



**CITY OF SANDUSKY COMMISSIONERS
REGULAR SESSION AGENDA
July 12, 2010 at 5 p.m.
City Hall, 222 Meigs Street**

INVOCATION, PLEDGE OF ALLEGIANCE

CALL TO ORDER

ROLL CALL

D. Kaman, J. Hamilton, K. Nuesse, J. Farrar, D. Waddington, B. Fuqua & P. Brown
June 28, 2010

APPROVAL OF MINUTES

AUDIENCE PARTICIPATION

Agenda Items Listed Below Only (3 minute limit)

COMMUNICATIONS

Motion to accept all Communications submitted below

ITEM #1 – Submitted by Ruth Haag, Haag Environment Company

Budgetary Information: No impact to the General Fund is anticipated. The total estimated cost for the removal part of this project is \$170,500. Funding for this work has been provided under a 2009 U.S. EPA Petroleum Substances Cleanup grant (#2B-00E89301-0) awarded to the City of Sandusky by the U.S. EPA's Brownfield and Land Revitalization Program. However, if BUSTR requires more contamination removal than is defined in the RAP, the City could be responsible for costs exceeding the grant amount. Since this grant is a part of the US Government's Stimulus program, the project is required to follow a stricter timeline than a normal grant. The bidding for the work could not start until after the RAP was completed. The timeline for the grant has scheduled the bidding to begin July 15. If the bidding does not begin according to this schedule, the grant funds may be rescinded.

RESOLUTION NO. ____: It is requested a Resolution be passed declaring the necessity for the City of Sandusky, Ohio, to proceed with the Sandusky Cabinets Underground Storage Tank Removal 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 #2 - Submitted by Donald C. Icsman, Law Director/Acting City Manager

Budgetary Information: The approval and consent to this application will not result in any negative budgetary impact at this time.

RESOLUTION NO. ____: It is requested a Resolution be adopted pursuant to Section 1506.11 of the Ohio Revised Code finding and determining that based upon the representations and application filed by the City of Sandusky the use and development of the territory so described, a submerged lands lease may be entered into by the State's Director of Natural Resources; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the City Charter.

ITEM #3

Budgetary Information: Approval of the legislation below will have no budgetary impact to the City of Sandusky.

RESOLUTION NO. ____: It is requested a Resolution be passed approving and adopting the proclamation of the A.D.A. Advisory Board 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

TO: Daniel Kaman, President, Sandusky City Commission
Donald Icsman, Interim City Manager

FROM: 
Ruth Haag, Haag Environmental Company

DATE: July 2, 2010

SUBJECT: Commission Agenda Item – Proposed Sandusky Cabinets Underground Storage Tank Removal Project.

ITEM FOR CONSIDERATION: Resolution of necessity to proceed with bidding the job of removal of underground storage tanks (USTs) from the former Sandusky Cabinets, Inc. site.

The City received a USEPA Cleanup grant in 2009, to remove three USTs. The Clean-up grant is a part of the US Government Stimulus program. The remedial action plan (RAP), required to begin the actual clean-up work, has been completed and is in a 30-day public review period. In order to proceed with the clean-up, the City now needs to bid the tank removal part of the project.

BACKGROUND INFORMATION: For more than 100 years, the Sandusky Cabinets property was used as a lumber yard, cooperage (i.e., wooden barrel manufacturing), and manufacturing facility for wood and metal cabinetry products. The property is comprised of two parcels that total approximately 2.6 acres in size.

The 430 East Market Street portion of the Property was used for residences, an automotive filling station, and an automotive maintenance and repair facility. The parcel currently includes one vacant, unused garage building.

Three petroleum USTs and one xylene UST were confirmed to be present at the property during the Phase I and Phase II assessments conducted by Malcolm Pirnie. A geophysical survey and backhoe test pit study were performed to confirm the location of these USTs. The closures of the three petroleum USTs are regulated under the Ohio Division of State Fire Marshal Bureau of Underground Storage Tank Regulations (BUSTR). The closure process for the petroleum USTs includes tank removal, environmental assessment activities (i.e. soil and groundwater sampling and analysis) and reporting requirements. The piping and dispenser areas must also be closed in accordance with BUSTR requirements, and any contamination, if present, must be remediated to applicable BUSTR levels. The grant does not include the xylene UST.

