

AGENDA
City Commission Meeting
City Building, 222 Meigs Street
5:00 p.m.

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JUNE 26, 2006

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Prayer
Pledge of Allegiance
Meeting Called to Order
Roll Call - DM, BC, BF, DW, CS, DE, DK
Minutes – June 12th

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Charter Officers – Mike Will, Don Icsman, Ed Widman, B. Joyce Brown

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Audience Participation – Agenda Items Only (3 minute limit)

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PROCLAMATION – Sts. Peter & Paul Parish Day – June 29th

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PREVIOUS BUSINESS

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ITEM#1 – Communication submitted by Charlene Mockensturm, Community Development Director.
This item was read at first reading June 12th.

RESOLUTION NO. _____ Approving a Compromise Settlement for a Revolving Loan Fund made to the Sandusky State Theatre, Inc. **Request passed at second reading under suspension of rules in full accordance of Section 14 of the City Charter.**

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CURRENT BUSINESS

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ITEM#2 – Communication submitted by Charlene Mockensturm, Community Development Director.

ORDINANCE NO. _____ Amending Part One - Administrative Code, Title Seven – Boards and Commissions, by the addition of new Chapter 185 -Tax Incentive Review Council, as set forth hereinbelow. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#3 – Communication submitted by Kathryn K. McKillips, Director of Engineering Services.

RESOLUTION NO. _____ Declaring the Necessity to Proceed with the proposed Bayfront Paper District Shoreline Drive Improvement Project Phase 1; approving the specifications and engineer’s estimate of cost thereof; and directing the City Manager to advertise for and receive bids in relation thereto. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#4 – Communication submitted by Jane E. Cullen, Engineering Technician.

ORDINANCE NO. _____ Enter into a contract with Top Notch Excavating of Sandusky, Ohio, for the Putnam Street Storm Sewer Project. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#5

ORDINANCE NO. _____ Authorizing Prepayments of Special Assessments to be levied with respect to the Cold Creek Improvement Project. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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ITEM#6

ORDINANCE NO. _____ Amending Part Seven – Business Regulation Code, Chapter 747 – Taxicabs, in the manner and way specifically set forth hereinbelow. **Request passed under suspension of rules in full accordance of Section 14 of the City Charter.**

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City Manager’s Report
Old Business
New Business
Audience Participation – Open discussion on any item (5 minute limit)
Press Question/Answers
Executive Session
Adjournment

TO: City Commission

FROM: Charlene Mockensturm, Community Development Director

DATE: June 6, 2006

RE: Commission Agenda Item (Sandusky State Theatre)

ITEM FOR CONSIDERATION: A Resolution approving a lump sum settlement of fifty percent of the outstanding principal balance of the City's Revolving Loan Fund (RLF) loan to the State Theatre. The Sandusky/Erie County Community Foundation (Foundation) has requested that the City accept \$25,000 as full and complete settlement for a RLF loan with a current principal balance of \$50,000 (see attached letter) subject the below listed conditions.

BACKGROUND INFORMATION: In early 2005, the State Theatre applied for an RLF loan in the amount of \$50,000 to be used for equipment for the community center and to purchase inventory for the theatre's gift shop. The Revolving Loan Fund Committee recommended approval of an unsecured loan at 1% interest to be repaid over seven years and the City Commission approved those loan terms in February of 2005.

Today, Sandusky State Theatre, Inc. is out of business; the theatre is closed and the Foundation is paying to maintain the building while working on a plan to re-capitalize and reopen the theatre. As part of that plan, the Foundation must deal with the various creditors of Sandusky State Theatre, Inc. including the City of Sandusky.

The theater's largest creditor is the Ohio Cultural Facilities Commission (OCFC), an organization that provided approximately \$1,800,000 in funding for the construction of the theatre's community center and other renovations. It appears likely that the Foundation can restructure the theater's successfully assist Sandusky State Theatre, Inc. to meet its obligations to the OCFC subject to a number of conditions including one that states that all current creditors be dealt with and there be no other liens on the theatre building. To comply with this condition the City and other creditors are being asked to accept lump sum settlements from the Foundation.

The RLF Committee met to consider the Foundation's request on May 16, 2006. The Committee recommended acceptance of the proposed settlement subject to the following conditions:

1. A closing occurs under the Funding Agreement prior to September 1, 2006.
2. The Ohio Public Facilities Commission approves the continued operation of the theatre by Sandusky State Theatre, Inc.
3. The City being able to obtain one additional job certificate showing that the theatre met low-moderate income hiring goals as required under Community Development Block Grant (CDBG) rules.

4. The City will have the option to take back gift shop inventory for sale and application of the sale proceeds to the RLF loan should the Sandusky State Theatre, Inc. decide not to reopen the gift shop.

BUDGETARY INFORMATION: This action will not negatively impact the City operating budget. The funds for RLF loans come from CDBG monies, not the General Fund. If successful, the reopened theatre should generate substantial income and admissions taxes for the City.

STRATEGIC PLAN IMPACT: The State Theatre is a cornerstone of our Downtown development efforts. The reopening of the theatre will have an immediate positive financial impact on other Downtown businesses and will help our development efforts going forward.

SUPPORTING COMMENTS: When the Theatre decided to expand and create a Community Center the City was an enthusiastic supporter and the \$50,000 RLF loan was a small token of that support.

