

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

Shelby City Council Agenda  
Tuesday, September 4, 2018  
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 \_\_\_\_\_

**Motion to excuse Charlie Roub**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**Dispense with Reading of Journal from August 20, 2018**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**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

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Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

### **New Business**

#### **Unfinished Business**

Future Use of Present Fire Station

West Main Street Sewer Project-Now in legislation form

State Street Bridge

### **Legislation**

#### **ORDINANCE NO 14-2018**

#### **ENACTING CHAPTER 1054 (RIGHT OF WAY OCCUPANCY PERMIT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO**

#### **3RD READING**

Moved        2<sup>ND</sup>  
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts       

#### **PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>  
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts

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**ORDINANCE NO 16-2018**

**AMENDING SECTION 1042.05 (PERMIT; FEE; BOND) OF  
CHAPTER 1042 (SEWER REGULATIONS) OF THE  
CODIFIED ORDINANCES OF THE CITY OF SHELBY,  
OHIO**

**3RD READING**

Moved 2<sup>ND</sup>  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved 2<sup>ND</sup>  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**ORDINANCE NO 19-2018**

**DETERMINING TO PROCEED WITH IMPROVEMENT OF  
A PORTION OF WEST MAIN STREET WITH A SANITARY  
SEWER, INCLUDING THE CONSTRUCTION AND  
INSTALLATION OF SANITARY SEWER LINES, A FORCE  
MAIN AND LIFT STATION AND SERVICE CONNECTIONS  
IN THE RIGHT-OF-WAY AND ON CITY PROPERTY AND  
EASEMENTS, TOGETHER WITH NECESSARY  
APPURTEANCES AND WORK INCIDENTAL THERETO;  
LEVYING SPECIAL ASSESSMENTS FOR THAT  
IMPROVEMENT**

**3RD READING**

Moved 2<sup>ND</sup>  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved 2<sup>ND</sup>  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**ORDINANCE NO 20-2018**

**AMENDING ORDINANCE NO 4-2018 (ANNUAL  
APPROPRIATIONS) AND DECLARING AN EMERGENCY**

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

Moved 2<sup>ND</sup>  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved 2<sup>ND</sup>  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

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**ORDINANCE NO 21-2018**

**PETITIONING THE RICHLAND COUNTY  
COMMISSIONERS FOR THE ERECTION AND  
ESTABLISHMENT OF A NEW TOWNSHIP OUT OF THOSE  
PORTIONS OF SUCH TOWNSHIPS NOW INCLUDED  
WITHIN THE LIMITS OF THE CITY OF SHELBY**

**1ST READING**

Moved        2<sup>ND</sup>         
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts       

**RESOLUTION NO 39-2018**

**APPROVING THE WEED ASSESSMENTS AS ISSUED BY  
THE DIRECTOR OF PUBLIC SERVICE**

Moved        2<sup>ND</sup>         
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts       

**RESOLUTION NO 40-2018**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO ENTER INTO A CONTRACT WITH MID-  
STATE BLACK TOP, INC. FOR THE PAVING OF STREETS  
WITHIN THE CITY OF SHELBY, OHIO AND DECLARING  
AN EMERGENCY**

Moved        2<sup>ND</sup>         
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts       

**RESOLUTION NO 41-2018**

**DECLARING THE INTENT TO VACATE AN ALLEY  
RUNNING PERPENDICULAR OF POWELL STREET  
BETWEEN LOTS 523, 524, 525, AND 526 IN THE CITY OF  
SHELBY, OHIO**

Moved        2<sup>ND</sup>         
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts

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**RESOLUTION NO 42-2018**

**ACCEPTING A QUIT-CLAIM DEED TO A PART OF  
OUTLOT NO. 138 IN THE CITY OF SHELBY, RICHLAND  
COUNTY, OHIO**

Moved        2<sup>ND</sup>  
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts       

**RESOLUTION NO 43-2018**

**DECLARING THE RETIREMENT OF THE THREE (3)  
MEGAWATT DUAL FUEL COOPER BESSEMER  
GENERATOR AND THE ASSOCIATED AUXILIARY  
EQUIPMENT LOCATED AT THE LIGHT PLANT;  
DECLARING SAID PROPERTY TO BE OBSOLETE AND  
AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO SELL SAID PROPERTY**

