

**RESOLUTION NO.12-2009**  
**(Sponsor- Councilmember Gates)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE REMOVAL, REPLACEMENT, AND/OR REPAIR OF SIDEWALKS, AND ESTABLISHING PROGRAM CRITERIA FOR THE SAME.**

WHEREAS, the City Treasury contains certain funds which have been specifically designated for the removal, replacement and/or repair of the sidewalks within the City of Shelby, 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 advertise for bids and enter into a contract for the expenditure of these funds for the removal, replacement and/or repair of the sidewalks within the City of Shelby, and

**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 is hereby authorized to advertise for bids and enter into a contract for the removal, replacement and/or repair of the sidewalks within the City of Shelby.

Section 2: That the following are hereby adopted pursuant to Ohio Revised Code 735.05 as criteria for said the same:

**A: SCOPE OF WORK-** This project is intended for the removal, replacement, and/or repair of existing sidewalks on City-owned rights-of-way. New sidewalk construction is not allowed. The work may be removal and replacement of the entire sidewalk, removal and repair of portions of the sidewalk, or the leveling of existing sidewalk slabs as determined by the City in order to minimize the amount of work to be performed.

**B: PROPERTY ELIGIBILITY-** Residential properties only are eligible for this program. Rental properties in which the owner resides are eligible; however, cost sharing by the City will be prorated to that fraction representing the owner-occupied domicile divided by the number of domiciles on that particular property. For example, with an owner-occupied duplex, half the total cost will be borne by the owner, while the other half will be shared by the owner and the City based upon the Income Eligibility standards contained herein.

**C: INCOME ELIGIBILITY-** The City will share the costs for sidewalk removal, replacement, and/or repair base upon the following schedule:

| <u>Income</u>              | <u>Owner's Share</u> | <u>City's Share</u> |
|----------------------------|----------------------|---------------------|
| Up to \$15,000.00          | 0%                   | 100%                |
| \$15,000.01 to \$20,000.00 | 10%                  | 90%                 |
| \$20,000.01 to \$25,000.00 | 20%                  | 80%                 |
| \$25,000.01 to \$30,000.00 | 30%                  | 70%                 |
| \$30,000.01 to \$35,000.00 | 40%                  | 60%                 |
| \$35,000.01 to \$40,000.00 | 50%                  | 50%                 |

For the purpose of this section, "income" means the combined adjusted gross income for the owner(s) of record on their 2008 federal income tax return, a signed copy of which shall be attached to the application form. In the event that the owner(s) of record were not required to or did not file a 2008 federal income tax return, then and in that event, "income" means any receipt of money from any source including but not limited to compensation for services, profit from business, gains in dealings in property, interest, dividends, rents, royalties, alimony, annuities, life insurance or endowment proceeds, pensions, and income from interest in an estate, partnership, or trust. Failure to supply proof of income will eliminate a property owner from participating in this program. Furthermore, applicants for this program shall be current and in compliance with the Shelby City Income Tax Ordinance and with real property taxes.

**D: APPLICATIONS-** The Department of Public Service shall take applications for work to be done under this program. The application form shall contain the applicant's name, address, telephone number, length and width of the sidewalk to be repaired or replaced, number of domiciles on the property, certification of compliance with the Shelby City Income Tax Ordinance and with the real property taxes, signature spaces, and other information which the Director should require. The Director shall determine and

publicize an application period. Preference for work under this program shall be given to those property owners who have been ordered to repair sidewalks pursuant to Section 94 of the Charter of the City of Shelby.

E: CONSTRUCTION AND MATERIAL SPECIFICATIONS- Work performed under this program shall be in compliance with Chapter 1024 (Sidewalks) of the Codified Ordinances of the City of Shelby and with State of Ohio Department of Transportation Construction and Materials Specifications; the current addition. In the event of any conflict between the two, the stricter standard shall apply.

F: PAYMENT- After the award of the contract but before the commencement of construction, the property owner(s) shall pay their share to the Director of Finance and Public Record, who shall deposit it to the Sidewalk Fund. After construction has been completed and inspected to the satisfaction of the Service Department Superintendent, the Director of Finance and Public Record shall pay the contractor.

G: RULE-MAKING- The Director of Public Service may make any rule, pursuant to Ohio Revised Code 735.01, necessary for the efficient implementation of this program.

Section 3: That Resolution No. 23-2008 shall be and hereby is repealed.

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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 16, 2009

Steven L. Schag  
Steven L. Schag  
Vice President of Council

ATTEST:

Robert A. Lafferty  
Robert A. Lafferty  
Clerk of Council

APPROVED: R. Lee Shepherd  
R. Lee Shepherd  
Acting Mayor

Prepared by:

R. Lee Shepherd  
R. Lee Shepherd  
Director of Law