Today, the City Revolving Loan Fund is a small, unsecured creditor of the Theatre. If the Theatre were to file for bankruptcy there would be little or no possibility of any repayment. The Foundation has asked, subject to a closing occurring prior to September 1, 2006 under the February 15, 2006 asked Funding Agreement among Sandusky State Theatre, Inc., the Sandusky/Erie County Community Foundation and certain donors, that the City accept a \$25,000 lump sum as full settlement of the principal balance of this loan. In return, if there is a closing under the Funding Agreement prior to September 1, 2006, the Foundation will fund and oversee the reopening of the State Theatre and provide an endowment for its continued operations and financial health.

We ask that you support the Foundations efforts by approving this settlement subject to the conditions listed above.

ACTION REQUESTED: It is requested that the City Commission enact the attached legislation under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter. The Foundation must demonstrate that the Theatre's creditors have been dealt with as a condition of the restructuring agreement with the OCFC. The theatre will not reopen until and unless all conditions imposed by the OCFC have been dealt with.

I concur with this recommendation:

Michael J. Will, City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING A COMPROMISE SETTLEMENT FOR A REVOLVING LOAN FUND MADE TO THE SANDUSKY STATE THEATRE, INC.; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission previously approved a Revolving Loan to the Sandusky State Theatre, Inc., in the amount of \$50,000.00, consistent with the recommendation of the City's Revolving Loan Fund Committee by Ordinance No. 05-065, passed on February 14, 2005; and

WHEREAS, subsequently the Sandusky State Theatre, Inc., was closed and the Sandusky / Erie County Community Foundation is engaged in efforts to reopen the theatre under a certain February 15, 2006 Funding Agreement among the Sandusky / Erie County Community Foundation, Sandusky State Theatre, Inc. and certain donors and as part of that process the largest creditors of the Sandusky State Theatre, Inc., including the City, subject to a closing occurring under the Funding Agreement prior to September 1, 2006, are being asked to compromise and settle their claims to enable the theatre to meet its obligations to the Ohio Cultural Facilities Commission; and

WHEREAS, the City's Revolving Loan Fund Committee met on May 16, 2006, to consider the proposed compromise and settlement and is recommending acceptance of fifty percent (50%) of the original \$50,000.00 loan or \$25,000.00 subject to the following conditions:

1. A closing occurs under the Funding Agreement prior to September 1, 2006.
2. The Ohio Public Facilities Commission approves the continued operation of the theatre by Sandusky State Theatre, Inc.
3. The City being able to obtain one additional job certificate showing that the theatre met low-moderate income hiring goals as required under Community Development Block Grant (CDBG) rules.
4. The City will have the option to take back gift shop inventory for sale and application of the sale proceeds to the RLF loan should the Sandusky State Theatre, Inc. decide not to reopen the gift shop; 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 to immediately assist the Sandusky / Erie County Community Foundation in their efforts to comply with all of the conditions imposed by the Ohio Cultural Facilities Commission thereby facilitating their restructuring agreement; 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, 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 approves the compromise settlement of the Revolving Loan Fund made to the Sandusky State Theatre, Inc., authorized by

Ordinance No. 05-065, in the amount of \$25,000.00 subject to the following conditions:

1. A closing occurs under the Funding Agreement prior to September 1, 2006.
2. The Ohio Public Facilities Commission approves the continued operation of the theatre by Sandusky State Theatre, Inc.
3. The City being able to obtain one additional job certificate showing that the theatre met low-moderate income hiring goals as required under Community Development Block Grant (CDBG) rules.
4. The City will have the option to take back gift shop inventory for sale and application of the sale proceeds to the RLF loan should the Sandusky State Theatre, Inc. decide not to reopen the gift shop; and

Section 2. This City Commission authorizes and directs the City Manager, the Finance Director and other appropriate City Officials to execute necessary documents or instruments in carrying out such compromise settlement and do such other things as are necessary for and incidental to carrying out the terms of this Resolution.

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. That it is found and determined that all formal actions of the City Commission of the City of Sandusky concerning and relating to the adoption of this Resolution were taken in an open meeting of the City Commission of the City of Sandusky and that all deliberations of this City's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

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 from and after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.

PAGE 3 – RESOLUTION NO. _____

**DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION**

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

Passed:

TO: City Commission
FROM: Charlene Mockensturm, Community Development Director
DATE: June 16, 2006
RE: Commission Agenda Item – Tax Incentive Review Council

ITEM FOR CONSIDERATION: An ordinance amending Part One-Administrative Code, Title Seven Boards and Commission, by the addition of a new Chapter 185 – Tax Incentive Review Council.

BACKGROUND INFORMATION: The City of Sandusky became an entitlement community on July 1, 2004. This designation allowed Sandusky to receive Community Development Block Grant funds directly from the Department of Housing and Urban Development. Due to this designation, the City of Sandusky was also eligible to petition the Ohio Department of Development to be a Full Authority Distressed Based Enterprise Zone.

On December 27, 2005, the City Commission voted to establish a Full Authority Enterprise Zone (Ordinance 05-183) pursuant to the Ohio Revised Code Section 5709.62 and agreed to appoint the members of the Tax Incentive Review Council pursuant to the Ohio Revised Code Section 5709.85 (A)(1).

The Director of the Ohio Department of Development certified the proposed zone meets the necessary characteristics of the pertinent sections of the Ohio Revised Code and as such Sandusky was designated a Distressed Based Full Authority Enterprise Zone by letter dated April 19, 2006.

BUDGETARY IMPACT: There is no budgetary impact on the City's General Fund.