Moved        2<sup>ND</sup>  
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts       

**RESOLUTION NO 44-2018      AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO ENTER INTO A GOVERNMENTAL AGGREGATION PROGRAM  
AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC., AND DECLARING AN  
EMERGENCY**

Moved        2<sup>ND</sup>  
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts       

**Miscellaneous Business**

**Adjournment at \_\_\_\_\_ p.m.**

Moved        2<sup>ND</sup>  
Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roberts

1st Reading

8/6/2018

2nd Reading

8/20/2018

ORDINANCE NO. 14 -2018  
(Sponsor: Councilmember Martin and Gates)

**ENACTING CHAPTER 1054 (RIGHT OF WAY OCCUPANCY PERMIT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, Ohio House Bill 478 allowed for measures and ends of a legal challenge as concerning claims filed against the State of Ohio regarding right of way utility permits; and

WHEREAS, State of Ohio has passed certain laws which allow for municipalities to charge fees for the occupancy of facilities in the right of way owned by the City of Shelby for purposes of small cell wireless; and

WHEREAS, small cell wireless companies will have the ability to install equipment, goods, furnishings and facilities along City owned right of ways without the approval of the City unless legislation is adopted.

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

Section 1: That Chapter 1054 of the Codified Ordinances of the City of Shelby be and is hereby enacted as set forth in Exhibit A, attached hereto and incorporated by reference herein.

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 D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

Steven T. Lifer  
Director of Finance

Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Director of Law

1st Reading  
8/6/2018

2nd Reading  
8/20/2018

**ORDINANCE NO. 16 -2018**  
(Sponsor: Councilmember Martin)

**AMENDING SECTION 1042.05 (PERMIT; FEE; BOND) OF CHAPTER 1042 (SEWER REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, it is necessary to modify Chapter 1042 (Sewer Regulations) to provide uniformity when an owner of premises is requesting a permit for sanitary sewer; and

WHEREAS, an owner of premises will be able to apply for a sewer tap permit at the Municipal Utilities Office instead of City Hall; and

WHEREAS, current fees and costs for the above have changed; 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 1042 (Sewer Regulations), Section 1042.05 (Permit; Fee; Bond) be amended to allow an owner of premises to apply for a sewer permit at the Municipal Utilities Office.

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

Section 1: That Chapter 1042 (Sewer Regulations), Sections 1042.05(a) & (b) (Permit; Fee; Bond) of the Codified Ordinances of the City of Shelby be amended to read as follows:

**A. § 1042.05 PERMIT; FEE; BOND.**

(a) The owner of each premises desiring a connection into the sanitary sewer system shall first make application for a sewer tap connection permit in the office of the Director of Utilities located in the Shelby Municipal Utilities Office. A separate permit is required for each home, building or structure desiring a connection. The applicant shall furnish house number, lot number and such other information as may be required to properly identify the exact location of the property.

(b) Each application for a sewer tap connection permit shall be accompanied by a payment of \$75 for each unit of a residential property and \$150 for any other building used for commercial or industrial use. This payment is not refundable and shall defray, in part, the cost of issuing the permit and inspecting the tap connection during construction.

Section 2: That all other sections of Chapter 1042 (Sewer Regulations) of the Codified Ordinances of the City of Shelby and 1042.05 (not modified herein) 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: \_\_\_\_\_

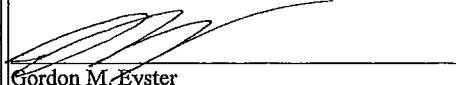
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

ORDINANCE NO. 19 -2018  
(Sponsor- Councilmember Gates)

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF A PORTION OF WEST MAIN STREET WITH A SANITARY SEWER, INCLUDING THE CONSTRUCTION AND INSTALLATION OF SANITARY SEWER LINES, A FORCE MAIN AND LIFT STATION AND SERVICE CONNECTIONS IN THE RIGHT-OF-WAY AND ON CITY PROPERTY AND EASEMENTS, TOGETHER WITH NECESSARY APPURTEANCES AND WORK INCIDENTAL THERETO; LEVYING SPECIAL ASSESSMENTS FOR THAT IMPROVEMENT.

