



**SANDUSKY CITY COMMISSION
REGULAR SESSION AGENDA
OCTOBER 23, 2017
CITY HALL, 222 MEIGS STREET**

INVOCATION

Greg Lockhart

PLEDGE OF ALLEGIANCE

ROLL CALL

CALL TO ORDER

W. Poole, D. Waddington, N. Lloyd, D. Murray, D. Brady, G. Lockhart & N. Twine

APPROVAL OF MINUTES

October 10, 2017

PROCLAMATION

Business Appreciation Week

AUDIENCE PARTICIPATION

COMMUNICATIONS

CURRENT BUSINESS

CONSENT AGENDA ITEMS

A. Submitted by Hank Solowiej, Finance Director

BUDGET AMENDMENT #6

Budgetary Information: Appropriation amendments are required to update the budget for previous actions of the city. Examples include, but are not limited to:

- Additional payroll expenses for Police Reserve Officers
- Additional expenses related to Horticultural Services and Cemetery operations
- Issue 8 carryover funds for economic development and housing/blight initiatives
- Treatment expenses for indigent drivers through the Municipal Court
- Water and sewer administrative support portion for new phone system and virtual servers

ORDINANCE NO. _____: It is requested an ordinance be passed adopting Amendment #6 to Ordinance #17-064 passed by this City Commission on March 27, 2017, making general appropriations for the FY 2017; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

B. Submitted by John Orzech, Police Chief and Rick Wilcox, Fire Chief

PAYMENT FOR ANNUAL 9-1-1 EQUIPMENT REPLACEMENT & MAINTENANCE

Budgetary Information: The total amount of this expenditure is \$16,961.47. The replacement cost is \$9,342.22 and the maintenance cost is \$7,619.25. The cost will be paid with funds from the Police Department's 2017 operating budget in the amount of \$8,480.74 and from the EMS fund in the amount of \$8,480.73.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing payment for replacement and maintenance costs pursuant to the 9-1-1 agreement between the City of Sandusky and Erie County; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

REGULAR AGENDA

1. Submitted by Scott Thom, Building Official

BOARD OF APPEALS DECISION RE: 1719 WEST MADISON STREET

Budgetary Information: Any costs for abatement will be assessed to the property.

RESOLUTION NO. _____: It is requested a resolution be passed accepting Resolution 17-001 of the Sandusky Building Code Board of Appeals and authorizing the Building Official of the City of Sandusky, Ohio, to take the necessary action to abate the nuisance by demolition located at 1719 West Madison Street, Sandusky, Ohio; and declaring that this resolution shall take immediate effect in accordance with Section 14 of the city charter.

2. Submitted by Aaron Klein, Director of Public Works

PURCHASE OF EIGHT GATE CONTAINERS AND EQUIPMENT FOR THE WASTE WATER TREATMENT PLANT

Budgetary Information: The cost for the purchase of eight water tight sealed gate containers with bowed tarp system including all shipping and freight costs will not exceed \$51,485 which will be paid with sewer funds from the Waste Water Treatment Plant's operational budget as it was budgeted for in 2017.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to expend funds for the purchase of eight water tight sealed gate containers with mounted bowed tarp systems for the Waste Water Treatment Plant from Customer Container Solutions of Lewisburg, Pennsylvania; and declaring that this ordinance shall take immediate effect in accordance with Section 14 of the city charter.

3. Submitted by Matt Lasko, Chief Development Officer

RIGHT TO SELL AGREEMENT WITH HANNA COMMERCIAL REAL ESTATE FOR FORMER G & C FOUNDRY PROPERTY

Budgetary Information: After execution of a city commission approved purchase and sale agreement with an approved buyer and upon closing of the transaction, the city will be responsible for paying Hanna a broker commission equal to eight percent of the gross sale price. These funds will be paid to Hanna through closing. All remaining net proceeds from the sale of the property will be deposited into the real estate development fund.

ORDINANCE NO. _____: It is requested an ordinance be passed authorizing and directing the City Manager to enter into an exclusive right to sell agreement with Hanna Commercial Real Estate of Cleveland, Ohio, for the marketing and sale of the former G & C Foundry property located at 2806 West Monroe Street; and declaring that this ordinance shall 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(S)

ADJOURNMENT

Buckeye Broadband Channel 76

Monday, October 23 at 8:30 a.m.

Tuesday, October 24 at 5 p.m.

Monday, October 30 at 8:30 p.m.

YouTube: https://www.youtube.com/channel/UCBxZ482ZeTTixa_Rm16YWTQ

PROCLAMATION

WHEREAS, Sandusky businesses employ a diverse workforce helping to preserve the economic well-being of all our citizens; and

WHEREAS, Sandusky wishes to recognize accomplishments of our existing businesses, entrepreneurs, small and minority-owned businesses and the major employers which contribute greatly to the economy; and

WHEREAS, City of Sandusky and Erie County wish to recognize and show appreciation to our local business community for the essential role they play in driving the economy; and

WHEREAS, ambassadors from the City of Sandusky and Erie County will be making personal visits to businesses during the week of October 23 - 27, 2017, to learn firsthand how to continue to make the entire region a great place for business; and

WHEREAS, we encourage representatives of our local businesses community to use this as an opportunity to talk about challenges they may be facing and to develop strategies for how they can be overcome; and

WHEREAS, the City of Sandusky and Erie County celebrates local businesses and hope these exchanges will help us to recognize our local successes and reinforce the value of a strong business community while listening and identifying what government resources may collectively be utilized to help them thrive; and

WHEREAS, we thank business owners for their contributions to our communities, our economy and our nation;

NOW THEREFORE, the Sandusky City Commission hereby declares the week of October 23, 2017, as

“BUSINESS APPRECIATION WEEK”

in the City of Sandusky and urge residents to patronize local businesses as they celebrate their achievements and look toward growth in the year ahead.

Dated this 23rd day of October, 2017.

