

6:30pm Service & Development Committee

AMENDED
Shelby City Council Agenda
Monday, December 5, 2011
COUNCIL CHAMBERS
5 WATER STREET
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Dispense with Reading of Journal from November 21, 2011

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Public Comment

Reports from Standing and Special Committees

Service & Development Committee—Harold Shasky

Reports of City Officials

Marilyn S. John—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF JACKIE WASILEWSKI AS THE CITY'S REPRESENTATIVE TO THE OHIO DISTRICT 5 AREA AGENCY ON AGING, INC

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

MOTION TO REQUEST A HEARING REGARDING LIQUOR PERMIT RENEWALS

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Robert Lafferty—Director of Finance

R. Lee Shepherd—Law Director

Joe Gies—Project Coordinator

Aaron Wiegand—Community & Economic Development Coordinator

Unfinished Business
Mickey Road Sanitary Sewer

New Business

Legislation

SUBSTITUTE ORDINANCE NO 29-2011

**AMENDING SECTION 1060.02 (PLACING
GARBAGE AT STREET FOR COLLECTION;
TIME LIMIT) OF CHAPTER 1060 (GARBAGE
AND RUBBISH COLLECTION AND
DISPOSAL) OF THE CODIFIED ORDINANCES
OF THE CITY OF SHELBY**

2ND READING

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

**ORDINANCE NO 40-2011 AMENDING SECTION 276.04 (FEES) OF CHAPTER 276
(DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

2ND READING

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

**ORDINANCE NO 41-2011 ESTABLISHING POSTED SPEED LIMITS ON A PORTION OF
EAST MAIN STREET AND DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended
And declare an emergency**

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

**ORDINANCE NO 42-2011 AMENDING SECTION 1470.06 (DEMOLITION PERMIT) OF
CHAPTER 1470 (DEMOLITION OF STRUCTURES) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

1ST READING

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

**ORDINANCE NO 43-2011 TRANSFERRING APPROPRIATIONS FOR THE YEAR 2011 AND
DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended
And declare an emergency**

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

**RESOLUTION NO 43-2011 NAMING THE BUILDING THAT THE CITY OF SHELBY
INTENDS TO CONSTRUCT TO HOUSE THE SHELBY
POLICE DEPARTMENT AND JAIL AND THE SHELBY
MUNICIPAL COURT**

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

**RESOLUTION NO 48-2011 A RESOLUTION FOR THE PURPOSE OF OPPOSING THE
STATE DEPARTMENT OF TAXATION TAKING OVER
THE COLLECTION OF MUNICIPAL INCOME TAXES**

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

RESOLUTION NO 49-2011

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE REPAIR OF THE GEORGE HAWK SUBSTATION AND TO DO SO WITHOUT FORMAL BIDDING NOR ADVERTISING BASED UPON A REAL AND PRESENT EMERGENCY

Moved _____ 2ND _____
Mr Shepherd _____ Mr Shasky _____ Mr Gates _____ Mr Hoover _____ Mr Schag _____

Miscellaneous business

Adjournment at _____ p m.

Moved _____ 2ND _____
Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr Hoover _____ Mr. Schag _____

St. Reading
1/12/2011

**SUBSTITUTE ORDINANCE NO. 29-2011
(Sponsor - Councilmembers Shasky, Schag, Hoover)**

AMENDING SECTION 1060.02 (PLACING GARBAGE AT STREET FOR COLLECTION; TIME LIMIT) OF CHAPTER 1060 (GARBAGE AND RUBBISH COLLECTION AND DISPOSAL) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, identity theft and the problems associated therewith has increased throughout the nation over the past several years, and

WHEREAS, identity thieves often go through refuse, garbage, and/or trash in an attempt to gather information and/or steal identities, 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 1060.02 (Placing Garbage at Street for Collection; Time Limit) of Chapter 1060 (Garbage and Rubbish Collections and Disposal) of the Codified Ordinances of the City of Shelby be amended in an attempt to discourage and or punish identity thieves who engage in the aforesaid conduct, and

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

Section 1: That Section 1060 02 (Placing Garbage at Street for Collection; Time Limit) of the Codified Ordinances of the City of Shelby to be amended to read as follows:

SECTION 1060.02 GARBAGE AND RUBBISH COLLECTION AND DISPOSAL

- (a) No person, owner or occupant of land in the city shall place, for a period exceeding 24 hours, any trash, garbage, refuse or tree or shrub trimmings upon any right of way of the city, or any part thereof, including any tree lawn. The trash, garbage, refuse and tree or shrub trimmings shall be placed in a closed and secured container.
- (b) For the purpose of this section, a 24-hour period shall commence upon the placement of any article of trash, or garbage, refuse or tree or shrub trimmings within the areas set forth in division (a) hereof.
- (c) The culpability required for a violation of this section shall be one of recklessness as defined in §606.08 of these Codified Ordinances.
- (d) Failure of the sanitation hauler to timely collect any trash, garbage, refuse or tree or shrub trimmings shall not be a defense to a violation of this section.
- (e) No person (except law enforcement) without permission of said resident shall at any time go through or rummage through any person(s) trash, refuse or garbage left at the curb for removal.

