

3:30pm Finance & Personnel Committee

**Shelby City Council Agenda
Monday, July 20, 2015
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.**

Call to Order and Pledge of Allegiance

Roll Call:

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from July 6, 2015

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Pat Carlisle

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF STEVEN T. LIFER AS DIRECTOR OF FINANCE

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Jeff Fenner—Asst. Director of Finance

Gordon M. Eyster—Law Director

Page 2
City Council
Monday, July 20, 2015

Joe Gies—Project Coordinator

New Business

Unfinished Business

Live streaming of council meetings
CSX/Broadway storm sewer
Sutter Roush Mausoleum
Appointment of a new finance director

Legislation

ORDINANCE NO 16-2015

**PROPOSING AN AMENDMENT TO SECTION 52 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

3RD READING

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

AMENDED ORDINANCE NO 23-2015

**AMENDING SUBSTITUTE ORDINANCE
NUMBER 3-2013 (ESTABLISHING WAGES
FOR DEPARTMENT HEADS AND OTHER
NON-CERTIFIED EMPLOYEES).**

2ND READING

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

ORDINANCE NO 24-2015

**AMENDING SECTION 236.04 (CONTRACTS, MATERIALS
AND LABOR) OF CHAPTER 236 (DIRECTOR OF PUBLIC
SAFETY) OF THE CODIFIED ORDINANCES OF THE CITY
OF SHELBY**

2ND READING

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

ORDINANCE NO 25-2015

**AMENDING SECTION 242.01 (CONTRACTS, MATERIALS
AND LABOR) OF CHAPTER 242 (DIRECTOR OF PUBLIC
SERVICE) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY**

2ND READING

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

ORDINANCE NO 26-2015

**VACATING AN ALLEY RUNNING PERPENDICULAR
FROM SECOND STREET BETWEEN LOTS 520 AND 521 IN
THE CITY OF SHELBY, OHIO**

1ST READING

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

ORDINANCE NO 27-2015

**ACCEPTING AND CONFIRMING FOR DEDICATION TO
THE PUBLIC USE THE UTILITIES, STREET AND/OR
ROADWAYS OF BLACK FORK COMMONS AND
DECLARING AN EMERGENCY**

Motion that the rules requiring that an ordinance be read on three separate occasions be suspended

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

RESOLUTION NO. 31-2015 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO EXECUTE A FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION, INC., FOR A STORM SEWER PROJECT LOCATED ON BROADWAY STREET AND DECLARING AN EMERGENCY

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

RESOLUTION NO. 32-2015 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR A STORM SEWER PROJECT LOCATED ON BROADWAY STREET AND DECLARING AN EMERGENCY

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

RESOLUTION NO 33-2015 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE INSTALLATION OF A STORM SEWER LINE AND TO DO SO WITHOUT FORMAL BIDDING NOR ADVERTISING BASED UPON A REAL AND PRESENT EMERGENCY.

Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

st Reading
6/1/2015

2nd
6/15/15

postponed
to next mtg

ORDINANCE NO. 16 - 2015
(Sponsor: Councilmember Gates)

PROPOSING AN AMENDMENT TO SECTION 52 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922; and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City; and

WHEREAS, Chapter 52 establishing the Mayor's ability to form a Civil Service Commission; and

WHEREAS, The ability to make "lateral transfers" gives the City of Shelby greater flexibility in making original appointments to the positions of police officer and firefighter; and

WHEREAS, In order to make lateral transfers, it is necessary to amend the Charter of the City of Shelby; and

WHEREAS, It is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that an amendment to Charter Section 52 be submitted to the electorate.

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

Section 1: That there be submitted to the electors of the City at the election to be held on Tuesday, November 3, 2015, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 52 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

SECTION 52. (A) There ~~may~~ SHALL be a Civil Service Commission, with the powers and duties conferred or imposed by the law upon municipal civil service commissions, and the Mayor with the advice and consent of the Council ~~may~~ SHALL form a Civil Service Commission. MEMBERS OF THE CIVIL SERVICE COMMISSION IN OFFICE AT THE TIME OF THE ADOPTION OF THIS SECTION SHALL CONTINUE IN OFFICE UNTIL THE EXPIRATION OF THEIR TERMS.