Dennis E. Murray, Jr. - President
Sandusky City Commission



**DEPARTMENT OF FINANCE
HANK S. SOLOWIEJ, CPA, FINANCE DIRECTOR**

222 Meigs Street
Sandusky, Ohio 44870
Phone (419) 627-5888
Fax (419) 627-5892

TO: Eric L. Wobser, City Manager
FROM: Hank S. Solowiej, CPA, Finance Director
DATE: October 16, 2017
RE: Commission Agenda Item

ITEM FOR CONSIDERATION:

Ohio Rev. Code Section 5705.40 states that any appropriation ordinance or measure may be amended or supplemented, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making an original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation.

I am submitting amendment #6 to the 2017 General Appropriations.

BUDGETARY INFORMATION:

Appropriation amendments are required to update the budget for previous actions of the City. Examples include, but are not limited to:

- Additional payroll expenses for police reserve officers
- Additional expenses related to horticultural services and cemetery operations
- Issue 8 carryover funds for economic development and housing/blight initiatives
- Treatment expenses for indigent drivers through the municipal court
- Water and sewer admin support portion for new phone system and virtual servers

Please contact the Finance Director if there are any questions.

ACTION REQUESTED:

It is requested the City Commission enact the ordinance and have it take immediate effect under Section 14 of the City Charter so that the budget amounts can be entered into the financial system and purchases can be made to continue the flow of city operations.

CC: Justin Harris, Law Director

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENT NO. 6 TO ORDINANCE NO. 17-064 PASSED BY THIS CITY COMMISSION ON MARCH 27, 2017, MAKING GENERAL APPROPRIATIONS FOR THE FISCAL YEAR 2017; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission made general appropriations for the Fiscal Year 2017 Operating Budget by Ordinance No. 17-064, passed on March 27, 2017; and

WHEREAS, this City Commission adopted Amendment No. 1 to Ordinance No. 17-064 to cover deficiencies or needs which existed in the General, Transit, State & Federal Grants, Enforcement & Education, Capital Projects, Special Assessment, Water, Sewer, General Trust, and Park Endowment Funds by Ordinance No. 17-083, passed on April 24, 2017; and

WHEREAS, this City Commission adopted Amendment No. 2 to Ordinance No. 17-064 to cover deficiencies or needs which existed in the General, State, Capital Projects, Water, and Sewer Funds by Ordinance No. 17-097, passed on May 22, 2017; and

WHEREAS, this City Commission adopted Amendment No. 3 to Ordinance No. 17-064 to cover deficiencies or needs which existed in the General, Transit, Parks & Recreation, Capital Projects, and General Trust Funds by Ordinance No. 17-125, passed on June 26, 2017; and

WHEREAS, this City Commission adopted Amendment No. 4 to Ordinance No. 17-064 to cover deficiencies or needs which existed in the Transit, State Grants, Special Assessment, Sewer, and General Trust Funds by Ordinance No. 17-161, passed on August 28, 2017; and

WHEREAS, this City Commission adopted Amendment No. 5 to Ordinance No. 17-064 to cover deficiencies or needs which existed in the General, and Transit Funds by Ordinance No. 17-182, passed on September 25, 2017; and

WHEREAS, this Ordinance has been prepared to cover other deficiencies or needs which exist in the General, Indigent Drive Alcohol Trust, Capital Projects, Water, and Sewer Funds; and

WHEREAS, amendments are required to adjust the budget for previous actions of the City; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter to prevent delays in the use of the funds for an extended period of time and not restrict the operation of City departments; and

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

finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. Ordinance No. 17-064 passed by this City Commission on the 27th day of March, 2017, be amended as hereinafter set forth:

DEPARTMENT	PERSONAL SERVICES	OTHER	TOTAL
POLICE RESERVES	15,000	-	15,000
OAKLAND CEMETERY	-	7,500	7,500
HORTICULTURAL SERVICES	-	12,000	12,000
GENERAL FUND	15,000	19,500	34,500
INDIGENT DRIVER ALCOHOL TRT FUND	-	56,000	56,000
COMMUNITY DEVELOPMENT	-	90,000	90,000
ECONOMIC DEVELOPMENT	-	400,000	400,000
CAPITAL PROJECTS FUND	-	490,000	490,000
ADMINISTRATIVE SUPPORT	-	70,000	70,000
WATER FUND	-	70,000	70,000
ADMINISTRATIVE SUPPORT	-	70,000	70,000
SEWER FUND	-	70,000	70,000
TOTAL ALL FUNDS	15,000	705,500	720,500

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

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this

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

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

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 23, 2017



SANDUSKY POLICE DEPARTMENT

JOHN ORZECH, POLICE CHIEF

222 MEIGS STREET
SANDUSKY, OH 44870
Phone: 419.627.5869
FAX: 419.627.5862

www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: John Orzech, Police Chief
Rick Wilcox, Fire Chief

Date: October 11, 2017

Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Requesting legislation authorizing the payment of 9-1-1 equipment replacement and maintenance billing for 2018 to Erie County.

BACKGROUND INFORMATION: This is an agreement between the Erie County Commissioners and the City of Sandusky to pay annual charges for the 9-1-1 equipment beginning in 1999. We have now been invoiced the 9-1-1 equipment replacement and maintenance charges for 2018.

BUDGETARY INFORMATION: The total amount of this expenditure is \$16,961.47. The replacement cost is \$9,342.22 and the maintenance cost is \$7,619.25. The cost will be paid with funds from the Police Department's 2017 Operating budget in the amount of \$8,480.74 and from the EMS Fund in the amount of \$8,480.73.

ACTION REQUESTED: It is requested that the proper legislation be prepared to allow for the payment of the 9-1-1 equipment replacement and maintenance billing in the amount not to exceed **\$16,961.47**. It is further requested that this be passed in accordance with Section 14 of the City Charter in order for payment to be made to the County as the payment is due by November 3, 2017.