The City Commission approved the application for the removal grant in the fall of 2008. The grant was awarded in June of 2009.

BUDGETARY INFORMATION: No impact to the General Fund is anticipated. The total estimated cost for the removal part of this project is \$170,500. Funding for this work has been provided under a 2009 U.S. EPA Petroleum Substances Cleanup grant (#2B-00E89301-0) awarded to the City of Sandusky by the U.S. EPA's Brownfield and Land Revitalization

program. However, if BUSTR requires more contamination removal than is defined in the RAP, the City could be responsible for costs exceeding the grant amount.

Since this grant is a part of the US Government's Stimulus program, the project is required to follow a stricter timeline than a normal grant. The bidding for the work could not start until after the RAP was completed. The timeline for the grant has scheduled the bidding to begin July 15. If the bidding does not begin according to this schedule, the grant funds may be rescinded.

ACTION REQUESTED: It is recommended that the proposed Sandusky Cabinets Underground Storage Tank Removal Project be approved and that the necessary legislation be passed under suspension of the rules in full accordance with section 14 of the City Charter in order to meet the critical-path schedule for completion within the grant period, which calls for bid advertisement on 15-July-10.

cc: Kelly Kresser, Clerk of City Commission
Hank S. Solowiej, CPA, Interim Finance Director

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE SANDUSKY CABINETS UNDERGROUND STORAGE TANK REMOVAL 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, this City Commission authorized the filing of an application with the U.S. Environmental Protection Agency for Brownfield Petroleum Cleanup Grant funds for the Sandusky Cabinets property by Resolution No. 030-08R passed on October 27, 2008; and

WHEREAS, the City of Sandusky was awarded \$200,000.00 for a USEPA Brownfield Petroleum Cleanup Grant for Underground Storage Tank (UST) removal and remediation activities at the Sandusky Cabinets property on September 30, 2009; and

WHEREAS, this City Commission authorized an agreement with Malcolm Pirnie, Inc., for professional services in conjunction with the USEPA Brownfield Petroleum Cleanup Grant for the Sandusky Cabinets Property by Ordinance No. 10-013, passed on February 22, 2010; and

WHEREAS, this proposed project involves the removal of petroleum underground storage tanks (UST's) from the former Sandusky Cabinets, Inc., site; and

WHEREAS, the total estimated cost for this project is \$170,500.00 and will be funded with U.S. EPA Petroleum Substances Cleanup Grant (#2B-00E89301-0) funds awarded to the City of Sandusky by the U.S. EPA's Brownfield and Land Revitalization Program; and

WHEREAS, this legislation should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to meet the critical-path schedule for completion within the grant period and proceed with the competitive bidding process by the schedule deadline of July 15, 2010; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Division of 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 City Deputy Engineer and submitted to this City Commission, and which are now on file with the Clerk of the City Commission, and the office of the City Deputy Engineer, for the Sandusky Cabinets Underground Storage Tank Removal Project, be and the same are hereby approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with the Sandusky Cabinets Underground Storage Tank Removal 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 Sandusky Cabinets Underground Storage Tank Removal 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: July 12, 2010

MEMORANDUM

TO: DANIEL J. KAMAN, CITY COMMISSION PRESIDENT
JOHN F. HAMILTON, CITY COMMISSION VICE-PRESIDENT
CITY COMMISSIONERS

FROM: DONALD C. ICSMAN, LAW DIRECTOR / ACTING CITY MANAGER

DATE: JUNE 30, 2010

RE: COMMISSION AGENDA ITEM (APPLICATION FOR SUBMERGED
LAND LEASE FOR THE PAPER DISTRICT MARINA)

ITEM FOR CONSIDERATION: The City has submitted an application to the Ohio Department of Natural Resource Division of Coastal Management to modify the existing submerged land leases SUB-0324-ER and SUB-01731-ER to more accurately delineate the uses of the property located at the Paper District Marina Project site on Shoreline Drive for the construction of a 62 slip marina, amphitheater, out lots and outer revetment walls.