WHEREAS, on March 19, 2018, this Council duly adopted Resolution No. 18-2018 declaring the necessity of the Project described in Section 1 (the "Resolution of Necessity"); and

WHEREAS, pursuant to Section 78 of the Charter of the City (the "Charter"), the Director of Finance and Public Record (the "Finance Director") did proceed to make an assessment report (the "Assessment Report") reflecting the lots and lands to be assessed as a result of the Project (the "Affected Properties"), the amount of the proposed special assessment as to each and the number of semi-annual installments in which such assessment would be paid; and

WHEREAS, pursuant to the Charter, notice (the "Notice of Assessment") was duly given to the owner or owners or the agent or agents of the owner or owners of Affected Property of the character of the Project, the fact that the Assessment Report had been filed with this Council, the rate of the proposed assessments, the number of installments and the time and place of a meeting at which complaints and claims could be heard by the Board of Revision of Assessments; and

WHEREAS, on May 3, 2018, the Board of Revisions of Assessments held a meeting which was recessed by unanimous vote, and, on August 6, 2018, the Board of Revision of Assessments reconvened their meeting and conducted a hearing pursuant to Section 81 of the Charter; and

WHEREAS, no written claims, complaints nor objections with respect to the Project or to the special assessments for the Project or the allocation of those assessments have been received and no such claims, complaints nor objections were raised at the meeting of the Board of Revision of Assessments; and

WHEREAS, the Board of Revision of Assessments has recommended to this Council no changes to the Assessment Report be made, and has reported its findings to this Council that the Project is necessary.

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

Section 1: It is determined to proceed with the improvement of a portion of West Main Street with a sanitary sewer (the "Project"). The Project will include the construction and installation of sanitary sewer lines, a force main and lift station and service connections in the right-of-way and on City property and easements, together with necessary appurtenances and work incidental thereto, required to serve properties on West Main Street beginning at a point 675 feet west of the intersection of Stambaugh Street and ending at a point 1,440 feet east of the intersection of Funk Road.

Section 2: The Project shall be constructed in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, estimates and profiles, which are hereby approved and now on file in the office of the Mayor.

Section 3: Any claims for damages resulting from the Project that have been or may be legally filed shall be inquired into after completion of the Project, and the Director of Law is authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into those claims.

Section 4: In accordance with the Resolution of Necessity, the whole cost of the Project, less (i) two (2%) thereof, (ii) the cost of intersections, (iii) the whole cost of "oversized" utilities (those costs incurred over and above the cost of "regular sized" utilities), (iv) the whole cost of and related to a lift station and related force main, (v) the whole cost of engineering, and (vi) the whole costs

of property and easement acquisition, shall be assessed by proportion to the benefits which may result from the Project upon the following Affected Properties:

**Richland County Parcel ID Nos.**

0460819818000	0460819614000	0460815310000	0460822012000
0460819512000	0460819614001	0460815511002	0460815401000
0460820218000	0460816417000	0460815511001	0460802617000
0460819608000	0460802308000	0460815512002	0460806214000
0460804308000	0460810210000	0460821911000	0460804118000
0460806810000	0460820215002	0460813001000	0460813614000

Section 5: The Mayor is hereby authorized and directed to make and sign a contract or contracts for the Project with the lowest and best bidder after advertising according to law, and the Project shall be financed as provided in the Resolution of Necessity or by a loan or loans that may be obtained by the City from a governmental authority for the same purpose.

Section 6: The estimated special assessments for the cost and expense of the Project, amounting in the aggregate to \$560,000, which were filed and are on file in the office of the Clerk of Council, are adopted and confirmed. In accordance with Section 83 of the Charter, those special assessments are hereby levied and assessed upon the lots and lands provided for in the Resolution of Necessity in the respective amounts set forth in the Assessment Report on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation; provided, however, that those special assessments shall be subject to adjustment upon completion of the Project and determination of the final costs thereof.