Approved:

I concur with this recommendation:

John Orzech, Police Chief

Eric Wobser, City Manager

Rick Wilcox, Fire Chief

cc: Hank Solowiej, Finance Director
Justin Harris, Law Director

ERIE COUNTY FINANCE DEPARTMENT

2900 Columbus Avenue
Sandusky, OH 44870
(419) 627-7619



To: City of Sandusky
222 Meigs Street
Sandusky, OH 44870

Invoice: EMA-911 CITY-SAND
Date: 10/03/17

INVOICE

Erie County 911
for year 2018

Subdivision
24861-3600-434200
911

Census

25793

\$16,961.47

\$16,961.47

MAKE CHECKS PAYABLE TO ERIE COUNTY COMMISSIONERS
Terms - Net 30 Days

110-1020-53000 - \$8,480.74

431-1330-53000 = \$8,480.73

#2017- = \$16,961.47

[Signature]
10/5/17

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING PAYMENT FOR REPLACEMENT AND MAINTENANCE COSTS PURSUANT TO THE 9-1-1 AGREEMENT BETWEEN THE CITY OF SANDUSKY AND ERIE COUNTY; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City of Sandusky entered into an agreement with Erie County to provide funding for an enhanced 911 system as authorized by Ordinance No. 99-244, passed by the City Commission on August 23, 1999; and

WHEREAS, authorization for payment of the City's share for replacement and maintenance for the calendar year 2018 is being requested; and

WHEREAS, the total cost for the 9-1-1 equipment replacement and maintenance charges for the calendar year 2018 as reflected on the current unpaid invoice is \$16,961.47 (\$9,342.22 for replacement and \$7,619.25 for maintenance) and is to be paid with funds from the Police Department's 2017 operating budget in the amount of \$8,480.74 and from EMS Funds in the amount of \$8,480.73; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules and in accordance with Section 14 of the City Charter in order for payment to be made to the County for CY 2018 as the payment is due on November 3, 2017; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments, including the Fire and Police 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. The City Manager and/or the Finance Director are authorized and directed to make payment to the Erie County Commissioners for the City's share of the 9-1-1 replacement and maintenance costs for CY 2018 in an amount **not to exceed** Sixteen Thousand Nine Hundred Sixty One and 47/100 Dollars (\$16,961.47) consistent with the invoice received by the City from the Erie County Finance Department.

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 23, 2017



COMMUNITY DEVELOPMENT

Building Division

222 Meigs Street
Sandusky, Ohio 44870
419.627.5940
www.ci.sandusky.oh.us

To: Eric Wobser
From: Scott Thom, Building Official
Date: October 11, 2017
Subject: Commission Agenda Item- *Decision of the Sandusky Building Board of Appeals regarding: 1719 West Madison Street, Sandusky, Ohio 44870*

Item for Consideration: Acceptance of the Sandusky Building Code Board of Appeals' Resolution No. 17-001 relating to property located at 1719 West Madison Street, Sandusky (aka "Pool Boyz").

Background Information: A Notice and Order of Demolition was sent to several persons, including Ladonte Skelton, on August 22nd, 2017 and pursuant to 1345.06 (b) of the Codified Ordinances of the City of Sandusky and Section 715.26 of the Ohio Revised Code, by Chief Building Official George Poulos and Building Official Scott Thom. This Notice was appealed by Ladonte Skelton by and through his attorney Danielle Kulik on September 8th, 2017. The Sandusky Building Board of Appeals conducted a hearing in relation to this matter on September 21st, 2017.

The Sandusky Building Code Board of Appeals did find the building in question to be unfit for human habitation or occupancy, and therefore denied the Appeal of Ladonte Skelton. Based upon this finding and denial of the Appeal the Sandusky Building Code Board of Appeals, thus the Building Official shall have the nuisance abated.

Budgetary Information: Any costs for abatement will be assessed to the property.

Action Requested: It is requested that the proper legislation be prepared to accept the Sandusky Building Code Board of Appeal's Resolution. It is further requested that the legislation be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to move forward on the demolition of the property to protect the public from the imminent danger and to comply with the 30-day requirement of section 1345.04(C)

I concur with this recommendation:

Eric L. Wobser
City Manager

Scott Thom
Building Official

RESOLUTION NO. _____

A RESOLUTION ACCEPTING RESOLUTION 17-001 OF THE SANDUSKY BUILDING CODE BOARD OF APPEALS AND AUTHORIZING THE BUILDING OFFICIAL OF THE CITY OF SANDUSKY, OHIO, TO TAKE THE NECESSARY ACTION TO ABATE THE NUISANCE BY DEMOLITION LOCATED AT 1719 WEST MADISON STREET, SANDUSKY, OHIO; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the Building Official of the City of Sandusky, Ohio, caused an inspection to be done on the building located at 1719 West Madison Street, Sandusky, Ohio and found said building to be unfit for human habitation and occupancy and ordered the building demolished; and

WHEREAS, the property owner exercised his right under Section 1345.04 of the Codified Ordinances to appeal to the Sandusky Building Code Board of Appeals and is seeking to overrule the Building Official's determination that said building was unfit for human habitation and occupancy; and

WHEREAS, the Sandusky Building Code Board of Appeals conducted a hearing on September 21, 2017, and after listening to the testimony of witnesses and the presentation of exhibits, concurred with the Building Official's determination that said building was unfit for human habitation and occupancy and denied the appeal, thus requiring the Building Official to have the nuisance abated; and

WHEREAS, pursuant to Section 1345.04 the Sandusky Building Code Board of Appeals has sent the findings of fact, decision, and resolution to the City Commission and pursuant to Section 1345.04(c) the City Commission shall consider the resolution of the Sandusky Building Code of Appeals and either accept or reject the resolution; and

WHEREAS, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to move forward on the demolition of the property to protect the public from the imminent danger and to comply with the 30-day requirement of section 1345.04(C); 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 Community 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 **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 has received the findings of fact, decision,

and resolution from the Sandusky Building Code Board of Appeals (a copy of which is attached to this Resolution marked as Exhibit “A” and incorporated herein) and does hereby accept and agree with Resolution 17-001 of the Building Code Board of Appeals.

