside Interceptors Cleaning Project.

This project will clean the sewer interceptors west of the Wastewater Treatment Plant to Monroe Street and eastward towards Farwell Street. This project is needed to gain capacity in the interceptors which will also help decrease CSO quantity. The additional capacity will be reflected in the overall system-wide modeling study that is necessary to determine the future needs of the collection system. Before any system study is undertaken, the interceptors must be cleaned and video recorded. After the cleaning project is completed, a second project will be required to perform any necessary repairs, replacements, lining, etc. which is determined to be required from the televising of the sewers.

The following three (3) bids were received on December 14, 2010:

C&K Industrial Services, Inc Cleveland, OH	Bid: \$299,555.00
Terra Contracting, LLC Kalamazoo, MI	Bid: \$303,899.00
Robinson Pipe Cleaning Co. Pittsburgh, PA	Bid: \$555,670.00

Jones & Henry Engineers, consultant for this project, recommends that the Eastside and Westside Interceptors Cleaning Project be awarded to C&K Industrial Services, Inc. The recommendation letter is attached. City Staff concurs with the recommendation.

BUDGETARY INFORMATION: The total project cost based on bids including engineering, inspection, advertising and miscellaneous expenses is \$326,355.00. The City has applied for federal funds from a discretionary earmark for \$164,755.25 (55% of construction cost) from the USEPA. The City's share (45% of construction cost plus other costs) is \$161,599.75, to be paid with Sewer Funds.

ACTION REQUESTED: It is recommended that the Ordinance awarding a contract to C&K Industrial Services, Inc., Cleveland, Ohio, in the amount of \$299,555.00 for the Eastside and Westside Interceptors Cleaning Project be approved and that the necessary legislation be passed under suspension of the rules and in accordance with Section 14 of the City Charter in order to complete the project while the bay level is down and prior to wet weather issues that may prove to be cumbersome to the contractor.

I concur with this recommendation:

Don C. Icsman, Acting City Manager

cc: Hank Solowiej, Finance Director
Kelly Kresser, Commission Clerk



Jones & Henry Engineers, Ltd.

2000 WEST CENTRAL AVENUE, TOLEDO, OHIO 43606 • 419/473-9611
www.jheng.com FAX • 419/473-8924

December 17, 2010

Kathryn K. McKillips, P.E., Deputy City Engineer
Department of Planning, Engineering, and Development
Director of Engineering Services
222 Meigs Street
Sandusky, Ohio 44870

Subject: City of Sandusky, Ohio
Eastside and Westside Interceptors Cleaning Project
026-6446.001

Dear Ms. McKillips:

We have reviewed the Bids received on December 14, 2010 for the Eastside and Westside Interceptors Cleaning Project. The Bids are as follows:

C&K Industrial Services, Inc.	\$299,555.00
Terra Contracting, LLC	\$303,899.00
Robinson Pipe Cleaning Co.	\$555,670.00


The Engineer's estimate for the project was \$948,000.00. A bid tabulation is attached.

The low bidder is C&K Industrial Services, Inc. of Cleveland, Ohio. After review of their bid, we see no irregularities. We have contacted Chris Hooley of C&K Industrial Services, Inc. to discuss the project. They are comfortable with their bid and see no problem with completing the project in the 70 days allotted. C&K Industrial Services, Inc. has worked for many municipalities in the Ohio area. We have contacted their references, and they have provided a response in favor of C&K Industrial Services, Inc. It is our opinion that the low bidder has the experience and qualification to perform the required work. We recommend awarding the Eastside and Westside Interceptors Cleaning Project to C&K Industrial Services, Inc.

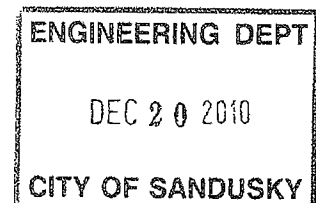
If the City decides to award the project to C&K Industrial Services, Inc., a Notice of Award should be sent to them. We have attached a Notice of Award document for your use. Please notify us when you issue the Notice of Award, and we will send five copies of the contract documents to the Contractor for execution.