Section 7: The Finance Director is hereby authorized to certify the special assessments hereby levied to the Richland County Auditor; provided, however, that he shall not provide such certification until the Project is completed and its final costs have been determined, and this Council has made any necessary adjustments to the assessments to reflect those final costs or has confirmed that no such adjustments are necessary.

Section 8: Upon determination of the final costs of the Project and the adjustment or confirmation of the special assessments by this Council, the total assessment against each Affected Property shall be payable in cash to the Finance Director within thirty (30) days after the passage of an ordinance of this Council reflecting any such adjustment or confirmation or, at the option of the property owner assessed, in twenty (20) semiannual installments with interest at the same rate as is borne by the securities issued or the loan or loans incurred by the City in anticipation of the collection of such assessments. All assessments and installments thereof which have not been paid at the expiration of said 30-day period shall be certified by the Clerk of Council to the Richland County Auditor to be placed by him on the tax duplicate and collected at the same time in the same manner as other taxes are collected, as provided by law.

Section 9: The Clerk of this Council is hereby authorized and directed to cause notice of the passage of this Ordinance, and of the passage of an ordinance adjusting or confirming the special assessments following the determination of the final cost of the Project, to be published once in a newspaper of general circulation in the City and delivered to the owner or owners or the agent or agents of the owner or owners of the Affected Properties by first class mail.

Section 10: The Clerk of this Council shall be and is hereby authorized and directed to keep said assessments and any subsequent adjustments on file in his office for so long as any of them remain unpaid.

Section 11: All meetings and hearings concerning the adoption of this Ordinance have been in compliance with Ohio Revised Code Section 121.22, the Charter and Codified Ordinance 220.01 of the City of Shelby, Ohio.

Section 12: 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

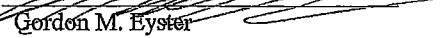
APPROVED:

ATTEST: \_\_\_\_\_

Steven T. Lifer  
Clerk of Council

Steven L. Schag  
Mayor

Prepared by: \_\_\_\_\_

  
Gordon M. Eyster  
Director of Law

ORDINANCE NO: 20 -2018  
(Sponsor: Councilmember Gates)

**AMENDING ORDINANCE NO.: 4-2018 (ANNUAL APPROPRIATIONS) AND  
DECLARING AN EMERGENCY.**

WHEREAS, on March 19, 2018, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase line items within the 2018 budget and to fund said line item with previously unappropriated monies; 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 additional appropriations be made effective so as to balance the books for the calendar year 2018 and so as to fund necessary expenditure and/or projects.

**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: The Ordinance No. 4-2018 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES**

400 - MFG - 418	HOSPITALIZATION	\$15,000.00
500 - MFG - 519	CHEMICALS	\$50,000.00
500 - DIS - 418	HOSPITALIZATION	\$12,000.00

Section 2: That all other portions of Ordinance No.: 4-2018, not modified expressly herein, 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 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed 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 McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Steven Lifer  
Clerk of Council

Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

ORDINANCE NO. 21 -2018  
(Sponsors – Councilmembers Gates, Martin, and Roberts)

**PETITIONING THE RICHLAND COUNTY COMMISSIONERS FOR THE ERECTION AND ESTABLISHMENT OF A NEW TOWNSHIP OUT OF THOSE PORTIONS OF SUCH TOWNSHIPS NOW INCLUDED WITHIN THE LIMITS OF THE CITY OF SHELBY.**

WHEREAS, the City of Shelby needs to ensure that the citizens of Shelby's best interests are looked after and represented at every turn; and

WHEREAS, the best way to ensure this is to have a singular place of representation and accountability as well as ensuring that the taxation follows that hereto; and

WHEREAS, Council –which earlier this year reduced electric rates – wishes to reduce the real-estate tax burden for taxpayers within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the City petition the Board of County Commissioners of Richland County for the establishment of a new township within the city limits of Shelby.

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

Section 1: That this Council hereby petition the Board of County Commissioners of Richland County, Ohio, under the provisions of Ohio Revised Code Section 503.07 for the erection and establishment of a new township out of those portions of Cass Township, Jackson Township, Plymouth Township, and Sharon Township now included within the limits of the City of Shelby.