STRATEGIC PLAN IMPACT: Tax Abatements can be a key economic development tool to encourage new business development and to expand existing businesses in the City of Sandusky.

ACTION REQUESTED: It is requested that the City Commission enact legislation amending Part One-Administrative Code, Title Seven – Boards and Commissions, by the addition of a New Chapter 185 – Tax Incentive Review Council. It is also requested that the legislation be enacted under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to comply with State Law, O.R.C. Section 5709.85, which requires that within sixty (60) days of state certification the required representatives be appointed. This will allow for the timely establishment of the Tax Incentive Review Council.

I concur with this recommendation:

Michael J. Will, City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART ONE-ADMINISTRATIVE CODE, TITLE SEVEN – BOARDS AND COMMISSIONS, BY THE ADDITION OF NEW CHAPTER 185 – TAX INCENTIVE REVIEW COUNCIL, AS SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission by Ordinance No. 05-183 enacted on December 27, 2005, voted to establish a Full Authority Enterprise Zone pursuant to the Ohio Revised Code Section 5709.62 and agreed to appoint the members of the Tax Incentive Review Council pursuant to the Ohio Revised Code Section 5709.85 (A)(1); and

WHEREAS, this City Commission by Ordinance No. 05-183 enacted on December 27, 2005, agreed to appoint the required representatives to the Tax Incentive Review Council pursuant to O.R.C. Section 5709.85 within sixty (60) days after the State of Ohio Director of Development certifies the Enterprise Zone; and

WHEREAS, the Director of Development has certified the proposed zone meets the necessary characteristics of the pertinent sections of the Ohio Revised Code and as such is a distress based (full authority) enterprise zone by letter dated April 19, 2006, a copy of which is attached to this Ordinance, marked Exhibit “A” and incorporated herein; 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 comply with State Law, O.R.C. Section 5709.85, which requires that within sixty (60) days of state certification the required representatives shall be appointed; 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, 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. That Part One-Administrative Code, Title Seven-Boards and Commissions, be amended by the adoption of New Chapter 185 – Tax Incentive Review Council as follows:

**CHAPTER 185
TAX INCENTIVE REVIEW COUNCIL**

185.01 ESTABLISHMENT

CROSS REFERENCES

Taxation by Municipal Corporations – see Ohio Const., Art. XIII, Sec. 6

Tax levy law – see Ohio R.C. Ch. 5705

Taxable property; exemptions – see Ohio R.C. Ch. 5709

Assessing real estate – see Ohio R.C. Ch. 5713

Boards of revision; equalization of assessments – see Ohio R.C. Ch. 5715

185.01 ESTABLISHMENT.

Pursuant to Ohio R.C. 5709.85(A)(1), there is hereby established a Tax Incentive Review Council, whose members shall be appointed pursuant to Ohio R.C. 5709.85(A)(1) and whose duties shall include those prescribed in Ohio R.C. 5709.85.

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:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

To: Michael J. Will, City Manager
From: Kathryn K. McKillips, P.E.
Director of Engineering Services
Date: June 14, 2006
Subject: Commission Agenda Item

ITEM FOR CONSIDERATION: Proposed Bayfront Paper District Shoreline Drive Improvement Project Phase 1.

Phase 1 of the project includes the reconstruction of Shoreline Drive from east of Jackson Street to Decatur Street. The work involves the installation of new waterlines, concrete walkway and curb & gutter, lighting, landscaping, drainage and new asphalt driving surface as well as a parking area between Water Street and Shoreline Drive just west of Decatur Street. This work is intended to coincide with the completion of the first group of Chesapeake condos and the moving in of the new condo owners.

Phase 2 from Decatur Street to Lawrence Street and the block between Columbus Avenue and Jackson Street will take place after the bulk of the marina work is completed.

STRATEGIC PLAN INFORMATION: This item complies with the City's Strategic Plan Action Item A: Paper District Development. The roadway work is a key component in the public improvement portion of the first phase of the Paper District Project.

BUDGETARY INFORMATION: The estimated project cost for Phase 1 including miscellaneous costs is \$990,860.00. The project will be funded with \$74,160.00 from the Sewer Fund, \$125,042.00 from the Water Fund, \$258,844.00 from the General Fund and the remaining \$532,814.00 from CDBG funds. This estimate is significantly higher than anticipated due to the rising cost of materials and labor as a derivative of increased fuel costs. This drastic increase that has happened in the last 2 years was not foreseen during initial estimates.

ACTION REQUESTED: It is requested that the Bayfront Paper District Shoreline Drive Improvement Project Phase 1 be approved and that the necessary legislation be passed in full accordance with Section 14 of the City Charter in order for the project to proceed with bidding, and for the construction to take place prior to the moving in of the first tenants of the Chesapeake Condos.

Kathryn K. McKillips, P.E.