Sincerely,

JONES & HENRY ENGINEERS, LTD.


Michael L. Karafa
Associate, Project Manager

MLK/rmb
Enc.



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH C&K INDUSTRIAL SERVICES, INC., OF CLEVELAND, OHIO, FOR THE EASTSIDE AND WESTSIDE INTERCEPTORS CLEANING 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 Eastside and Westside Interceptors Cleaning Project by the passage of Resolution No. 034-10R, passed on September 27, 2010; and

WHEREAS, the Eastside and Westside Interceptors Cleaning Project provides for the cleaning of the sewer interceptors west of the Wastewater Treatment Plant to Monroe Street and eastward towards Farwell Street; and

WHEREAS, upon public competitive bidding as required by law three (3) appropriate bids were received and the bid from C&K Industrial Services, Inc., of Cleveland, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total estimated project cost based on bids, including engineering, inspection, advertising and miscellaneous expenses is \$326,355.00; the City has applied for \$164,755.25 (55% of construction cost) in discretionary earmarked federal funds from the USEPA and the City's share of \$161,599.75 (45% of construction cost plus other costs) will be paid with Sewer 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 complete the project while the bay level is down and prior to wet weather issues that may prove to be cumbersome to the contractor; and

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

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

Section 1. The City Manager is authorized and directed to enter into a contract with C&K Industrial Services, Inc., of Cleveland, Ohio, for the Eastside and Westside Interceptors Cleaning Project in an amount not to exceed Two Hundred Ninety Nine Thousand Five Hundred Fifty Five and 00/100 Dollars (\$299,555.00) consistent with the bid submitted by C&K Industrial Services, Inc., of Cleveland, 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.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 28, 2011



Jones & Henry Engineers, Ltd.

2000 WEST CENTRAL AVENUE, TOLEDO, OHIO 43606 • 419/473-9611
www.jheng.com FAX • 419/473-8924

December 17, 2010

Kathryn K. McKillips, P.E., Deputy City Engineer
Department of Planning, Engineering, and Development
Director of Engineering Services
222 Meigs Street
Sandusky, Ohio 44870

Subject: City of Sandusky, Ohio
Eastside and Westside Interceptors Cleaning Project
026-6446.001

Dear Ms. McKillips:

We have reviewed the Bids received on December 14, 2010 for the Eastside and Westside Interceptors Cleaning Project. The Bids are as follows:

C&K Industrial Services, Inc.	\$299,555.00
Terra Contracting, LLC	\$303,899.00
Robinson Pipe Cleaning Co.	\$555,670.00

The Engineer's estimate for the project was \$948,000.00. A bid tabulation is attached.

The low bidder is C&K Industrial Services, Inc. of Cleveland, Ohio. After review of their bid, we see no irregularities. We have contacted Chris Hooley of C&K Industrial Services, Inc. to discuss the project. They are comfortable with their bid and see no problem with completing the project in the 70 days allotted. C&K Industrial Services, Inc. has worked for many municipalities in the Ohio area. We have contacted their references, and they have provided a response in favor of C&K Industrial Services, Inc. It is our opinion that the low bidder has the experience and qualification to perform the required work. We recommend awarding the Eastside and Westside Interceptors Cleaning Project to C&K Industrial Services, Inc.

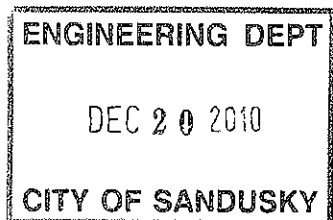
If the City decides to award the project to C&K Industrial Services, Inc., a Notice of Award should be sent to them. We have attached a Notice of Award document for your use. Please notify us when you issue the Notice of Award, and we will send five copies of the contract documents to the Contractor for execution.

Sincerely,

JONES & HENRY ENGINEERS, LTD.

Michael L. Karafa
Associate; Project Manager

MLK/rmb
Enc.