Section 2: That the description for said new township, being a description of boundaries coterminous and identical with the present limits of the City of Shelby, be attached hereto, marked "Exhibit A" and specifically made a part hereof.

Section 3: That this Council further petition the Board of County Commissioners to name the new township as Gambles Mill Township.

Section 4: That the new boundaries of each of the four townships from which the new township is erected and established be attached hereto and specifically made a part hereof as follows:

"Exhibit B – Cass Township"  
"Exhibit C – Jackson Township"  
"Exhibit D – Plymouth Township"  
"Exhibit E – Sharon Township"

Section 5: That the Director of Law shall be and is hereby directed to represent the City in this matter before the Board of County Commissioners.

Section 6: That the Clerk of Council shall be and is hereby directed to deliver a certified true copy of this Ordinance petition together with all its exhibits and an authenticated copy of the proceedings of this Council relating thereto to the Board of County Commissioners for further proceedings according to law.

Section 7: 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.

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.

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. 39 -2018  
(Sponsor: Councilmember Gates)

**APPROVING THE WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE.**

WHEREAS, Codified Ordinance 662.04 requires the Director of Public Service to notify owners of an assessment for the cutting and removal of offensive and noxious weeds, vines, and grass by the City of Shelby; and

WHEREAS, the Director of Public Service has served said notices on multiple properties within the City of Shelby, Ohio; and

WHEREAS, before the Clerk of Council can certify these assessments to the County Auditor for inclusion on the tax duplicate, Codified Ordinance 662.04 requires that City Council approve said assessment; 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 Council of the City of Shelby approve the assessments as prepared by the Director of Public Service so that the Clerk of Council can certify said assessments to the County Auditor for inclusion on the tax duplicate.

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

Section 1: That the Council of the City of Shelby hereby approves the list of assessments as prepared by the Director of Public Service and attached hereto as "Exhibit A".

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

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 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

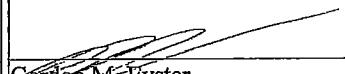
APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 40 -2018  
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH MID-STATE BLACK TOP, INC. FOR THE PAVING OF STREETS WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, portions of Morningside Drive and Bradley Avenue need resurfacing; and

WHEREAS, Mid-State Black Top, Inc. has provided a proposal for said work; 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 roads be resurfaced; 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 is hereby authorized to enter into a contract with Mid-State Black Top for the resurfacing of portions of Morningside Drive and Bradley Avenue.

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: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law



RESOLUTION NO. 41 -2018  
(Sponsors: Councilmember Gates)

DECLARING THE INTENT TO VACATE AN ALLEY RUNNING PERPENDICULAR OF POWELL STREET BETWEEN LOTS 523, 524, 525, AND 526 IN THE CITY OF SHELBY, OHIO.

WHEREAS, the plats of the City of Shelby, Ohio, indicate that a dedicated alley runs perpendicular of Powell Street between lots 523, 524, 525, and 526; and

WHEREAS, a majority of the owners of property bounding and abutting upon said alley have submitted a "Petition to Vacate Street or Alley" to Council of the City of Shelby, Ohio, asking the alley to be vacated; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate an alley and sets forth the procedure for doing so; 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 alley running perpendicular of Powell Street between lots 523, 524, 525, and 526 within the City of Shelby, Ohio, be vacated; and

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

Section 1: That it is the intent of the Council of the City of Shelby that the alley running perpendicular of Second Street between lots 523, 524, 525, and 526 as shown on Exhibit A within the City of Shelby, Ohio be vacated.

Section 2: That the Clerk of Council is hereby instructed to cause notice of Council's intent to vacate said alley to be served upon those persons mandated by the terms of the Charter of the City of Shelby.

Section 3: That the Board of Revisions of Assessments shall hold a meeting to consider Council's intent to vacate as well as any objections which may be lodged concerning said intent and that said Board of Revisions of Assessments submit a report to the council of the City of Shelby following said meeting.

