

6:30pm Public Hearing

6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda

Monday, January 7, 2019

COUNCIL CHAMBERS

29 MACK AVENUE

Shelby, Ohio

7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from December 3, 2018

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Safety Committee—Derrin Roberts

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

**MOTION TO CONFIRM THE APPOINTMENT OF BETH ANN CONRAD TO THE
COMMUNITY IMPROVEMENT CORPORATION**

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

AMENDED ORDINANCE NO 31-2018 ENACTING CHAPTER 625 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

3RD READING

Moved 2ND
Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

PASSAGE OF ORDINANCE

Moved 2ND
Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

AMENDED ORDINANCE NO 32-2018 ENACTING SECTION 1296.17 OF THE ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

2ND READING

Moved 2ND
Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

ORDINANCE NO 35-2018 AMENDING SECTION 1028.01 (PETITION REQUIRED; FILING FEE) OF CHAPTER 1028 (VACATION OF STREETS AND ALLEYS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

2ND READING

Moved 2ND
Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

RESOLUTION NO 1-2019

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2019 MOSQUITO CONTROL GRANT FOR THE CONTROL OF MOSQUITOES AND DECLARING AN EMERGENCY

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

RESOLUTION NO 2-2019

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE NORTH BROADWAY STORM SEWER PROJECT

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

RESOLUTION NO 3-2019

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF THIRTY-THREE THOUSAND NINE HUNDRED FIFTY-TWO AND 04/100 DOLLARS (\$33,952.04) AS AN INCREASE

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

Miscellaneous Business

Adjournment at p.m.

Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates Mr. Martin

1st Reading
10/15/2018
2nd Reading
11/5/2018
Referred to
Planning Comm
11/19/2018

ORDINANCE NO. 26-2018
(Sponsor: Councilmember Gates)

CORRECTING AN ERROR ON THE SHELBY ZONING DISTRICTS MAP.

WHEREAS, the official Zoning Districts Map of the City of Shelby contains an error in that it places the property at 100 North Gamble Street in the R-2 Residential District; however, said property has been used for commercial purposes since circa 1960; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said error be corrected.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the official Zoning Districts Map of the City of Shelby be corrected to place the property located at 100 North Gamble Street (Richland County Parcel Numbers: 046-08-104-13-000 and 046-08-104-12-000) in the B-3 Highway Service Business District.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

11/19/2018
2nd Reading
12/3/2018

AMENDED ORDINANCE NO. 31-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, Gates and Roberts)

ENACTING CHAPTER 625 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

WHEREAS, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

WHEREAS, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

WHEREAS, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

WHEREAS, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

WHEREAS, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Chapter 625 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

"625.01 DEFINITIONS.

- (a) "Academic medical center" has the same meaning as in section 4731.297 of the Ohio Revised Code.
- (b) "Marijuana" has the same meaning as defined in section 3719.01 of the Ohio Revised Code.
- (c) Medical marijuana has the same meaning as found in 3796.01 of the Ohio Revised Code.
- (d) "State university" has the same means as in section 3345.011 of the Ohio Revised Code.
- (e) Manufacture has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (f) Cultivate has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (g) Dispense has the same meaning as found in 2925.01 of the Ohio Revised Code.

625.02 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.

(a) The cultivation, manufacture, or retail dispensing of medical marijuana within the City of Shelby is prohibited.

(b) This section does not prohibit research related to marijuana at a state university, academic medical center, or private research and development organizations as part of a research protocol as approved by an institutional review board or equivalent entity, if otherwise permitted by State law or rule, or local ordinance.

(c) Whoever violates section (a) is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense.”

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

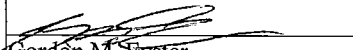
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

12/3/2018

AMENDED ORDINANCE NO. 32-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, Gates and Roberts)

**ENACTING SECTION 1296.17 OF THE ORDINANCES OF THE CITY OF SHELBY
(PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND
RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)**

WHEREAS, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

WHEREAS, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

WHEREAS, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

WHEREAS, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

WHEREAS, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Section 1296.17 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

“ 1296.17 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA IS PROHIBITED IN ALL ZONING DISTRICTS.

- (a) The cultivation, manufacture, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts of the City of Shelby.
- (b) Use of property in violation of this section shall constitute a nuisance.
- (c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any award, judgment, or fine in contempt levied in relation to a violation of this Section.”
- (d) Cultivate, manufacture, and dispense have the same meaning as found in 2925.01 of the Ohio Revised Code.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 1 -2019
(Sponsor – Councilmembers Gates, Martin and Roub)

AMENDING SECTIONS 258.01 (SALARIES OF MEMBERS OF COUNCIL), 258.02 (SALARY OF THE MAYOR), 258.03 (SALARY OF THE DIRECTOR OF LAW), AND 258.04 (SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, currently, Chapter 258 (Elected Officials' Salaries) contains no provision for compensation for elected officials whose terms begin in 2020; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 258 be amended so as to provide compensation for elected officials whose terms begin in 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 SALARIES OF MEMBERS OF COUNCIL.