Section 2. This City Commission hereby authorizes and empowered the Building Official of the City of Sandusky to abate the nuisance located at 1719 West Madison Street, Sandusky, Ohio, by demolishing the same pursuant to Section 1345.06 of the Codified Ordinances of the City of Sandusky; and

Section 3. The costs of said abatement shall be assessed to the property pursuant to Ohio Revised Code Section 715.261 and the City may take any legal means to collect any costs expended for the abatement; and

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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 23, 2017

SANDUSKY BUILDING CODE BOARD OF APPEALS

Resolution 17-001

Whereas, pursuant to City of Sandusky Codified Ordinance 1345.04 et seq. the Sandusky Building Code Board of Appeals met in open session on September 21st, 2017 at the municipal building, to hear the appeal of Ladonte Skelton regarding the Notice and Order of Demolition in relation to 1719 West Madison, Sandusky, Ohio; and

Whereas, the Board heard testimony and reviewed evidence present; and

Whereas, the Board determined that;

Now therefore, it is the finding of the Sandusky Building Code Board of Appeals:

1. That the property in question to be unsafe and unfit for human habitation or occupancy; and
2. That based upon that finding the Board does deny Ladonte Skelton's Appeal; and
3. That the Building Official shall have the nuisance abated; and
4. That this resolution shall be sent forthwith to the City Commission for the City Commission to accept or reject, pursuant to 1345.04(c) of the Codified Ordinance of the City of Sandusky, along with the findings of fact and decision.

SO BE IT RESOLVED.


John Feick, Chairperson

10-16-2017
Date:

SANDUSKY BUILDING CODE BOARD OF APPEALS

Thursday, September 21st, 2017
1st Floor Conference Room, Municipal Building
4:00 PM

Public Hearing on Appeal to Notice and Order of Demolition regarding 1719 West Madison, Sandusky, Ohio submitted by Danielle Kulik attorney for Ladonte Skelton.

Findings of Fact:

The Board having heard all of the testimony and reviewed all of the evidence presented finds the following:

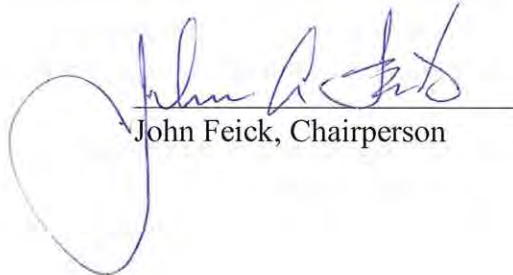
1. That the Ladonte Skelton was given proper notice.
2. That the Building Official for the City of Sandusky Scott Thom was sworn in and provided testimony.
3. That Ladonte Skelton and Danny Johnson were present and sworn in and provided testimony.
4. That attorney Geoffrey Oglesby was present representing Ladonte Skelton.
5. That all Exhibits asked to be part of the record are hereby accepted and incorporated herein, this would include Exhibits A-K and the power point presentation presented by the Building Official on September 21st.
6. That the building located at 1719 West Madison, Sandusky, Ohio is the subject of the demolition.
7. That on October 20, 1984 the use for the building was changed to S-1, a commercial use which to date has not been changed and there was no testimony presented by Ladonte Skelton or Danny Johnson that they have changed the use to a residential, therefore we find the use is commercial and properly before the Sandusky Building Code Board of Appeals.
8. That the standard before the Board was to determine whether the property discussed above is "unfit for human habitation or occupancy."
9. That Ladonte Skelton first gained possession of the property in question in 2014.
10. That the building was inspected by the City in 2016 and again in August of 2017.
11. That little to no proper improvements were conducted between the 2016 inspection and the August 2017 inspection.
12. That, pursuant to Exhibit F, the building is 90% damaged, decayed, and deteriorated from its original construction.
13. That the exterior has significant health and safety issues:
 - a. There is intake and exhaust for the furnace right by an entry door which is a health concern for carbon monoxide among other issues;
 - b. The roof and gutters have been attempted to be repaired but done so in a non-workman like manner and not done to code nor with the proper permits thus

allowing for water and other elements to infiltrate the building and causing health concerns such as mold and unsanitary conditions.

14. That the interior has significant health and safety issues:
 - a. There was significant mold present in more than one area and the Building Official testified to the odor when he first entered the building;
 - b. There was water weeping through the walls and roof causing damage;
 - c. There was live electrical sockets exposed;
 - d. There was exposed wiring for the baseboard heater in the bathroom;
 - e. There was exposed wiring for the hot water tank;
15. That Scott Thom, in his professional opinion, with his experience in working with the City as a building official and prior experience as a contractor found that the building is unsafe and presents an imminent dangerous condition and is unfit for human habitation or occupancy.
16. That Ladonte Skelton and Danny Johnson do not have the proper training or experience to make the necessary improvements themselves, nor have they taken proper permits to have the work done by someone with the proper credentials, nor have they provided any architectural drawings to indicate the scope of the work required to bring the building up to Code.

Decision:

Based upon the evidence and testimony presented before this Board, the Building Code Board of Appeals does hereby find the building in question unfit for human habitation or occupancy, and therefore denied the Appeal. Based upon this finding and denial of the Appeal the Building Official shall have the nuisance abated. A Resolution declaring the building be found to be unfit for human habitation or occupancy, and that the Building Official is to have the nuisance abated, shall be drafted and presented to the Sandusky City Commission forthwith.