February 14, 2011

MEMORANDUM

TO: Donald C. Icsman, Acting City Manager
FROM: James F. Lang, Interim Police Chief
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: It is requested that the City Commission authorize legislation to dispose of two unneeded vehicles; a 1996 Lexus ES300 and a 2004 Chrysler Sebring via www.Govdeals.com an online auction site for governmental entities.

BACKGROUND INFORMATION: These vehicles have been confiscated by the Sandusky Police Department; a 1996 Lexus ES300 (VIN #JT8BF12G7T0147264, mileage 127,673) and a 2004 Chrysler Sebring (VIN #1C3EL75R94N153924, mileage 139,209). The criminal cases involving each of these items have been closed and it is no longer necessary to hold the vehicles. It has been determined by Troy Vaccaro, Fleet Maintenance that these vehicles are of no value to the City of Sandusky.

Erie County has agreed to assist the City in placing surplus items on the GovDeals website and administer this program for the City of Sandusky. A copy of the letter from the Erie County Administrator dated November 4, 2010, is attached to this communication for your reference.

BUDGETARY INFORMATION: Proceeds from the sale of the 1996 Lexus ES300 and the 2004 Chrysler Sebring will be placed into the Police Departments Contraband Trust Fund, 863-1050-10100.

ACTION REQUESTED: It is requested that the proper legislation be prepared finding and determining that the 1996 Lexus ES300 and the 2004 Chrysler Sebring for the Sandusky Police Department are unnecessary and unfit for City use and authorizing the sale of these via www.Govdeals.com. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to begin the process of selling these vehicles on www.Govdeals.com as these vehicles are taking up space and depreciating.

Approved:

I concur with this recommendation:

James F. Lang, Interim Police Chief

Donald C. Icsman, Acting City Manager

Cc: Hank Solowiej, Finance Director

cc: Kelly K.



ERIE COUNTY COMMISSIONERS

2900 Columbus Avenue, Sandusky, Ohio 44870

Phone: 419-627-7672

Fax 419-627-7692

Michael J. Bixler, Administrator

Carolyn L. Hauenstein, Clerk of Board

Thomas M. Ferrell, Jr.

Tferrell@eriecounty.oh.gov

William J. Monaghan

Bmonaghan@eriecounty.oh.gov

Patrick J. Shenigo

Pshenigo@eriecounty.oh.gov

November 4, 2010

Mr. Donald C. Icsman
Law Director/Acting City Manager
City of Sandusky
222 Meigs Street
Sandusky, Ohio 44870

Re: Internet Auction

Dear Don,

Erie County has authorized our Information Technology Department to assist you in placing surplus items on the GovDeals website. The terms set forth in your letter dated October 19 are agreeable to our Board:

1. Access for a twelve-month period from November 1, 2010 through November 1, 2011;
2. The 7.5% fee charged by GovDeals will be the responsibility of the City of Sandusky;
3. Erie County will administer this program for the City of Sandusky

By copy of this letter, I will inform the Erie County Chief Information Officer, Bob Lange, of this agreement and advise him that the City Commission Clerk, Kelly Kresser, will be contacting him for the submission of surplus items.

We look forward to working together with you in this cooperative effort.

Sincerely,

Michael J. Bixler
Erie County Administrator

MJB/clh

c: Erie County Commissioners
Robert M. Lange, Erie County CIO
Anne M. Summers, Erie County Finance Department
File

NOV 08 2010
LAWY DEPARTMENT

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 by the Fleet Maintenance Chief Foreman to be of no value to the City and is recommending the vehicles be declared obsolete, unnecessary and unfit for City use and it is requested these vehicles 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:

Year Make / Model	Vehicle ID Number	Mileage
1996 Lexus ES300	JT8BF12G7T0147264	127,673
2004 Chrysler Sebring	1C3EL75R94N153924	139,209

WHEREAS, these vehicles have been confiscated by the Sandusky Police Department and the related Court case has been adjudicated and closed thereby eliminating the need to retain this vehicle as evidence; and