Director of Engineering Services

I concur with this recommendation:

Michael J. Will
City Manager

KKM/cal

cc: Joyce B. Brown, Clerk of the City Commission
Ed Widman, Finance Director

RESOLUTION NO. _____

A RESOLUTION DECLARING THE NECESSITY FOR THE CITY OF SANDUSKY, OHIO, TO PROCEED WITH THE PROPOSED BAYFRONT PAPER DISTRICT SHORELINE DRIVE IMPROVEMENT PROJECT PHASE 1; 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 project will reconstruct Shoreline Drive from east of Jackson Street to Decatur Street with the installation of new waterlines, concrete walkway and curb & gutter, lighting, landscaping, drainage and new asphalt driving surface as well as parking between Water Street and Shoreline Drive; and

WHEREAS, the passage of this Resolution will provide the legislative authority to allow the project to be bid in accordance with the procedure outlined by Section 729 of the Ohio Revised Code; and

WHEREAS, the estimated cost of the project including miscellaneous costs is \$990,860.00 which \$74,160.00 will be funded from the Sewer Fund, \$125,042.00 from the Water Fund, \$258,844.00 from the General Fund and the remaining \$532,814.00 from CDBG funds; and

WHEREAS, this legislation should be passed under suspension of the rules and as an emergency measure in accordance with Section 14 of the City Charter in order to obtain competitive bids as soon as possible for the construction to take place prior to the completion of the first group of Chesapeake condominiums; 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 Department of Engineering Services of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **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 Engineering Services of the City of Sandusky, Ohio, and submitted to the City Commission, and which are now on file with the Clerk of the said City Commission, and the office of the said Director of Engineering Services, for the proposed Bayfront Paper District Shoreline Drive Improvement Project Phase 1, be and the same hereby are approved by this City Commission.

Section 2. This City Commission hereby declares it necessary to proceed with said project at the earliest possible time.

Section 3. The City Manager of the City of Sandusky, Ohio, be and hereby is authorized and directed to advertise for and to receive bids in relation to said 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. That it is found and determined that all formal actions of the City Commission of the City of Sandusky concerning and relating to the adoption of this Resolution were taken in an open meeting of the City Commission of the City of Sandusky and that all deliberations of this City's Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

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 from and 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: _____
B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

TO: Michael J. Will, City Manager
FROM: Jane E. Cullen, Engineering Technician
DATE: June 14, 2006
SUBJECT: Commission Agenda Item

ITEM FOR CONSIDERATION: An Ordinance authorizing the City Manager to enter into a contract with Top Notch Excavating, LLC, Sandusky, Ohio, for the Putnam Street Storm Sewer Project. This project will provide for a new storm sewer to be installed in Putnam Street from Buchanan Street north to the railroad tracks. There will also be some additional storm sewer separation by picking up the drainage from existing catch basins that currently drain into the combined sewers.

Three (3) bids were received on June 8, 2006 from the following companies:

Top Notch Excavating	Sandusky, OH	Bid: \$159,475.12
Buckeye Excavating	Norwalk, OH	Bid: \$163,821.52
Haynes Construction	Norwalk, OH	Bid: \$173,840.00

STRATEGIC PLAN: This item complies with the City's Strategic Plan. The approval of this proposed change is in line with the General Goals of Development of Housing and Promotion of the City of Sandusky as a place to live through improved storm sewer drainage and separation.

BUDGETARY INFORMATION: The Total Project Cost including advertising and miscellaneous expenses is \$189,775.39. The Distress Grant Fund will provide \$115,000, a Community Development Block Grant will provide \$7,300 and the remaining amount of \$67,475.39 will be funded by the City's Sewer Fund.

ACTION REQUESTED: It is recommended that the Ordinance awarding contract to Top Notch Excavating, LLC, of Sandusky, Ohio for the Putnam Street Storm Sewer Project, in the amount of \$159,475.12 be approved. It is requested that the legislation be passed under suspension of the rules in accordance with Section 14 of the City Charter thereby allowing the contractor sufficient time to complete this project by the September 8th completion deadline.

Jane E. Cullen, Engineering Technician

I concur with this recommendation:

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

Michael J. Will
City Manager

JEC/cal
bidaward

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TOP NOTCH EXCAVATING, OF SANDUSKY, OHIO FOR THE PUTNAM STREET STORM SEWER 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 for the City to proceed with the Putnam Street Storm Sewer Project by the passage of Resolution No. 016-06R on March 27, 2006; and

WHEREAS, this project will provide for a new storm sewer installed in Putnam Street from Buchanan Street north to the railroad tracks and some additional storm sewer separation by picking up the drainage from existing catch basins that currently drain into the combined sewers; and

WHEREAS, upon public, competitive bidding as required by law, three (3) proper and appropriate bids were received, of which the bid of Top Notch Excavating, of Sandusky, Ohio, was determined to be the lowest and best bid; and

WHEREAS, the total cost of the project including advertising and miscellaneous is \$189,775.39 with \$115,000.00 provided by the Distress Grant Fund, \$7,300.00 from the Community Development Block Grant and the remaining \$67,475.39 from the City's Sewer Fund; and

WHEREAS, this legislation should be passed under suspension of the rules as an emergency measure in accordance with Section 14 of the City Charter in order to allow the contractor sufficient time to meet the scheduled project completion deadline of September 8, 2006; and

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

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

Section 1. That the City Manager is authorized and directed to enter into a contract with Top Notch Excavating, of Sandusky, Ohio for the Putnam Street Storm Sewer Project in an amount **not to exceed** One Hundred Fifty Nine Thousand Four Hundred Seventy Five and 12/100 Dollars (\$159,475.12) consistent with the bid submitted by Top Notch Excavating, of Sandusky, Ohio currently on file in the office of the Director of Engineering Services.

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall

not affect the validity of the remaining portions thereof.