John Feick, Chairperson

10-16-2017
Date:



DEPARTMENT OF PUBLIC WORKS

222 Meigs Street
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager
From: Aaron M. Klein, P.E.
Date: October 12, 2017
Subject: **Commission Agenda Item – Purchase of Eight (8) Water Tight Sealed Gate Container with Bowed Tarp System for the Wastewater Treatment Plant**

ITEM FOR CONSIDERATION: Legislation authorizing the purchase of eight (8) Water Tight Sealed Gate Containers with Bowed Tarp System for the Wastewater Treatment Plant (WWTP) from Custom Container Solutions out of Lewisburg, PA.

BACKGROUND INFORMATION: The City of Sandusky issued a Request for Proposals (RFP) to purchase Water Tight Sealed Gate Containers with Bowed Tarp System for the Wastewater Treatment Plant to replace the existing five (5) containers purchased over seven (7) years ago and two (2) additional containers to help during increased sludge hauling periods.

All of the current containers are used daily for sludge hauling from the Wastewater Treatment Plant to the Erie County Landfill. Over the past year all of the containers have started rotting out and are beyond the point of routine repair. Because the vehicles transverse so many streets on their dumping routes, it is critical that leaks are addressed immediately and tanks are watertight. If not, there are obvious health, safety and environmental concerns that would result from wastewater sludge leaking onto roadways.

On Tuesday, September 21, 2017 two (2) proposals were received for the Water Tight Sealed Gate Container with Bowed Tarp System. A review committee comprised of the Sewer Plant Superintendent and Engineering Staff reviewed both proposals and determined that Custom Container Solutions out of Lewisburg, PA submitted the lowest and best proposal based on price and delivery of the product would be done before the end of 2017. The new containers will come with a one year product warranty.

BUDGETARY INFORMATION: The cost for the purchase of eight (8) Water Tight Sealed Gate Containers with Bowed Tarp System, including all shipping and freight costs will not exceed \$51,485.00 which will be paid with Sewer Funds from the Wastewater Treatment Plant's Operational Budget as it was budgeted for in 2017.

ACTION REQUESTED: It is recommended that proper legislation be prepared to purchase eight (8) Water Tight Sealed Gate Containers with Bowed Tarp System from Custom Container Solutions from Lewisburg, PA 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 ensure delivery before the end of 2017 so payment for the purchase can be made using Sewer funds budgeted in the 2017 WWTP Operational Budget.

I concur with this recommendation:

Eric Wobser, City Manager





NORMAN RAY.

CUSTOM CONTAINER SOLUTIONS

nray01@snet.net

Phone: 203-305-0901

Fax: 203-881-3822

CCS FIELD QUOTATION

SOLD TO: CITY OF SANDUSKY			SHIP TO: T B D		
DEPT. OF PUBLIC WORKS					
222 MEIGIS STREET					
SANDUSKY, OHIO 44870					
CONTACT PERSON : MEGAN STOOKEY			CONTACT PERSON:		
PHONE#: 419-627-5829			CELL #:		
FAX# 419-627-5933			E-MAIL:		
E-MAIL: mstookey@ci.sandusky.oh.us					
CUSTOMER #	SHIP TO ID	PURCH. ORDER NUMBER	SHIP DATE	SALES ORDER #	QUOTE DATE
					10/03/17
SALESMAN NORMAN	TERMS: NET 30		FREIGHT: 3 TRUCKLOADS @ 895.00 EA.		
COMMENTS:					
PRODUCT #	QTY.	PRODUCT DESCRIPTION	U/M	UNIT \$	EXTENDED \$
	8	WATER TIGHT SEALED GATE		\$6,100.00	\$48,800.00
		CONTAINERS WITH BOWED			
		TARP SYSTEM MOUNTED, ALL			
		BUILT PER YOUR PRINTED			
		SPECS, DATED SEPT. 14, 2017			
VOLTAGE:			COLOR: MEDIUM GREEN		
TOTAL PRICE INCLUDING FREIGHT				\$51,485.00	

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS FOR THE PURCHASE OF EIGHT (8) WATER TIGHT SEALED GATE CONTAINERS WITH MOUNTED BOWED TARP SYSTEMS FOR THE WASTEWATER TREATMENT PLANT (WWTP) FROM CUSTOMER CONTAINER SOLUTIONS OF LEWISBURG, PENNSYLVANIA; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the containers used on a daily basis for hauling sludge from the Wastewater Treatment Plant to the Erie County Landfill are rotting and beyond routine repair and it is critical that these containers are watertight to avoid health, safety, and environmental concerns from any sludge leakage on roadways as the vehicles hauling sludge travel on many streets during their dumping routes; and

WHEREAS, a Request for Proposals (RFP) was issued for Water Tight Sealed Gate Container with Bowed Tarp System in which two (2) proposals were received and evaluated by a selection committee and based upon the Proposer's price and delivery, it was determined the proposal from Custom Container Solutions of Lewisburg, Pennsylvania, was the lowest and best; and

WHEREAS, the total cost for the purchase of the eight (8) water tight sealed gate containers with mounted bowed tarp systems, including shipping and freight costs, is \$51,485.00 and will be paid with Sewer Funds from the Wastewater Treatment Plant's operational budget; 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 ensure delivery in a timely manner and prior to the end of year so payment can be made with funds budgeted for this year; 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 Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

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

Section 1. The City Manager is authorized and directed to expend funds for the purchase of eight (8) Water Tight Sealed Gate Containers with Mounted Bowed Tarp Systems for the Wastewater Treatment Plant (WWTP) from Customer Container Solutions of Lewisburg, Pennsylvania, at an amount **not to exceed** Fifty One Thousand Four Hundred Eighty Five and 00/100 Dollars (\$51,485.00).