Section 2: That all other sections and provisions contained within Chapter 1060 (Garbage and Rubbish Collection and Disposal) 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: _____

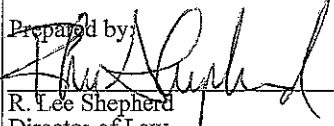
Steven L. Schag
Vice President of Council

APPROVED:

ATTESI: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:


R. Lee Shepherd
Director of Law

4 Reading
1/21/2011

ORDINANCE NO. 40-2011
(Sponsor – Councilmember Gates)

AMENDING SECTION 276.04 (FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, The schedule of fees associated with and administered by the Division of Health was last revised and/or amended by Ordinance 53-2005 in November of 2005, and

WHEREAS, In order for the Division of Health to become compliant with State rules, regulations, and recommendations, it is necessary that said fees be amended, 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 276.04 (Fees) of Chapter 276 (Division of Health) be amended so as to bring the Shelby Division of Health into compliance with State regulations, and

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

Section 1: That Section 276 04 (Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended to read as follows:

§ 276 04 Fees

The following fees are hereby adopted for the Division of Health:

Food Service/ Retail Food Establishment License Fees		
Level	Business Under 25,000 Sq. Ft.	Business Over 25,000 Sq. Ft.
Level 1	\$60 + \$28 State Fee = \$88	\$60 + \$28 State Fee = \$88
Level 2	\$110 + \$28 State Fee = \$138	\$110 + \$28 State Fee = \$138
Level 3	\$120 + \$28 State Fee = \$148	\$120 + \$28 State Fee = \$148
Level 4	\$140 + \$28 State Fee = \$168	\$140 + \$28 State Fee = \$168
Vending	\$14 + \$6 State Fee = \$20 per location	
Mobile Food Service	\$71 + \$28 State Fee = \$99 per unit	
Temporary Food Service	\$35 per event up to five days	

Retail Tattoo License Fees			
Service	Local Fee	State Fee	Total Fee
Tattooing & Body Piercing	\$75	\$0	\$75
Temporary Time-limited	\$75	\$0	\$75
Late Fee	25% of local fee	\$0	

Sewage Permit/License Fees		
Level	Business Under 25,000 Sq. Ft.	Business Over 25,000 Sq. Ft.
Sewage permit		\$50
Repair		\$50
Installation		\$50
Site evaluation		\$0

Water/Well License/Permit Fees				
Type	Local Fee	State Fee	ODNR	Total Fee
Single Family Dwelling				
Well Permit	\$50	\$74	\$20	\$144
Cistern Permit	\$50	\$74	\$0	\$124
HWST* Permit	\$50	\$74	\$0	\$124
Spring Permit	\$50	\$74	\$0	\$124
Pond Permit	\$50	\$74	\$0	\$124
Well Conversion Permit	\$50	\$74	\$0	\$124
Alteration Permit	\$50	\$0	\$0	\$50
Well Sealing Permit	\$10	\$0	\$0	\$10
Non-Single Family Dwelling				
Well Permit	\$50	\$74	\$20	\$144
Cistern Permit	\$50	\$74	\$0	\$124
HWST* Permit	\$50	\$74	\$0	\$124
Spring Permit	\$50	\$74	\$0	\$124
Well Conversion Permit	\$50	\$74	\$0	\$124
Alteration Permit	\$50	\$0	\$0	\$50
Well Sealing Permit	\$10	\$0	\$0	\$10
Other Fees				
Test Well Permit	\$50	\$74	\$20	\$144
Contractor Inspection	\$50	\$0	\$0	\$50
Water Sample	\$50	\$0	\$0	\$50
Water Hauler				
Registration and Vehicle Inspection	\$50	\$0	\$0	\$50
Variance	\$50	\$0	\$0	\$50
Late Fee	25% of Local Fee			

*HWST = Hauled Water Storage Tank

Pool Permit/ License Fee				
Type	Local Fee	State Fee	Total Fee	
Public Pool Spa Special Use Pool	\$122	\$72-2011 \$80-2012	\$194-2011 \$202-2012*	*The state fee for 2012 is in the current state rule.
Additional Pool	\$22	\$47-2011 \$55-2012	\$69-2011 \$77-2012	
Government Pool	\$122	\$72-2011 \$80-2012	\$194-2011 \$202-2012*	*The state fee for 2012 is in the current state rule.
Late Fee	25% of local fee	\$0		
License Transfer	Optional	\$0		