(B) IN THE CASE OF APPOINTMENT OF ANY PERSON TO THE ENTRY-LEVEL POSITION OF POLICE OFFICER, THE DIRECTOR OF PUBLIC SAFETY MAY APPOINT PERSONS WHO HAVE OBTAINED AND MAINTAINED BASIC OHIO PEACE OFFICER CERTIFICATION (OR EQUIVALENT) AND WHO ARE EMPLOYED BY ANOTHER JURISDICTION AS A POLICE OFFICER, DEPUTY SHERIFF, OR STATE HIGHWAY PATROL OFFICER TO SUCH POSITION WITHOUT FIRST ADMINISTERING A COMPETITIVE EXAMINATION. IN THE CASE OF APPOINTMENT OF ANY PERSON TO THE ENTRY-LEVEL POSITION OF FIREFIGHTER, THE DIRECTOR OF PUBLIC SAFETY MAY APPOINT PERSONS WHO HAVE OBTAINED AND MAINTAINED OHIO PROFESSIONAL FIREFIGHTER CERTIFICATION AND OHIO PARAMEDIC CERTIFICATION (OR EQUIVALENT) AND WHO ARE EMPLOYED BY ANOTHER JURISDICTION AS A FIREFIGHTER TO SUCH POSITION WITHOUT FIRST ADMINISTERING A COMPETITIVE EXAMINATION. IN LIEU OF A COMPETITIVE EXAMINATION, THE DIRECTOR OF PUBLIC SAFETY MAY ASSESS THE MERIT AND FITNESS OF ANY SUCH APPLICANT SO QUALIFIED BY REVIEW OF HIS OR HER RECORD WHILE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR FIREFIGHTER. THE SELECTION PROCEDURES AND SELECTION CRITERIA APPLICABLE TO SUCH PERSONS APPOINTED WITHOUT

Section 2: That the ballots on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

A Majority Affirmative Vote is Necessary for Passage

SHALL SECTION 52 OF THE SHELBY CHARTER BE AMENDED? YES
NO

Section 8: 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.

Steven D. McLaughlin
Vice President of Council

Jeff D. Fenner
Director of Finance

Steven L. Schag
Mayor

Gordon M. Eyster
Director of Law

7/6/2015

AMENDED ORDINANCE NO. 23-2015
(Sponsor -- Councilmembers Carlisle and Martin)

AMENDING SUBSTITUTE ORDINANCE NUMBER 3-2013 (ESTABLISHING
WAGES FOR DEPARTMENT HEADS AND OTHER NON-CERTIFIED
EMPLOYEES).

WHEREAS, on February 4, 2013, Substitute Ordinance Number 3-2013 was passed in order to establish wages for department heads and other non certified employees; 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 Substitute Ordinance Number 3-2013 be amended so as to adjust the annual salary ranges and hourly wage ranges set forth therein for department heads, superintendents, and other non-certified employees.

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

Section 1: That the salary and wage ranges currently in effect for the positions as set forth herein below are to be amended and shall heretofore be as follows:

DEPARTMENT HEADS AND SUPERINTENDENTS
HOURLY WAGE RANGE

Chief of Police	\$25.00 - \$38.50
Fire Chief	\$25.00- \$38.50
Superintendent of Electrical Distribution	\$25.00 - \$38.50
Superintendent of Municipal Light Plant	\$25.00 - \$38.50
Superintendent of Service Department	\$25.00 - \$38.50
Superintendent of Water Plant and Distribution	\$25.00 - \$38.50
Superintendent of Waste Water Treatment Plant and Sewers	\$25.00 - \$38.50

DEPARTMENT HEADS ANNUAL SALARY RANGE

Health Commissioner	\$10,000.00 - \$72,000.00
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NON-CERTIFIED EMPLOYEE ANNUAL SALARY RANGE

Medical Director	\$5,000.00- \$25,000.00
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OTHER NON-CERTIFIED EMPLOYEES
HOURLY WAGE RANGE

Deputy Director of Finance	\$17.00 - \$28.50
Clerk of Courts	\$17.00 - \$28.50
City Project Coordinator	\$17.00 - \$30.50

Community and Economic Development Coordinator	\$15.00 - \$33.50
Utility Office Supervisor	\$17.00 - \$28.50
Deputy Director of Public Service And Utilities	\$25.00 - \$40.00
Assistant to Deputy Director of Public Service and Utilities	\$17.00 - \$27.00
Environmental Health Director/Sanitarian	\$17.00 - \$28.50
Nurse	\$13.00 - \$28.50
Probation Officer	\$13.00 - \$19.00
Secretary to the Mayor & Director of Finance	\$13.00 - \$22.00
Administrative Assistant Finance	\$13.00 - \$22.00
Administrative Assistant Health	\$13.00 - \$22.00
Income Tax Clerk	\$13.00 - \$25.00
Secretary to the Law Director (part-time)	\$13.00 - \$23.00

Section 2: That the Finance Director shall report W-2 wages to City Council at the second meeting in February.

Section 3: That wages and salaries shall not exceed the tops of these ranges.