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 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 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 upon its passage, and its due authentication by the President, and the Clerk of the City Commission of the City of Sandusky, Ohio.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 23, 2017



Department of Community Development

Matthew D. Lasko
mlasko@ci.sandusky.oh.us

222 Meigs St.
Sandusky, OH 44870
Phone: 419.627.5707
Fax: 419.627.5933
www.ci.sandusky.oh.us

To: Eric L. Wobser, City Manager

From: Matthew D. Lasko, Chief Development Officer

Date: October 11, 2017

Subject: Commission Agenda Item – Exclusive Right to Sell Agreement

Item for Consideration: Legislation for approval to enter into an Exclusive Right to Sell Agreement (the “Agreement”) with Hanna Commercial Real Estate (“Hanna”) for the marketing and sale of the former G & C Foundry property – also described at 2806 W. Monroe Street and further identified as permanent parcel numbers 58-00800.000 and 58-02434.000 (the “Property”).

Background Information: In August of 2016 – the City of Sandusky assumed ownership of the Property from the Erie County Land Reutilization Corp. The decision to assume ownership was based on several due diligence reports completed in late 2015 which determined that the Property is presently suitable for industrial and commercial development without further remediation. Since then, City Commission approved going out to bid for the demolition and asbestos abatement of the Property and later approved a demolition and asbestos abatement contract with Ed Burdue and Co., LLC.

The demolition has since been completed and the City is now looking to market and list for sale the Property for the purposes of securing a buyer with a concrete commercial or industrial development plan. City staff is recommending entering into an Agreement with Hanna for the marketing and sale of the Property.

Per the terms of the Agreement – the initial term will be for twelve (12) months and only subject to extensions if mutually agreed upon by the both the City and Hanna. The listing price is set at \$220,000 (or approximately \$32,000 per acre). Broker commission is set at eight percent (8%) of the gross sales price. Said commission is also due to Hanna up to three (3) months following the term of the Agreement, or any extensions, provided the Property is sold to any party with whom Hanna has had extensive dealings with during the term of the Agreement such as site visits and/or contract negotiations. The City also retains sole authority to accept or reject any offer – even if the offer is at or above listing price.

Firm Selection: Proposals for commercial real estate brokerage and marketing services were requested via a Request for Qualifications (RFQ) and publication within the

Sandusky Register. The City received four (4) submittals from interested firms. A City selection committee reviewed all four (4) sets of submittals and based upon the firm's experience and professional expertise, chose Hanna as the best and most qualified firm to market and list for sale the Property.

Budgetary Information: After execution of a City Commission approved purchase and sale agreement with an approved buyer and upon closing of the transaction, the City will be responsible for paying Hanna a broker commission equal to 8% of the gross sales price. These funds will be paid to Hanna through closing. All remaining net proceeds from the sale of the Property will be deposited into the Real Estate Development Fund.

Action Requested: It is requested that proper legislation be prepared to permit the City Manager to enter into the Agreement with Hanna. It is further requested that this legislation take immediate effect in full accordance with Section 14 of the City Charter in order to immediately commence the listing and marketing of this site in order to secure an eventual buyer and end user to commercially or industrially develop the Property.

I concur with this recommendation:

Eric L. Wobser
City Manager

Matthew D. Lasko, MUPDD, MSSA
Chief Development Officer

One (1) attachment

cc: Kelly Kresser, Clerk of the City Commission
Hank Solowiej, Finance Director
Justin Harris, Law Director

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN EXCLUSIVE RIGHT TO SELL AGREEMENT WITH HANNA COMMERCIAL REAL ESTATE OF CLEVELAND, OHIO, FOR THE MARKETING AND SALE OF THE FORMER G & C FOUNDRY PROPERTY LOCATED AT 2806 W. MONROE STREET; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved the property located at 2781 and 2806 W. Monroe Street for acquisition into the Land Reutilization Program by Resolution No. 024-16R, passed on May 9, 2016, which property is no longer needed for any municipal purpose; and

WHEREAS, the property was subjected to foreclosure proceedings and subsequently forfeited to the State of Ohio and then transferred to the Erie County Land Reutilization Corporation (ECLRC) and then to the City in August of 2016; and

WHEREAS, a Request for Qualifications (RFQ) was issued for the marketing and sale of the property located at 2806 W. Monroe Street and identified at Parcel Nos. 58-00800.000 and 58-02434.000 of which four (4) submittals were received, evaluated, and based upon the firm's experience and professional expertise, it was determined Hanna Commercial Real Estate of Cleveland, Ohio, was the most qualified; and

WHEREAS, any future sale of the property will be presented to the City Commission by Ordinance for approval of disposition and sale; and

WHEREAS, upon any sale of the property, the City will pay a broker commission to Hanna equal to 8% of the gross sales price which will be paid through closing and the remaining net proceeds will be deposited into the Real Estate Development Fund; 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 immediately execute the agreement to list and market the property for the purpose to secure a buyer to commercially or industrially develop the property; 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 Community 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 an Exclusive Right to Sell Agreement with Hanna Commercial Real Estate of Cleveland,

Ohio, for the marketing and sale of the former G & C Foundry property located at 2806 W. Monroe Street, 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 terms of 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.

DENNIS E. MURRAY, JR.
PRESIDENT OF THE CITY COMMISSION

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

Passed: October 23, 2017

EXCLUSIVE RIGHT TO SELL AGREEMENT

1. OWNER/PROPERTY INFORMATION:

In consideration of the services to be performed by Hanna Commercial ("Broker"), the undersigned Owner hereby grants to Broker the sole and exclusive right to sell, lease or exchange the following real property on the terms and conditions described in this agreement:

Owner: City of Sandusky c/o: Matt Lasko, Chief Development Officer

Mailing Address: 222 Meigs Street, Sandusky OH 44870

Property Address: 2806 W. Monroe Street, Sandusky OH 44870 (the "Property")

Permanent Parcel No(s): 58-00800.000 and 58-02434.000

Acreage: 6.83.

Listing Price for Sale: \$220,000

This Agreement shall be for a period of twelve (12) months beginning the date signed below by Owner.