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: \_\_\_\_\_

Steven McLaughlin  
Vice President of Council

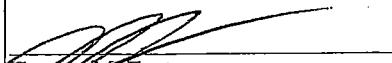
APPROVED:

ATTEST: \_\_\_\_\_

Steven T. Life  
Clerk of Council

Steven L. Schag  
Mayor

Prepared by :

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 42 -2018  
(Sponsor – Councilmember Gates)

**ACCEPTING A QUIT-CLAIM DEED TO A PART OF OUTLOT NO. 138 IN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO.**

WHEREAS, on January 20, 1949, the Board of Education deeded to the City of Shelby a part of Outlot No. 138 (Permanent Parcel No. 046-08-501-44-000); however, the deed contains the following reversionary clause: "Should said premises cease to be used for the use and occupancy of The City of Shelby, Ohio, the same shall revert to the grantors or its successors, who shall have the right to re-enter and repossess said premises with the appurtenances.", and

WHEREAS, said deed is recorded in Deed Volume 832 at Pages 38 and 39 of the records of the Richland County Recorder; and

WHEREAS, said Board of Education has recently quit-claimed all of its right, title, and interest in said parcel; 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 quit-claim deed be accepted by the Council of the City of Shelby; and

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

Section 1: That the quit-claim deed from the Board of Education for a part of Outlot No. 138 (Permanent Parcel No. 046-08-501-44-000) shall be and is hereby accepted.

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.

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

RESOLUTION NO. 43-2018  
(Sponsor: Councilmember Martin)

DECLARING THE RETIREMENT OF THE THREE (3) MEGAWATT DUAL FUEL COOPER BESSEMER GENERATOR AND THE ASSOCIATED AUXILIARY EQUIPMENT LOCATED AT THE LIGHT PLANT; DECLARING SAID PROPERTY TO BE OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SELL SAID PROPERTY.

WHEREAS, the City of Shelby owns a 1963 Three (3) Megawatt Cooper Bessemer Dual Fuel Generator and associated auxiliary equipment; and

WHEREAS, the said generator does not meet Environmental Protection Agency (EPA) air emission standards and cannot operate for monetary gain; and

WHEREAS, the said generator is out of service for mechanical issues and diesel mechanics, equipment, and parts are extremely difficult to obtain and/or are obsolete; and

WHEREAS, said property due to the foregoing is obsolete and no longer needed or used; and

WHEREAS, the City desires to sell said 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 said generator and associated auxiliary equipment be retired from operation and sold.

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

Section 1: That the 1963 Three (3) Megawatt Cooper Bessemer Dual Fuel Generator and associated auxiliary equipment at the Light Plant be officially retired from operation.

Section 2: That the Mayor as Director of Public Service or his designee shall be and is hereby authorized to sell said obsolete property to the highest bidder after advertisement pursuant to Ohio Law.

Section 3: That the Director of Finance and Public Record shall deposit the proceeds from the sale of obsolete property into the electric fund.

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.

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

PASSED: \_\_\_\_\_

Steven McLaughlin  
Vice President of Council

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Steven L. Schag  
Mayor

Prepared by:

  
Gordon Eyster  
Director of Law

RESOLUTION NO: 44 - 2018  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO  
A GOVERNMENTAL AGGREGATION PROGRAM AGREEMENT WITH  
VOLUNTEER ENERGY SERVICES, INC., AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby previously enacted a Governmental Aggregator Service Agreement; and

WHEREAS, the City of Shelby is required and previously entered into a Governmental Aggregation Program Agreement in order to properly effectuate the City's gas aggregation; and

WHEREAS, the City desires to renew their contract with Volunteer Energy Services, Inc., under the terms set forth in the Governmental Aggregation Program Agreement attached hereto.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into a Governmental Aggregation Program Agreement with Volunteer Energy Services, Inc.

Section 2: That a copy of said Governmental Aggregation Program Agreement be attached hereto and made part of this Resolution as if fully written herein.

Section 3: That all meetings and hearing 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 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

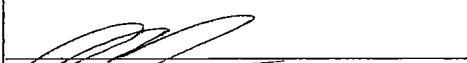
APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law