Section 4: That wages and salaries shall not increase by more than four percent (4%) per year, except by a vote of two-thirds (2/3) majority of members of Council.

Section 5: 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 6: 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: _____

Jeff D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ST KERRA
7/6/2015

ORDINANCE NO. 24 -2015
(Sponsors—Councilmembers Carlisle and Martin)

AMENDING SECTION 236.04 (CONTRACTS, MATERIALS AND LABOR) OF
CHAPTER 236 (DIRECTOR OF PUBLIC SAFETY) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, situations have occurred recently that slowed the process for purchases or contracts for materials and/or labor at costs over \$25,000 but under \$50,000; 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 Section 236.04 of said chapter be amended to allow for situations that were not considered at the time of amendment in 2005.

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

Section 1: That Section 235.04 of the Codified Ordinances of the City of Shelby be amended to read as follows:

236.04 CONTRACTS, MATERIALS, AND LABOR

The Mayor, as ex officio Director of Public Safety, may make all contracts and expenditures of money under \$25,000 for acquiring lands for the erection or repairing of station houses, police stations, fire department buildings, fire cisterns and plugs, that are required for the purchase of engines, apparatus and all other supplies necessary for the police and fire departments, and for other undertakings and departments under the Director's supervision. No obligation involving an expenditure of more than \$25,000 but less than \$50,000 shall be created unless first authorized and directed by ordinance or resolution of the city legislative authority. In making, altering or modifying contracts over \$50,000, the Director shall be governed by R.C. Sections 735.05 to 735.09, except that all bids shall be filed with and opened by the Director of Public Safety. The Director shall make no sale or disposition of any property belonging to the city without first being authorized by resolution or ordinance of the city legislative authority.

Section 2: That all other sections of Chapter 236 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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Jeff D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

1st Reading
7/6/2015

ORDINANCE NO. 25 -2015
(Sponsors—Councilmembers Carlisle and Martin)

AMENDING SECTION 242.01 (CONTRACTS, MATERIALS AND LABOR) OF
CHAPTER 242 (DIRECTOR OF PUBLIC SERVICE) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, situations have occurred recently that slowed the process for purchases or contracts for materials and/or labor at costs over \$25,000 but under \$50,000; 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 Section 242.01 of said chapter be amended to allow for situations that were not considered at the time of amendment in 2005.

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

Section 1: That Section 242.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

242.01 CONTRACTS, MATERIALS, AND LABOR

The Mayor, as ex officio Director of Public Service may make any contract, purchase supplies or materials, or provide labor for any work under the supervision of the Department of Public Service involving not more than \$25,000. When an expenditure within the department, other than the compensation of persons employed therein, exceeds \$25,000 but less than \$50,000, such expenditures shall first be authorized and directed by ordinance or resolution of city council. When an expenditure within the department, other than compensation of persons employed therein, exceeds \$50,000, such expenditures shall first be authorized and directed by ordinance or resolution. When so authorized and directed, except where the contract is for equipment, services, materials or supplies to be purchased under R.C. section 713.23(D) of R.C. section 125.04 or section 5513.01 or available from a qualified nonprofit agency pursuant to R.C. sections 4115.31 to 4115.35, the Director shall make a written contract with the lowest and best bidder after advertisement for not less than two or more than four consecutive weeks in a newspaper of general circulation within the city.

Section 2: That all other sections of Chapter 242 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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Jeff D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

ORDINANCE NO. 26-2015
(Sponsor: Councilmember Gates)

VACATING AN ALLEY RUNNING PERPENDICULAR FROM SECOND STREET
BETWEEN LOTS 520 AND 521 IN THE CITY OF SHELBY, OHIO.

WHEREAS, on the 1st day of June, 2015, the council of the City of Shelby adopted Resolution No. 23-2015 and in so doing declared its intent to vacate an alley running perpendicular of Second Street within the City of Shelby, Ohio; and

WHEREAS, notice of adoption of the above Resolution has been provided to the owners of property abutting said alley thereby notifying said property owners of the time and place at which objections could be presented to the Board of Revision of Assessments (pursuant to Section 105 of the charter of the City of Shelby); and

WHEREAS, the Board of Revision of Assessments met on June 16, 2005; (said meeting procedure being in accordance with provisions of Section 105 of the charter of the City of Shelby) and voted to approve and recommend the vacation of an alley running perpendicular of Second Street between lots 520 and 521 within the City of Shelby, Ohio; and

WHEREAS, the council of the City of Shelby is satisfied that there is good cause for vacating said alley which is hereinafter described and that said vacation will not be detrimental to the general interest and public welfare.