2. MARKETING OF THE PROPERTY:

Broker is authorized in its sole discretion, to place an Available/For Sale sign on the Property, if permitted by law, to remove all other such signs, to place a lockbox on the Property, to have access to the Property at all reasonable times for the purpose of showing it to prospective purchasers, to cooperate with other brokers and to use pictures of same for promotional purposes. The Property may be entered into through public and private listing services as well as any other use, media or means to aid in the sale of the Property. Owner represents that adequate insurance will be kept in force to protect Owner in the event of any damage, losses or claims arising from entry to the Property by persons through the above use of the key and hereby holds Broker, its agents and employees harmless, from any loss, claim or damages.

During the term of this Agreement and any extension, Owner grants to Broker the sole and exclusive right to publish and to grant to others the right to publish any and all descriptive information about the Property including but not limited to text, video, audio, photographic and electronic descriptions. Owner authorizes Broker to have photographs of the Property taken (the "Photographic Services") and have such photographs (the "Photographs") digitized, reproduced, published, transmitted and disseminated and displayed in any form or manner, including without limitation, in and through public and private listing services as well as any other use, media or means to aid in the sale or rental of the Property - see addendum A.

3. AGENCY RELATIONSHIP:

Owner understands and agrees that the listing agent will represent the Owner and that other licensees with Broker may represent parties interested in purchasing the Property. Owner understands and agrees that in very limited instances and with the Owner's written consent in advance, the undersigned agent may act as a dual agent. Owner understands that other agents licensed with Broker may be working as purchaser's/tenant's agents and may show the Property and be involved in the sale/lease if their purchasers/tenants are interested in purchasing/leasing the Property. Owner understands and agrees that Broker will not share confidential information without Owner's consent. Confidential information includes all information that Owner directs to be kept confidential, all information that is required by law to be kept confidential or that if disclosed would have an adverse effect on Owner's position in the real estate transaction except to the extent that the agent is required by law to disclose such information. Owner acknowledges and agrees that confidential information will not include information that is public record, authorized by client to be disclosed or information sent or received via fax or electronic mail. Owner agrees that any information Broker and its agents learned from a previous or current agency relationship with another party cannot be shared with Owner and will be kept confidential.

4. BROKER COOPERATION:

Broker shall permit the Property to be shown by purchaser's/tenant's brokers, and, Broker will pay fifty percent of the above commission to such cooperation brokers who represent their clients and were the procuring cause of the sale or lease. We do not offer sub agency compensation.

5. COMPENSATION:

SALE: If during the term of this Agreement or any extension, Broker obtains an offer to purchase/exchange the Property at the listing price or if the Property is sold or exchanged by Owner at any price and upon any terms to which Owner may consent, Owner hereby agrees to pay a brokerage commission of eight percent (8%) on the first million dollars of selling price of the Property and four percent (4%) on the balance of selling price of the Property. Under any and all circumstances, acceptance of a sale is contingent upon Owner approval. Owner agrees to pay the above sale/exchange brokerage commission by irrevocable assignment of escrow funds at the time of closing. This Agreement shall serve as escrow instructions subject to the Escrow Agent's usual conditions of acceptance.

CARRYOVER: Owner also agrees that such fee shall be paid if the Property is sold/leased or exchanged directly by Owner or through another real estate broker within three (3) months following the term of this Agreement or any extensions thereof to anyone to whom Broker or its cooperating brokers have submitted the Property and of whom Owner has received notice.

6. OWNER REPRESENTATIONS AND WARRANTIES:

Owner represents and warrants to Broker that:

- a. Title to the Property is vested solely in Owner and that the person(s) signing this Agreement is/are either the owner(s) of the Property or that they have the full authority to act on behalf of and bind the Owner(s);
- b. In the event of a sale or exchange of the Property, Owner will be able to convey a good and marketable title to the Property to the Purchaser;
- c. Information that has been or, during the term of this Agreement, will be provided by Owner to Broker regarding leases/ tenancies, income and expenses, and the condition, size, use and zoning of the Property is accurate and complete;
- d. There are no pending orders of any court or governmental agency affecting the Property and that, to Owner's knowledge, the Property conforms to all applicable building, zoning, health and safety, rules and regulations. Owner acknowledges and agrees that Broker will not investigate the physical condition of or the title to the Property or the accuracy of the information provided by Owner to Broker and that Broker is relying upon the representations of the Owner with regard to such matters;
- e. Owner will cooperate and provide any and all information and documentation, including State of Ohio Agency form, needed or requested on behalf of Broker or prospective Buyer(s)/Tenant(s) or their agents regarding the Property and will make the Property accessible for viewing and inspections as deemed necessary by Broker, prospective Buyers or their agents and;
- f. Owner agrees to immediately refer to Broker all prospective Buyer(s)/Tenant(s) or Brokers who contact Owner for any reason and to provide Broker with their names and addresses.

7. CONDITION OF PROPERTY:

Owner acknowledges that Broker is not obligated to and has made no independent investigation of the condition of the Property, including but not limited to, the physical condition of the structure (exterior or interior), the fixtures, personal property and equipment therein, if any or any environmental matter with respect thereto (collectively, the "Physical Condition"). All investigations, reports and information with respect to the physical condition shall be prepared by or for the Owner and shall be furnished by Broker to prospective Buyer(s)/Tenant(s) on behalf of Owner, who shall be solely responsible for all such information. Broker has the right to insert in the real estate purchase agreement to be executed by the Buyer(s)/Tenant(s), an acknowledgment by Buyer(s)/Tenant(s) as to the foregoing. Owner understands that Broker is relying upon the information about the Property provided by Owner, that the information will be used to advertise the Property to the public and that it is essential that this information be accurate. Owner agrees to defend, indemnify and hold broker harmless (including but not limited to the costs of attorney fees), from any and all claims, actions, liability, demands, causes of action and damages resulting from any non-disclosures, misrepresentations, inaccuracies, errors or omissions in any information provided by owner to Broker regarding the property, including but not limited to any inaccuracies, errors or omissions in the representations or concealment of facts by owner contained in this agreement.