WHEREAS, the proceeds from the sale of these will be placed into the Police Department's Contraband Trust Fund (Account #863-1050-10100); 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 begin the process of selling the vehicles, which are depreciating and taking up valuable space, on www.Govdeals.com; 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 Police 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. 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 www.Govdeals.com with the proceeds received to be placed in the Police Department's Contraband Trust Fund (Account #863-1050-10100).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction,

such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 28, 2011

To: Don Icsman

From: Sgt. Richard Braun, Animal Control Supervisor
Ofc. Robert Gardin, Animal Control Officer

Date: February 15, 2011

Re: Leash Law

ITEM FOR CONSIDERATION: The purpose of this communication is to request legislation amending sections 505.01 and 505.02 of the City of Sandusky's Codified Ordinances to require all dogs be on a leash no longer than six feet at all times when off the premises of its owner or keeper.

BACKGROUND INFORMATION: A citizen's concern about leash laws in the City has prompted a review of the state law and City ordinances. The City has authority pursuant to Ohio Revised Code Section 955.221 to enact ordinances or resolutions concerned with the restraint of dogs, dogs as public nuisances, and dogs as a threat to public health, safety, and welfare, unless actually in the field and engaged in hunting or in legitimate training for such purpose. Subsection 955.22(C) of the Ohio Revised Code and Subsection 505.02(b)(1) and (2) of the Codified Ordinances of the City of Sandusky provide that except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harbinger, or handler of the dog, no owner, keeper, or harbinger of any dog shall fail at any time to do either of the following:

- (1) Keep the dog physically confined or restrained upon the premises of the owner, keeper, or harbinger by a leash, tether, adequate fence, supervision, or secure enclosure to prevent escape;
- (2) Keep the dog under the reasonable control of some person.

There is no definitive law that requires dogs to be on leash while off the premises of the owner, harbinger or keeper. The greatest dangers created by the presence of dogs within a community are injuries due to dog bites, rabies or other diseases, damage to property and disturbances of the peace. According to the Erie County Dog Pound there were an estimated 5,000 dogs licensed within the City of Sandusky in 2010. In 2009 the Sandusky Police Department had a total of 1,318 animal complaint calls of which 1,152 were reports of dog at large, dog bites and/or dog attacks. In 2010 the number of animal complaint calls increased 56% to a total of 2,052 calls of which 1,543 were reports of dog at large, dog bites and/or dog attacks, which was an increase of 34%.

<u>SANDUSKY POLICE DEPARTMENT</u>	<u>2009</u>	<u>2010</u>
Total Animal Complaint Calls:	1,318	2,052
Other than Barking Dogs:	1,152	1,543

*Includes all reports of dog at large/dog bites/dog attacks

Pursuant to Ohio Administrative Code § 3701-3-28, whenever an individual is bitten by a dog or other mammal, a report of the bite is required to be made within twenty-four hours to the health commissioner of the district in which such bite occurred. The report is required to be made by a health care provider, a licensed doctor of veterinary medicine with knowledge of the bite, or by the individual bitten. The Erie County Health Department reported 49 bites, scratches, and other exposures by dogs located in the City of Sandusky in 2009 and 52 in 2010.

“Reasonable control” is a very subjective definition to enforce. There is no practical way for a police officer to know if a dog being walked in public and off-leash has proper obedience training to faithfully obey its owner’s commands. An ordinance requiring all dogs be on a leash no longer than six feet at all times when off the premises of its owner or keeper will help prevent these types of dangers and nuisances and will better protect the public health, safety and welfare of the community, its citizens and other animals. It will also provide an objective enforcement tool that Sandusky police officers can visually utilize.

BUDGET IMPACT: The cost associated with this request for legislation is the total amount of administrative staff time utilized for any necessary enforcement by the police department.

ACTION REQUESTED: It is requested that legislation be adopted amending Sections 505.01 and 505.02 of the City of Sandusky’s Codified Ordinances to require all dogs be on a leash no longer than six feet at all times when off the premises of its owner or keeper.