Mobile/Manufactured Home Park Permit/License Fees			
Type	Local Fee	State Fee	Total
Each lot 51 and over	\$3	\$0	\$3
MHP: 0-49 lots	\$75	\$79	\$154
MHP: 50 lots and over	\$75	\$132	\$207
Late Fee	25% of local fee		

Birth and Death Certificates	
Death Certificates	\$25 each
Birth Certificates	\$25 each

Section 2: All remaining sections of Chapter 276 (Division of Health) 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 L. Schag
Vice President of Council

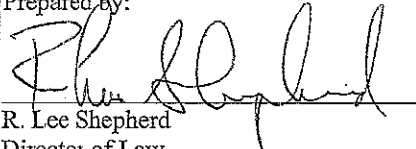
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

ORDINANCE NO. 41-2011
(Sponsor - Councilmember Hoover)

**ESTABLISHING POSTED SPEED LIMITS ON A PORTION OF EAST MAIN STREET
AND DECLARING AN EMERGENCY.**

WHEREAS, on December 2, 2002, Shelby City Council passed Amended Ordinance 47-2002 establishing the speed limit on East Main Street at 45 miles per hour from Roberts Drive east to the corporation limit, and

WHEREAS, on September 5, 2006, Shelby City Council passed Resolution 42-2006 annexing land to the City of Shelby known as the Eastside Annexation, changing the easternmost corporation limit, and

WHEREAS, the City of Shelby and the Ohio Department of Transportation have caused to be made an engineering and traffic investigation upon the section of road in the annexed area, 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 speed zone on East Main Street be modified so as to bring said zone into compliance with Ohio Revised Code 4511.21, and

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

Section 1: That in accordance with Ohio Revised Code Section 4511.21 (B)(2), the speed limit on East Main Street from the centerline of Roberts Drive to a point 599 miles to the east (eastbound) and from the centerline of Roberts Drive to a point 436 to the east (westbound) shall be 45 miles per hour.

Section 2: That in accordance with Ohio Revised Code Section 4511.21 (B)(2), the speed limit on East Main Street from point 599 miles to the east from the centerline of Roberts Drive to the easternmost corporation limit (eastbound) shall be 50 miles per hour.

Section 3: That the Clerk of Council shall forward a copy of this Ordinance to the District 3 Deputy Director of the Ohio Department of Transportation for approval and proper recording

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 is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and welfare of this City and so that the speed limits may be enforced at the earliest possible time in accordance with Ohio Revised Code 4511.21, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED:

Steven L. Schag
Vice President of Council

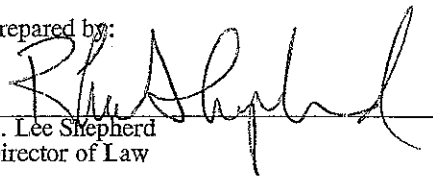
APPROVED:

ATTEST:

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Acting Mayor

Prepared by:



R. Lee Shepherd
Director of Law

ORDINANCE NO. 42-2011
(Sponsors - Councilmembers Hoover, Schag and Shasky)

AMENDING SECTION 1470.06 (DEMOLITION PERMIT) OF CHAPTER 1470 (DEMOLITION OF STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Chapter 1470 of the Codified Ordinances of the City of Shelby provides guidelines for the efficient, safe and timely removal of structures, 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 that Chapter 1470 of the Codified Ordinances of the City of Shelby be amended in order to provide a more equitable method of collection fees for demolitions , and

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

Section 1: That Section 1470 06 (Demolition Permit) of Chapter 1470 (Demolition of Structures) be amended to read as follows:

1470.06(c) PLAN CHECKING AND FIELD INSPECTION FEES

(1) The fees for a demolition permit shall be at the rate of ten dollars (\$10.00) for residential and fifty dollars (\$50.00) for commercial per structure for a four week period. Beyond the four-week period there shall be an additional charge of ten dollars (\$10.00) for each week until the final inspection certificate can be issued as required by Section 1470.09.