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

Section 1: That an alley running perpendicular of Second Street within the City of Shelby, Ohio and as set forth in the legal description as prepared by F.E. Krocka & Associates, Inc.- Raymond G. Lenczowski, registered surveyor, on January 18, 2013 and designated as the plat of vacation of a 16-foot alley adjacent to Lots 520 & 521, Richland County Recorder Plat Volume 2#3, Page 15 of the records of the City of Shelby, Richland County, Ohio is hereby vacated.

Section 2: That in accordance with Section 105 of the charter of the City of Shelby, Ohio, the city shall retain any and all easements necessary for the maintenance of utilities currently located within said alley

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: _____
Jeff Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

ORDINANCE NO. 27-2015
(Sponsors: Councilmembers McLaughlin and Martin)

ACCEPTING AND CONFIRMING FOR DEDICATION TO THE PUBLIC USE THE UTILITIES, STREETS AND/OR ROADWAYS OF BLACK FORK COMMONS AND DECLARING AN EMERGENCY.

WHEREAS, The Shelby Board of Park Commissioners has completed a project that created new roadways and alteration of utilities; and

WHEREAS, on October 29, 2014, the Planning Commission of the City of Shelby approved the plat as submitted to said body; 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 dedication be confirmed by the Council of the City of Shelby, Ohio.

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

Section 1: That the Plat of Black Fork Commons as described in the attached "Exhibit A" is hereby confirmed.

Section 2: That the premises set forth on said plat as utilities, streets and/or roadways are dedicated by the owners as public utilities and hereby accepted and confirmed as such.

Section 3: That the Mayor of the City of Shelby is hereby authorized to sign on said plat as the owner satisfying the premises set forth on said plat as a right-of-way/street is dedicated by and hereby accepted and confirmed as such.

Section 4: That the plat and a record of the passage of this Ordinance shall be filed with the Auditor and Recorder of Richland County for inclusion in the official records of said county.

Section 5: 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 6: That this Ordinance is hereby deemed to be an emergency for the immediate preservation of the public peace, property, health or safety, 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: _____

Jeff Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 31-2015
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO EXECUTE A FACILITY ENCROACHMENT AGREEMENT WITH CSX TRANSPORTATION, INC., FOR A STORM SEWER PROJECT LOCATED ON BROADWAY STREET AND DECLARING AN EMERGENCY

WHEREAS, a portion of storm sewer that runs from Broadway Street and runs under the CSX tracks has collapsed constricting drainage of storm water in the area; and

WHEREAS, in order to complete the project, it is necessary to enter into a Facility Encroachment Agreement with CSX Transportation, Inc.; 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 enter into said agreement.

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 Mayor as Director of Public Service is authorized to execute a Facility Encroachment Agreement with CSX Transportation, Inc., for the installation of a storm sewer line.

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: _____

Jeff D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 32-2015
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR A STORM SEWER PROJECT LOCATED ON BROADWAY STREET AND DECLARING AN EMERGENCY

WHEREAS, a portion of storm sewer that runs from Broadway Street and runs under the CSX tracks has collapsed constricting drainage of storm water in the area; 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, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is authorized to acquire (2) two 20' rights of temporary work easements for the installation of a storm sewer line as described and prepared by Raymond G. Lenczowski, Ohio Registered Surveyor No. 6687 on July 13, 2015.

Section 2: That the Mayor as Director of Public Service be authorized to acquire rights of a 30 foot permanent easement for the installation of a storm sewer line as prepared by Raymond G. Lenczowski, Ohio Registered Surveyor No. 6687 on July 13, 2015.

Section 3: 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 4: 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

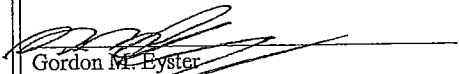
APPROVED:

ATTEST: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 33-2015
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE INSTALLATION OF A STORM SEWER LINE AND TO DO SO WITHOUT FORMAL BIDDING NOR ADVERTISING BASED UPON A REAL AND PRESENT EMERGENCY.

WHEREAS, a real and present emergency has arisen with a section of storm sewer running from Broadway Street to the west and under the CSX Transportation, Inc., track and is need of immediate replacement; and

WHEREAS, Ohio Revised Code 735.051 authorizes the Director of Public Service to enter into a contract for necessary purchases of supplies and materials without formal bidding and advertising in the case of a real and present emergency arising in connection with the operation and maintenance of the Department of Public Service; 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 enter into a contract for the installation of a storm sewer and to do so without formal bidding nor advertising based upon a real and present emergency.

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 Mayor as Director of Public Service shall be and is hereby authorized to enter into a contract for the installation of a storm sewer and to do so without formal bidding nor advertising based upon a real and present emergency.

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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Jeff Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law