8. MANAGEMENT/ACCESS:

Broker shall not be charged with the custody of the Property, nor shall Broker have any duty or obligation with respect to the management, maintenance, upkeep or repair of the Property. Broker shall have the right and authority to enter the Property for the purposes of erecting signs thereon, and for inspection and showing the Property to prospective Buyer(s)/Tenant(s). Owner agrees that Broker and its agents have no responsibility or liability for property management or maintenance of the Property.

9. FORUM:

Owner acknowledges and agrees that, notwithstanding where the Property is situated, the laws of the State of Ohio will govern any dispute arising from this Agreement. All lawsuits, actions, and other proceedings arising from this Agreement or the transactions it contemplates shall be prosecuted in the appropriate court in Cuyahoga County, State of Ohio and all parties agree to both subject matter and in personal jurisdiction in that forum.

10. ENTIRE AGREEMENT:

This Agreement constitutes the entire understanding of the parties hereto, and no oral or implied agreement, representation, or understanding shall cancel or vary the terms of this Agreement. This Agreement is binding upon the Broker, the Owner, and their respective successors, heirs, administrators, personal representatives and assigns and shall be governed in accordance with the laws of the State of Ohio. Owner acknowledges that Owner has read and received a signed copy of this Agreement and the information contained herein is true and accurate to the best of Owner's knowledge.

ACCEPTED:

"OWNER"

By: _____

Signature

Name

Printed: _____

Title: _____

Date: _____

Phone: _____

Email: _____

"BROKER"

By: HANNA COMMERCIAL

Signature

Name

Printed: _____

Title: _____

Date: _____

Phone: _____

Email: _____

Addendum A

MARKETING STRATEGY

For each property we represent, Hanna Commercial initiates a comprehensive marketing plan to immediately solicit interest from commercial end users, the commercial brokerage community and real estate developers. We emphasize the key property attributes using attractive, professional advertising tools to best position your property whether it be for lease or sale. Given a team-based approach comprised of experienced and tenacious individuals, we brainstorm around different strategies and approaches to get the best results in a timely fashion.

MARKETING TOOLS

1. PROPERTY BROCHURES

An eye-catching professional brochure highlighting the key specifications of the property is designed. This brochure includes property information, a high-resolution photograph of the property, an easy-to-read map showing the location of the property in relation to nearby landmarks and major expressways, and a floor plan or aerial image, if applicable.

2. FULLY DETAILED PROPERTY SPECIFICATIONS FLYER

A detailed specifications flyer is also prepared highlighting the property's strengths and flexibility. The flyer includes a high-resolution photograph of the property, site and floor plans, and an aerial image showing nearby major expressways. These pieces are used during property tours, for transmitting specific information about the property to select companies, and sent to state offices and county agencies to locate users. Any company out of the city, out of the state or out of the country that is looking for local property will know that the property is available.

3. AGGRESSIVE CALLING BLITZ

Given Hanna Commercial's years of experience and expertise in positioning and marketing properties, we will execute a telephone calling plan to solicit local and national companies seeking to expand or relocate.

4. "E-MAIL BLAST" MARKETING

A graphical "E-mail Blast" detailing the specifications of your property including clickable links that display the property brochure, property specifications flyer and other related marketing materials is prepared and transmitted to the entire list of Cleveland brokers as well as TCN Worldwide. This "E-mail Blast" is sent out at regular intervals until the property is sold or leased.

5. HANNA COMMERCIAL PROPERTY BULLETIN

On a monthly basis, Hanna Commercial distributes a brochure detailing our property listings, highlighting new listings and all recent activity related to available properties. These bulletins are sent to real estate firms throughout the Cleveland area. Our property bulletin has proven to be a very effective marketing tool.

6. ADDITIONAL DIRECT MAIL ADVERTISING

Hanna Commercial will send out a direct mail piece and distributes it to appropriate business owners and end users in a specified geographic market

7. BROKERAGE COMMUNITY COOPERATION

It is necessary to have as many brokers as possible be informed of the availability of the property, but also invited to view the property firsthand. Any tours or showings are by appointment only, and occur only with the client's approval. These tours are prearranged by Hanna Commercial. With our proven approaches to broker marketing, the property has enhanced exposure to the marketplace. Additionally, we may schedule an "open house" for the property, inviting many brokers at once.

8. INTERNET-BASED LISTING SYSTEMS

Hanna Commercial immediately places all listings on a national and local internet-based listing website including LoopNet *Premium*, Xceligent, CoStar, CREXI, NEOHREX, Firelands MLS, Cleveland Plus, and TCN Worldwide Investment Website to further promote the sale or lease of the property. In addition, Hanna Commercial's full-featured website attracts significant traffic of buyers and tenants. Using the internet to list properties allows us to target an even larger part of the marketplace that may not be able to contact directly, but are able to use these websites from their homes or offices.

9. CUSTOM PROPERTY SIGNAGE

In order to alert prospects entering the immediate area, we will erect appropriate custom signage visible to traffic near the property as well as visible from major expressways if possible.

MARKETING SUMMARY

WE WILL SUCCESSFULLY COMPLETE THIS ASSIGNMENT THROUGH A COMBINATION OF THE FOLLOWING PROVEN

STRATEGIES:

- Phone Canvassing • Broker Mailings • TCN Worldwide
- Direct User Mailings • Property Bulletins • Internet Listing System
- Signage • Newspaper Advertising • "E-mail Blasts"
- Property Tours • Specifications Flyers • Social Media

OUR SEVEN-STEP SPECIFIC BUSINESS PLAN TO SELL OR LEASE YOUR PROPERTY:

Step 1: Immediately Target & notify potential Buyers or Tenants and prepare marketing materials

Step 2: Immediately Erect Signage

Step 3: E-Mail Blasts, internet listings & social media

Step 4: Boots-on-the-ground canvas & call blitz

Step 5: Postcards designed and mailed to targeted audience

Step 6: Once a month highly visible print advertisements

Step 7: Close