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

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

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

ATTEST:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed:

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING PREPAYMENTS OF SPECIAL ASSESSMENTS TO BE LEVIED WITH RESPECT TO THE COLD CREEK IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, this City Commission on May 27, 2003 adopted Resolution No. 016-03R (the Resolution) declaring the necessity of opening as public streets and improving the same as set forth and described in that Resolution (the Cold Creek Improvement Project); and

WHEREAS, the City, in reliance upon the Petition, as defined and described in the Resolution, has undertaken and completed the construction of the Cold Creek Improvement Project and the Director of Engineering Services has certified to this City Commission that the cost of the Cold Creek Improvement Project to date, including issuance and financing costs of, and interest costs on, the notes of the City issued in 2003, 2004 and 2005, but not including issuance and financing costs of, and interest costs on, future renewal notes and bonds for the Cold Creek Improvement Project, is \$2,628,264.16 (the Present Cost); and

WHEREAS, the Petition requested that this Commission not pass the ordinance levying the special assessments for the Cold Creek Improvement Project until after January 1, 2008; and

WHEREAS, some owners of lots to be assessed as set forth in the Petition and the Resolution have expressed a desire to prepay all of the expected special assessment on their lots and thereby avoid additional issuance and financing costs paid by the City in connection with, and interest costs paid by the City on, future renewal notes and bonds being included as part of such expected special assessment on such lots; and

WHEREAS, the City by applying any such prepayments to reduce the principal amount of any future renewal notes and bonds to be issued for the Cold Creek Improvement Project can likewise reduce issuance, financing and interest costs with respect thereto; and

WHEREAS, this Commission therefore deems it to be fair, just and equitable to allow owners the option of prepaying in full all of the expected special assessment on their lots in the amounts and during the time periods set forth in this ordinance, accounting for and crediting any such prepayment as a full payment of any final special assessment thereon when levied, and utilizing any such prepayments to reduce the principal amount of any future renewal notes and bonds to be issued for the Cold Creek Improvement Project; and

WHEREAS, an emergency exists in that, for the immediate preservation of the public peace, property, health and safety, it is necessary that this ordinance be effective immediately so that such prepayments can be accepted and made available to pay a portion of the principal of notes issued by the City in anticipation of the levy of assessments and thereby improve the finances of, and protect the credit of, the City, and, by reason thereof, this ordinance shall take effect forthwith upon its passage, NOW, THEREFORE,

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

Section 1. For the reasons set forth in the preambles hereto, this Commission finds that it is fair, just and equitable to allow owners of lots which are to be assessed for the Cold Creek Improvement Project to prepay in full, at their option during the periods set forth in the next sentence, all (but not part) of the "expected special assessment" thereon. The "expected special assessment" on a particular lot shall be determined by multiplying the "Percent of Total Cost of the Improvement to be Assessed" applicable to such lot as set forth in the Petition as follows: (1) until October 1, 2006, by the Present Cost; (2) from November 1, 2006 to October 1, 2007, by the sum of the Present Cost and any issuance and financing costs paid or to be paid by the City in connection with, and interest costs paid or to be paid by the City on, the future renewal notes expected to be issued in October, 2006, with respect to the Cold Creek Improvement Project; (3) from November 1, 2007 until the date of passage of the ordinance

levying final assessments for the Cold Creek Improvement Project in 2008, by the sum of the Present Cost and any issuance and financing costs paid or to be paid by the City in connection with, and interest costs paid or to be paid by the City on, the future renewal notes expected to be issued in October, 2006, and October, 2007, with respect to the Cold Creek Improvement Project.

Section 2. Any prepayments as provided for in Section 1 shall be made by the owners of such lots to the Finance Director of this City; any such prepayments shall be non-refundable and the owners shall have no right to any interest thereon. The Finance Director shall keep a record of all such prepayments made with respect to any such lots and shall credit any such prepayments to an appropriate fund or account of this City. The aggregate amount of prepayments in any such fund or account received during any period set forth in Section 1 shall be appropriated and applied to reduce the principal amount (in integral multiples of \$1,000) of any future renewal notes or bonds issued subsequent to such receipt.

Section 3. The Director of Engineering Services, in preparing the list of final assessments for the Cold Creek Improvement Project in 2008, is directed to take into account and to credit, as contemplated in the preambles hereto, any such prepayment received with respect to any such lot and so that the final assessment for any such lot shall fairly, justly and equitably be shown, considered, treated and deemed as having been paid in full.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. For the reasons set forth in the last preamble hereto, this ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage and due authentication by the President and the Clerk of the City Commission.

DANIEL J. KAMAN
PRESIDENT OF THE CITY COMMISSION

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

Passed: June 26, 2006

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART SEVEN – BUSINESS REGULATION CODE, CHAPTER 747- TAXICABS, IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission requested that current Chapter 747 – Taxicabs be modified and updated in a manner that would be conducive to a concerted enforcement effort in response to citizen concerns regarding unlicensed and unsafe taxicabs and individuals operating taxicabs upon the City streets; and

WHEREAS, in furtherance of this objective numerous meetings have taken place involving members of the City Commission, City Staff, and the general public which have resulted in the following new Chapter 747 – Taxicabs and Chauffeured Limousines; 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 begin enforcement of the requirements contained in new Chapter 747 as soon as possible to protect the health and safety of the public; 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, 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. That Part Seven – Business Regulation Code, Chapter 747 – Taxicabs, is hereby amended by the repeal of current Chapter 747 and the enactment of new Chapter 747 – Taxicabs and Chauffeured Limousines as set forth hereinafter:

**NEW
CHAPTER 747
TAXICABS AND CHAUFFEURED LIMOUSINES**

747.01	Definitions.	747.11	Taxicab Driver's License Fee.
747.02	Application of Chapter; Exemptions.	747.12	Driver's License Photograph; License Display.
747.03	Chapter Compliance.	747.13	Requirements for Taxicab Driver's License.
747.04	Taxicab Business License.	747.14	Issuance of Taxicab Driver's License; Renewals.
747.05	Authority of the Chief of Police	747.15	Revocation or Suspension of Taxicab Driver's License.
747.06	Application for Taxicab Business License.	747.16	Notice of Denial, Revocation or Suspension and Hearing Request
747.07	Issuance of Taxicab Business License.	747.17	Posting Fares; Receipts.
747.08	Fees; Taxicab Business License Renewal; Transfer.	747.18	Unlawful Acts of Taxicab Operators or Drivers.
747.09	Revocation of Taxicab Business License.	747.19	Public Service Street Repair

747.10 Appeal.

Fund.
747.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66
Power to establish stands and fix rates - see Ohio R.C. 715.25
Vehicle license fees to be used for street repair - see Ohio R.C. 715.66
Violation of ordinances a misdemeanor - see Ohio R.C. 715.67
Chauffeur defined, chauffeur's license not required for taxicab driver - see Ohio R.C. 4501.01(y)
Chauffeured limousine defined - see Ohio R.C. 4501.01(LL)
Chauffeured limousines, issuance of certificates of registration and license plates or validation stickers - see Ohio R.C. 4503.19
Chauffeured limousine, registration, plates, livery sticker - see Ohio R.C. 4503.24
Bus defined - see Ohio R.C. 4501.01(l)
Commercial motor vehicle defined - see Ohio R.C. 4506.01
Commercial drivers license required - see Ohio R.C. 4506.03
Operation of taxicab by minor prohibited - see Ohio R.C. 4507.321
Chauffeured limousines, proof of financial responsibility - see Ohio R.C. 4509.80
Chauffeured limousines, cruising for patronage prohibited - see Ohio R.C. 4511.85
Private motor carrier does not include taxicabs - see Ohio R.C. 4923.02(A)(3)
Occupant restraining devices for taxicab - see Ohio R.C. 4513.263(B)(4)
Open container law - see Ohio R.C. 4301.62
Consuming beer or intoxicating liquor in a motor vehicle - see Ohio R.C. 4301.64

747.01 DEFINITIONS.

Unless otherwise expressly stated, when used in this chapter, the following terms shall be defined as follows:

- (a) "Chauffer" has the same meaning as contained in the Ohio Revised Code Section 4501.01(Y).
- (b) "Chauffeured Limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (O.R.C. Section 4501.01(LL)).
- (c) "Street" means and includes any public street, alley or public way within the corporate limits of the City.
- (d) "Taxicab" means and includes any motor vehicle engaged in the business of carrying passengers for hire or fare or offered for hire or fare to the public for transportation, the rate for which is computed primarily by distance traveled (metered) or a fixed rate (unmetered), and which follows no fixed or prescribed route or schedule.
- (e) "Taxicab Company" means every corporation, company, association, joint stock association, person, firm or copartnership their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any taxicab.
- (f) "Taxicab Driver" means any person who drives or operates a taxicab for hire or fare and who is in actual control of a taxicab on the streets of the City.
- (g) "Taxicab Operator" means and includes every corporation, company, person, firm or copartnership, their Lessee's, Trustees, Receivers or Trustees appointed by any court whatsoever, owning, controlling, operating, maintaining or managing one or more taxicabs within the City.

747.02 APPLICATION OF CHAPTER; EXEMPTIONS.

- (a) The provisions of this chapter shall not apply to taxicabs from other jurisdictions, and having no Sandusky City taxicab business license, bringing passengers into the City. This chapter shall apply to the solicitation or acceptance of passengers in the City of Sandusky, and no operator or driver of any taxicab shall solicit or accept any passengers within the City of Sandusky, hereinafter "the City," for any destination without first obtaining the necessary licenses required by this chapter.
- (b) The requirements of this chapter shall not apply to a licensed chauffeured limousine operated by a licensed chauffeur in compliance with all applicable legal requirements contained in the Ohio Revised Code.
- (c) The requirements of this chapter shall not apply to a commercial motor vehicle as defined in O.R.C. Section 4506.01(D) and a bus as defined in O.R.C. Section 4501.01(I) operated by a person with a valid commercial driver's license in compliance with all applicable legal requirements contained in the Ohio Revised Code.

747.03 CHAPTER COMPLIANCE.

No taxicab operator or taxicab company, their lessees, trustees, receivers or trustees appointed by any court whatsoever, and no taxicab driver shall operate any taxicab for the transportation of persons for hire on any street within the corporate limits of the City of Sandusky except in compliance with the provisions of this chapter.

747.04 TAXICAB BUSINESS LICENSE.

No taxicab company, taxicab operator or taxicab driver shall operate any taxicab for the transportation of persons over any of the streets of the City of Sandusky without first obtaining a taxicab business license as provided in this chapter and such taxicab business license is displayed in the taxicab.

Taxicab operators and taxicab companies operating without such a taxicab business license but which are licensed by other municipalities may bring passengers into the City but shall not solicit or accept any passengers within the City for any destination without obtaining the necessary licenses required by this chapter.