Sgt. Richard Braun
Animal Control Supervisor

Ofc. Robert Gardin
Animal Control Officer

James Lang, Chief of Police

I concur with this recommendation:

Donald C. Icsman, Acting City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART FIVE (GENERAL OFFENSES) CHAPTER 505 (ANIMALS AND FOWL), IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, a citizen's concern about leash laws in the City prompted a review of the State law and City Ordinances that resulted in this proposed amendment to Chapter 505 (Animals and Fowl) which will require all dogs be on a leash no longer than six feet at all times when off the premises of its owner or keeper; and

WHEREAS, the greatest dangers created by the presence of dogs within a community are injuries due to dog bites, rabies or other diseases, damage to property and disturbances of the peace and this proposed amendment will help prevent these types of dangers and nuisances and will better protect the public health, safety and welfare of the community, its citizens and other animals; 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 Five - General Offenses, Chapter 505 - Animals and Fowl, of the Codified Ordinances of the City is hereby amended as follows:

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

505.01 DEFINITIONS.

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

- (a) "Whoever" includes owner, keeper, handler or harborer.
 - (b) "Owner" includes keeper, handler or harborer.
 - (c) "Registration tag" means the metal tag issued annually by the County Auditor evidencing a registered dog.
 - (d) "Registered dog" means a dog registered in compliance with O.R.C. Chapter 955.
 - (e) ~~"Permit to Running at large"~~ **"Running at large"** means running at will, roaming away from the premises of the owner, acting on its own initiative and not ~~in~~ **on** a leash ~~or under the immediate control of the owner~~ **not to exceed six feet in length held and controlled by some person.**
 - (f) "Impound" means to seize summarily, confine and retain in custody of law.
 - (g) "Animal" includes dogs, cats, cattle, sheep, horses, geese, ducks, turkeys, chickens or other fowl or any other animal, domestic or wild, maintained or kept as a pet, for work or for a product.
 - (h) "Feral cat" means a cat that is born in the wild or abandoned to the wild and is not socialized or appropriate as a companion for humans.
 - (i) "Ear tipping" means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized and has been sterilized and given a rabies shot.
 - (j) "Animal Control Officer" means the person(s) employed by the City of Sandusky holding the job title of Animal Control Officer.
- ~~(Ord. 09-096. Passed 11-23-09.)~~

505.02 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

- (a) No person being the owner or having charge of any animal as defined in

Section 505.01 shall permit such animal to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another. The owner or person having charge of every animal shall at all times keep such animal either confined upon the premises of the owner or keeper, or **on a leash not to exceed six feet in length held by and under reasonable control of some person.** Feral cats that are ear-tipped are exempt from this section.

(b) Except when a dog is lawfully engaged in hunting and accompanied by the owner, keeper, harborer, or handler of the dog, no owner, keeper or harborer of any dog, **whether wearing a registration tag or not,** shall fail at any time to do either of the following:

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

(2) **At all times when the dog is off the premises of the owner, keeper or harborer, keep the dog under the reasonable control of some person on a leash not to exceed six feet in length held by and under reasonable control of some person;**

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

(O.R.C. §955.22(B)(C))

~~(c) The running at large of any such animal in or upon any of the places mentioned in this section~~ Testimony that an animal was not on the property of its owner, keeper or harborer, or was not held securely on a leash by a person accompanying such animal when found, is prima-facie evidence that it is running at large in violation of this section.

~~(d) Whoever violates this subsections (a) or (b) above is guilty of a minor misdemeanor of the third degree. for a first offense and a misdemeanor of the fourth degree for each subsequent offense.~~

(e) Notwithstanding the above, a violation of subsections (a) or (b) hereof shall be a misdemeanor of the second degree when such animal is found to have attacked or bitten another person either while at large, or when leashed and not on the property of its owner, keeper or harborer. If such animal is found to have attacked or bitten another domestic animal while at large, or while leashed but not under control as described in subsection (b)(2) hereof, the owner, keeper or harborer shall be subject to the penalty mentioned in subsection (d).

(f) Each subsequent violation of subsection (e) hereof within a period of three (3) years shall be a misdemeanor of the first degree in the event a human being is attacked or bitten and a misdemeanor of the second degree in the event a domestic animal is attacked or bitten.

~~(Ord. 09-096. Passed 11-23-09.)~~

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 permitted by Law.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed:

February 15, 2011

MEMORANDUM

TO: Donald C. Icsman, Acting City Manager
FROM: Paul E. Ricci, Interim Fire Chief
RE: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation authorizing the disposal of (12) twelve sets of Structural Firefighting Clothing that have exceeded their recommended service life and are no longer in service for the Sandusky Fire Department and allowing the (12) twelve sets of Structural Firefighting Clothing which includes 12 jackets, 12 pants, 12 hoods, 12 sets of gloves, 12 pr. Boots, and 12 helmets to be donated to the Sandusky Career Center Fire & Rescue Academy.

BACKGROUND INFORMATION: The Sandusky Career Center has opened a new Fire Training Academy to better serve the citizens of Sandusky and the surrounding areas. The new academy has a limited inventory of supplies, equipment, structural firefighting clothing and a very limited budget. The academy is planning on budgeting for these items in the near future; but is asking for donations to get the program started. A copy of the request letter is attached to this communication.

These items would be donated and accepted in "as is" condition and allowing the items to be donated will further develop the positive working relationship the Sandusky Fire Department has with the Sandusky Career Center.

BUDGETARY INFORMATION: There will be no proceeds from the donation of the Structural Firefighting Clothing which includes 12 jackets, 12 pants, 12 hoods, 12 sets of gloves, 12 pr. Boots, and 12 helmets.

ACTION REQUESTED: It is requested that the proper legislation be prepared declaring the (12) twelve sets of Structural Firefighting Clothing as unfit for City use as recommended by the Sandusky Fire Department and allowing the Structural Firefighting Clothing to be donated to the Sandusky Career Center Fire & Rescue Academy. It is further requested that this be passed in accordance with Section 14 of the City Charter in order to provide the clothing to Sandusky Career Center Fire & Rescue Academy as soon as possible so they will be available for immediate use in their Fire & Rescue Training.

Approved:

I concur with this recommendation:

Paul E. Ricci, Interim Fire Chief

Donald C. Icsman, Acting City Manager

CC: Hank Solowiej, Finance Director

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE DISPOSAL OF TWELVE (12) SETS OF STRUCTURAL FIREFIGHTING CLOTHING AS BEING UNNECESSARY AND UNFIT FOR CITY USE, APPROVING THEIR DONATION TO THE SANDUSKY CAREER CENTER FIRE & RESCUE ACADEMY; AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Sandusky Fire Department has twelve (12) sets of Structural Firefighting Clothing which include 12 jackets, 12 pants, 12 hoods, 12 sets of gloves, 12 pairs of boots and 12 helmets that have exceeded their recommended service life and are no longer in service for the Sandusky Fire Department; and

WHEREAS, the Sandusky Career Center has opened a new Fire Training Academy to better serve the citizens of Sandusky and the surrounding areas and the new academy has a limited inventory of supplies, equipment, structural firefighting clothing and a very limited budget and has requested donations from the Sandusky Fire Department to get their program started; and

WHEREAS, this Resolution should be passed as an emergency measure in accordance under suspension of the rules in accordance with Section 14 of the City Charter in order to provide the structural firefighting clothing to the Sandusky Career Center as soon as possible so the clothing will be available for immediate use at the Sandusky Career Center's Fire & Rescue Training Academy; 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 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 **Resolution** 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission finds and determines that the twelve (12) sets of Structural Firefighting Clothing which include 12 jackets, 12 pants, 12 hoods, 12 sets of gloves, 12 pairs of boots and 12 helmets, are unnecessary and unfit for City use pursuant to Section 25 of the City Charter and authorizes and directs the City Manager to dispose of the twelve (12) sets of Structural Firefighting Clothing by donating them to the Sandusky Career Center Fire & Rescue Academy.

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

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this

City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: February 28, 2011