The statutory process provided in the Ohio Revised Code indicates that when the Director of Natural Resources receives an application from any person regarding territory that is within a municipal corporation, the legislative authority of the municipal corporation enact a Resolution making certain findings and determinations as set forth in O.R.C. Section 1506.11.

BUDGET INFORMATION: The approval and consent to this application will not result in any negative budgetary impact at this time.

ACTION REQUESTED: It is requested that a Resolution be passed authorizing and consenting to a submerged lands lease modification be issued by the State of Ohio to the City of Sandusky for the property located at the Paper District Marina Project site on Shoreline Drive, Sandusky, OH 44870. It is further requested that this be approved under suspension of the rules and in accordance with Section 14 of the City Charter in order for the Ohio Department of Natural Resources Office of Coastal Management to continue the administrative review process in a timely manner.

RESOLUTION NO. _____

A RESOLUTION ADOPTED PURSUANT TO SECTION 1506.11 OF THE OHIO REVISED CODE FINDING AND DETERMINING THAT BASED UPON THE REPRESENTATIONS AND APPLICATION FILED BY THE CITY OF SANDUSKY, THE USE AND DEVELOPMENT OF THE TERRITORY SO DESCRIBED, A SUBMERGED LANDS LEASE MAY BE ENTERED INTO BY THE STATE'S DIRECTOR OF NATURAL RESOURCES; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky is the upland property owner of land fronting Sandusky Bay at Parcel Numbers 59-01066.001, 59-01066.002, 59-01066.003, 56-01315.000 & 56-01315.000 on Shoreline Drive in the City of Sandusky, Ohio; and

WHEREAS, the City of Sandusky has made certain representations and filed an original application and site plan consistent therewith, with the State Director of Natural Resources, a copy of which is attached marked "Exhibit A" and is specifically incorporated as if fully rewritten herein, indicating a desire to use and develop a part of the territory as specified in their application and site plan without impairment of the public's right of navigation, water commerce and fishery; and

WHEREAS, this City Commission determines that based upon the City's representations, the territory as described in their application and site plan filed by the City of Sandusky is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky, of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce; and

WHEREAS, this City Commission determines that based upon the City's representations the land uses specified in the City's application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan, Comprehensive Land Use Plan and the Sandusky Bay Pathway Master Plan; and

WHEREAS, this legislation should be passed as an emergency measure and in accordance with Section 14 of the City Charter in order to ensure that the administrative review process can continue in a timely manner; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter 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 based upon the City's representations as contained in attached Exhibit "A" the territory as described in their application and site plan is not necessary or required for the construction, maintenance, or operation, by the City of Sandusky of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities, and improvements and marginal highways, in aid of navigation and water commerce.

Section 2. This City Commission finds and determines that based upon the City's representations contained in attached Exhibit "A" the land uses specified in the

application and site plan filed with the State's Director of Natural Resources comply with the regulations of permissible land use under the City's Port Development Plan, Strategic Plan, Comprehensive Land Use Plan and the Sandusky Bay Pathway Master Plan.

Section 3. 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 4. 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 5. 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: July 12, 2010

RESOLUTION NO. _____

A RESOLUTION APPROVING AND ADOPTING THE PROCLAMATION OF THE A.D.A. ADVISORY BOARD AND DECLARING THAT THIS RESOLUTION TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky established the Americans with Disabilities Act (A.D.A.) Advisory Board in May of 2001; and

WHEREAS, the A.D.A. Advisory Board has developed a proclamation which embodies the City and the Board's goals concerning disabled individuals and those with mobility impairments; and

WHEREAS, the Americans With Disabilities Act of 1990, was signed into law by President George H. Bush on July 26, 1990, and it is particularly appropriate for this City Commission to approve and adopt this Proclamation on the 20th Anniversary of the adoption of the Act; and

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

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

Section 1. This City Commission hereby approves and adopts the proclamation submitted by The A.D.A. Advisory Board, a copy of which is marked Exhibit "A" and is attached to this Resolution and specifically incorporated herein.

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.

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DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: July 12, 2010

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DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: July 12, 2010