747.05 AUTHORITY OF THE CHIEF OF POLICE.

Subject to the approval of the City Commission, the Chief of Police or designee, is vested with the power and authority:

- (a) To supervise and regulate the operation of all taxicabs within the City of Sandusky;
- (b) To prescribe rules and regulations and to issue orders in conformity with the provisions of this chapter applicable to any and all such taxicab companies, operators and drivers.

747.06 APPLICATION FOR TAXICAB BUSINESS LICENSE.

Each application for a taxicab business license shall be filed with the Chief of Police on such forms as the Chief or designee shall prescribe.

Each application shall contain the following:

- (a) The name and address of the applicant and if the applicant is other than an individual the nature of the organization whether incorporated, a partnership, a limited liability company or otherwise;
- (b) The name under which the applicant will conduct business;
- (c) The nature and character of the business to be transacted;
- (d) For each taxicab that is to be used the type, make, model, year and VIN number, owner and seating capacity;
- (e) Proof of a policy of liability insurance for each taxicab. Such policy shall be acceptable to and approved by the Chief of Police or designee and shall be written by an insurance company authorized to carry on business in the State of Ohio. The policy shall indemnify such taxicab operator in the sum of at least one

hundred thousand dollars (\$100,000) for injury to one person, three hundred thousand dollars (\$300,000) for injury to more than one person, and fifty thousand dollars (\$50,000) property damage in any one accident resulting from the operation of the taxicab of such operator. The policy shall further contain a clause obligating the insurer to give ten days written notice to the Chief of Police or designee before cancellation or expiration of the policy. The taxicab business license shall expire upon the lapse or termination of the policy of insurance. Such policy of insurance shall also contain a provision for the continuing liability thereunder for the full amount, notwithstanding any recovery thereon. If at any time, in the judgment of the Chief of Police or designee, such policy of insurance is not sufficient for any cause, the Chief of Police or designee may require the operator of such taxicab to replace the policy of insurance with another approved by the Police Chief or designee;

- (f) Proof that each taxicab has passed an annual inspection conducted by the Ohio State Highway Patrol. This inspection shall be arranged by the taxicab company or operator and obtained at applicant's expense. Each taxicab shall display a valid and unexpired safety inspection sticker verifying inspection by the Ohio State Highway Patrol.

747.07 ISSUANCE OF TAXICAB BUSINESS LICENSE.

- (a) If the Chief of Police or designee finds that the applicant is the owner of each taxicab, and each taxicab is a safe and fit conveyance and complies with all of the requirements of this chapter he/she shall issue a taxicab business license to the applicant upon payment of the proper fee.
- (b) If the Chief of Police or designee finds that the applicant does not meet the requirements of this chapter he/she shall notify the applicant and state the reason(s) for denial.

747.08 TAXICAB BUSINESS LICENSE RENEWAL; TRANSFER.

At the time of the issuance of the taxicab business license, and annually thereafter on or before December 31, every taxicab company and taxicab operator in the City shall pay to the Chief of Police a fee of one hundred dollars (\$100.00).

No taxicab business license shall be sold, assigned, mortgaged or otherwise transferred.

747.09 REVOCATION OF TAXICAB BUSINESS LICENSE.

The Chief of Police or designee may revoke the taxicab business license of any taxicab company or taxicab operator for any false statement contained in the application provided in Section 747.06 of this chapter or the violation of any other provision of this chapter.

747.10 APPEAL.

Whenever the Chief of Police or designee has refused to issue or renew a taxicab business license or shall have revoked such a license the applicant may appeal to the City Manager by filing with the City Manager a written notice of appeal within ten (10) business days after the date the decision is mailed to or otherwise served upon the applicant.

747.11 TAXICAB DRIVER'S LICENSE; FEE.

No person shall drive or operate a taxicab without first having obtained a taxicab driver's license from the Chief of Police or designee. Each taxicab driver shall pay a license fee of twenty-five dollars (\$25.00) for each year to the Chief of Police or designee. All taxicab driver's licenses shall expire on December 31 of each year.

747.12 DRIVER'S LICENSE PHOTOGRAPH; LICENSE DISPLAY.

The application for a driver's license shall be made in writing by the applicant upon blank forms to be furnished by the Chief of Police or designee. The application shall be accompanied by two unmounted, unretouched photographs of the applicant taken within 100 days of the date of the application and which shall not be less than two by three inches in size and suitable for attachment to such license. If the license is issued to the applicant, one photograph shall be securely attached to the license issued to such person and the other shall be filed with the application in the office of the Chief of Police. Each licensed driver shall display at all times the license and photograph in his taxicab so that any passenger occupying the taxicab may inspect it. Upon demand of any police officer, the licensed driver shall exhibit the license to him/her. When the application for a license is denied, one copy of the photograph shall be returned to the applicant and the other kept in the files of the office of the Chief of Police.