Section 2: That all remaining sections of Chapter 1470 (Demolition of Structures) 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 L. Schag
Vice President of Council

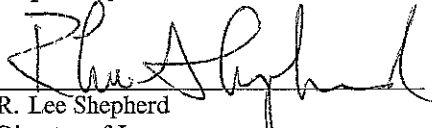
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:


R. Lee Shepherd
Director of Law

ORDINANCE NO. 43-2011
(Sponsor - Councilmember Schag)

TRANSFERRING APPROPRIATIONS FOR THE YEAR 2010 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2010 budget, 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 these transfers be made effective so as to balance the books for the calendar year 2010, and so as to fund necessary expenditures and/or projects, and

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

Section 1: That the Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	600-DBI-505	INTEREST	\$45,800.00
FROM	600-DBI-531	MISC	\$12,500.00
FROM	600-MFG-418	HOSPITAL	\$41,700.00
TO	600-DCP-515	EQUIPMENT	\$100,000.00

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 deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby, Ohio, 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 L. Schag
Vice President of Council

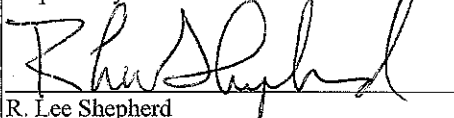
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

RESOLUTION NO. 43-2011
(Sponsor - Councilmember Gates)

NAMING THE BUILDING THAT THE CITY OF SHELBY INTENDS TO CONSTRUCT TO HOUSE THE SHELBY POLICE DEPARTMENT AND JAIL AND THE SHELBY MUNICIPAL COURT.

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

Section 1: That the building that the City of Shelby intends to construct to house the Shelby Police Department and Jail and the Shelby Municipal Court shall be known as the "Shelby Justice Center"

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.

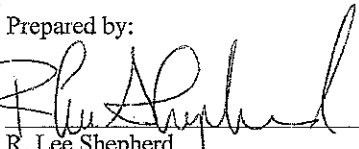
PASSED: _____

Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:


R. Lee Shepherd
Director of Law

RESOLUTION NO. 48-2011
(Sponsors - Councilmembers Schag and Shasky)

A RESOLUTION FOR THE PURPOSE OF OPPOSING THE STATE DEPARTMENT OF TAXATION TAKING OVER THE COLLECTION OF MUNICIPAL INCOME TAXES.

WHEREAS, during the recent discussion regarding the State Biennial Budget (HB 153), it was suggested that the State Department of Taxation take over the municipal income tax collection;

WHEREAS, although the final version of said Bill did not contain any provision for the State to take control of municipal income tax collection, other legislation may be introduced regarding this issue;

WHEREAS, municipal income tax is the largest source of revenue for most municipalities and any disruption or interference with the current collection process will be detrimental to the financial operation of this City;

WHEREAS, the prospect of the State controlling municipal income tax collection presents numerous administrative difficulties including, but not limited to, how the State would administer and enforce municipal income tax ordinances; retention of and access to income tax records; the timing and frequency of the distribution of collected revenues to municipalities; the reporting of income tax collections to municipalities; collection of delinquent income taxes; identification of persons not filing municipal income tax returns; and the impact of planned budget and staffing cuts on the State Department of Taxation's ability to undertake, properly perform, and efficiently discharge such significant responsibilities;

WHEREAS, the State of Ohio would be infringing on the Home Rule rights of municipalities to self-govern, as state in Article §18.07 of the Constitution of the State of Ohio.

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

Section 1: That this Council does hereby declare its ardent opposition to any effort by the State of Ohio to take over the collection of municipal income taxes and urges its State legislators to oppose and reject any amendment to pending legislation or any introduction of new legislation proposing to transfer collection and/or control of municipal income tax collection to the State Department of Taxation

Section 2: That the Clerk be and hereby is authorized and directed to send a certified copy of this Resolution to State Senator Kris Jordan, State Representative Jay Goyal, Ohio Treasurer Josh Mandel, Ohio Tax Commissioner Joseph Testa, and Ohio Governor John Kasich.

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 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 L. Schag
Vice President of Council

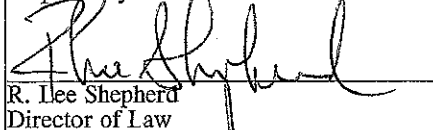
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:


R. Lee Shepherd
Director of Law

RESOLUTION NO. 49-2011
(Sponsor - Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE REPAIR OF THE GEORGE HAWK SUBSTATION 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 the George Hawk Substation and it is in need of immediate repair, and

WHEREAS, Ohio Revised Code 735 051 authorizes the Director of Public Service to enter into a contract for necessary work 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 repair of the George Hawk Substation and to do so without formal bidding nor advertising based upon a real and present emergency, and

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 repair of the George Hawk Substation and to do so without formal bidding nor advertising based upon a real and present emergency.

Section : 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 : 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: _____

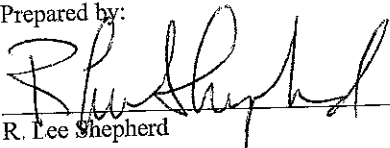
Steven I. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law