- (a) Effective January 1, 2018, through January 6, 2020, the salary for each member of City Council shall be \$7,415 annually, to be paid biweekly.
- (b) Effective January 6, 2020, through January 3, 2022, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.

258.02 SALARY OF THE MAYOR.

- (a) Effective January 1, 2019, through December 31, 2019, the salary for the Mayor shall be \$59,624 annually, to be paid biweekly.
- (b) Effective January 1, 2020, through December 31, 2020, the salary for the Mayor shall be \$67,169 annually, to be paid biweekly.
- (c) Effective January 1, 2021, through December 31, 2021, the salary for the Mayor shall be \$68,512 annually, to be paid biweekly.
- (d) Effective January 1, 2022, through December 31, 2022, the salary for the Mayor shall be \$69,882 annually, to be paid biweekly.
- (e) Effective January 1, 2023, through December 31, 2023, the salary for the Mayor shall be \$70,581 annually, to be paid biweekly.

258.03 SALARY OF THE DIRECTOR OF LAW.

- (a) Effective January 1, 2019, through December 31, 2019, the salary for the Director of Law shall be \$46,462 annually, to be paid biweekly.
- (b) Effective January 1, 2020, through December 31, 2020, the salary for the Director of Law shall be \$47,856 annually, to be paid biweekly.
- (c) Effective January 1, 2021, through December 31, 2021, the salary for the Director of Law shall be \$48,813 annually, to be paid biweekly.
- (d) Effective January 1, 2022, through December 31, 2022, the salary for the Director of Law shall be \$49,789 annually, to be paid biweekly.
- (e) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Law shall be \$50,287 annually, to be paid biweekly.

258.04 SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD.

- (a) Effective January 1, 2019, through December 31, 2019, the salary for the Director of Finance and Public Record shall be \$56,707 annually, to be paid biweekly.
- (b) Effective January 1, 2020, through December 31, 2020, the salary for the Director of Finance and Public Record shall be \$58,408 annually, to be paid biweekly.
- (c) Effective January 1, 2021, through December 31, 2021, the salary for the Director of Finance and Public Record shall be \$59,576 annually, to be paid biweekly.

(d) Effective January 1, 2022, through December 31, 2022, the salary for the Director of Finance and Public Record shall be \$60,768 annually, to be paid biweekly.

(e) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Finance and Public Record shall be \$61,376 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 2 -2019
(Sponsor – Councilmembers Martin and Gates)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2492, AND DECLARING AN EMERGENCY.

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Association of Firefighters, Local 2492, as the bargaining representatives for certain employees of the Fire Department; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement(s).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor is hereby authorized and directed to enter into agreement(s) with the International Association of Firefighters, Local 2492 on behalf of certain employees of the Fire Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as though fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

Section 4: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 3-2019

(Sponsor: Councilmember Gates)

AUTHORIZING THE DIRECTOR OF FINANCE TO CONTINUE DISBURSING WAGES IN ACCORDANCE WITH THE EXISTING LABOR AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2492 AND THE CITY OF SHELBY AND DECLARING AN EMERGENCY.

WHEREAS, the existing labor agreement between the International Association of Firefighters Local 2492 and the City of Shelby, Ohio, expires at the end of the calendar year 2018.

WHEREAS, it is necessary for the Director of Finance to have continuing authority to pay wages in accordance with the existing agreement from its expiration date until a new agreement is in place.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, A TWO -THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Director of Finance shall be and is hereby authorized to continue disbursing wages in accordance with the existing labor agreement between the International Association of Firefighters Local 2492 and the City of Shelby.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the citizens of the City of Shelby, Ohio, and therefore, this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

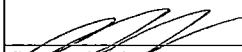
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 1-2019
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2019 MOSQUITO CONTROL GRANT FOR THE CONTROL OF MOSQUITOES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for the controlling of mosquitoes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program for controlling of mosquitoes; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety of City of Shelby apply for a Mosquito Control Grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the City of Shelby Council approves an application for financial assistance for the controlling of mosquitoes.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 5: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 2 -2019
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE NORTH BROADWAY STORM SEWER PROJECT.

WHEREAS, it has become necessary to install storm sewer lines on the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to acquire rights of easement for the installation of a storm sewer line.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is hereby authorized to acquire rights of easement for the installation of a storm sewer line for the North Broadway Storm Sewer Project as prepared by Nathan Sautter, Ohio Registered Surveyor No. 8252 on December 5, 2018.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution is hereby deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 3 -2019
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF THIRTY-THREE THOUSAND NINE HUNDRED FIFTY-TWO AND 04/100 DOLLARS (\$33,952.04) AS AN INCREASE.

WHEREAS, the City of Shelby has entered into a contract with North Bay Construction, Inc. for the Waste Water Treatment Plant Improvement Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #26; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that this change order be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into Contract Change Order with North Bay Construction, Inc. for the total amount of Thirty-Three Thousand Nine Hundred Fifty-Two and 04/100 Dollars (\$33,952.04) as an increase.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law