747.13 REQUIREMENTS FOR TAXICAB DRIVER'S LICENSE.

No person shall be issued a taxicab driver's license unless such person:

- (a) Is eighteen years of age or older;
- (b) Possesses a valid operator's license issued by the State of Ohio or any other State;
- (c) Has never been convicted of a crime involving the use, sale, possession, or transportation of illegal drugs;
- (d) Has never been convicted of an offense under Ohio R.C. 4511.19(A)(1), (A)(2), (A)(3) or (A)(4), or a substantially similar municipal OMVI ordinance or a substantially similar law or ordinance within any territory of the United States, within the two years prior to the date of the application.
- (e) Fills out a blank form to be provided by the Chief of Police, giving the applicant's full name, current residence, previous residences for the five years prior to the date of the application, age, race, height, eye and hair color, place of birth, places of previous employment, and whether the applicant has ever been convicted of a felony, and if so, the date of each conviction, the name of the court in which convicted, and the case number of each conviction. The applicant shall also request from the State of Ohio, on a form to be provided by the Chief of Police, a Computer Criminal History (CCH). CCHs are required no more than twenty-four months apart. The applicant understands that the failure to provide the CCH will result in the non-issuance of a taxicab driver's license. Any costs associated with the request shall be paid by the applicant. The applicant shall also state whether he has previously been licensed as a taxicab driver anywhere, and if so, the current status of the license and whether the license was revoked and for what cause.
- (f) At the time the application is filed the applicant shall pay a fee of twenty-five dollars (\$25.00) in addition to the cost of the C.C.H.

The foregoing statement shall be signed and sworn to by the applicant and filed as a permanent record in the office of the Chief of Police. Any false statements or misrepresentations made by the applicant for the purpose of securing a license shall forthwith, upon its discovery, work as a revocation of the license.

747.14 ISSUANCE OF TAXICAB DRIVER'S LICENSE; RENEWALS.

- (a) Upon satisfactory fulfillment of the foregoing requirements and a consideration of the application and reports required in Section 747.13 the Chief of Police or designee shall approve or reject the application.
- (b) Upon approval of the application for a taxicab driver's license, the Chief of Police or designee shall issue a license to the applicant which shall bear the name, address, a signature and photograph of the applicant.
- (c) Such taxicab driver's license shall be in effect for the remainder of the calendar year. All taxicab driver's licenses shall expire annually on December 31 unless sooner revoked.
- (d) All applications for renewal of taxicab driver's licenses shall be filed with the Chief of Police or designee by December 1 of each year and renewal licenses shall be issued in the same manner and upon the same conditions as prescribed for initial

taxicab driver's licenses.

747.15 REVOCATION OR SUSPENSION OF TAXICAB DRIVER'S LICENSE.

Any taxicab driver's license may be suspended or revoked at any time by the Chief of Police or designee for the violation of any of the terms of this chapter or any other ordinance of the City, or any law of the State of Ohio or of the United States. Any such suspension or revocation shall be noted on the license, together with a statement of the reason therefore. No driver whose license has been revoked shall again be licensed and nothing contained herein shall be construed to require a taxicab driver's license fee to be refunded.

747.16 NOTICE OF DENIAL, REVOCATION OR SUSPENSION AND HEARING REQUEST.

If a license is denied, revoked or suspended, or a renewal is refused, the Chief of Police or designee shall cause written notification of such denial, revocation or suspension, or refusal to renew, to be given to the applicant by certified mail at the address stated in the application, and such written notification shall include the basis for such denial, revocation, suspension, or refusal. An applicant receiving such notification may request a hearing, in writing, before the Chief of Police or designee. A hearing requested under this section shall be held within seven (7) business days of receiving the request.

747.17 POSTING FARES; RECEIPTS.

The rates of fare charged by the operator or driver of any taxicab shall be posted in a conspicuous place in the taxicab, printed in a type not smaller than one-half inch and no operator or driver of any taxicab shall charge a fare or rate in excess of those so displayed. The owner, driver or person in charge or control of a taxicab shall deliver to the person paying for the hire of such taxicab, if demanded by such person at the time of payment of such fare, a receipt therefore, which shall show the amount of fare paid, the point where such person was accepted as a passenger and where discharged, the number of passengers and the name of the company operating the taxicab.

747.18 UNLAWFUL ACTS OF TAXICAB OPERATORS OR DRIVERS.

No operator or driver of a taxicab shall:

- (a) Drive a taxicab while under the influence of alcohol or any drug of abuse or ingest any alcohol or any drug of abuse whatsoever while transporting passengers;
- (b) Allow any taxicab to be used for immoral purposes;
- (c) Fail, neglect or refuse to turn in to the Chief of Police, within twenty-four hours, all the lost articles found in the taxicab;
- (d) Drive or operate a taxicab upon any street of the City, unless the owner thereof is operating pursuant to a taxicab business license;
- (e) Use any portion of the streets as a taxicab stand or permit a taxicab in his charge to stand upon any portion of the streets, except for such times as are necessary to load or unload passengers;
- (f) Fail to notify the Chief of Police within twelve hours after an accident, giving the time and location of the accident, the name of any person injured, the condition of the injured, the character of the injury as far as known and, in case of property damage, a description of the property and the estimated amount of such damage;
- (g) Travel up and down the City streets seeking customers, commonly called "cruising";
- (h) Receive and discharge passengers at any place other than the curb in any section of the City;
- (i) Permit passengers to enter or leave, except at the side thereof nearest the curb;
- (j) Exceed the seating capacity of the car as shown by the application filed with the Chief of Police.

747.19 PUBLIC SERVICE STREET REPAIR FUND.

All moneys and receipts which are derived from the enforcement of this chapter shall be credited and paid into a separate fund, which fund shall be known as the Public Service Street Repair Fund. All moneys and receipts credited to such Fund shall be used for the sole purpose of repairing streets, avenues, alleys, and lanes within the City of Sandusky, Ohio.

747.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is guilty of a minor misdemeanor for a first offense and shall be fined not more than one hundred dollars (\$100.00). For a second or subsequent offense within one year, such person is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both.

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:

B. JOYCE BROWN
CLERK OF THE CITY COMMISSION

Passed: