

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

**Shelby City Council Agenda**  
**Monday, May 6, 2019**  
**COUNCIL CHAMBERS**  
**29 MACK AVENUE**  
**Shelby, Ohio**  
**7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from April 15, 2019**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Public Comment**

Mr. Joe Trolian—MH&RS

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Safety Committee—Derrin Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

**Proclamation**

**MOTION TO REQUEST A LIQUOR HEARING FOR TAVERN AT BLACKFORK LLC DBA  
TAVERN AT BLACKFORK 15 EAST WHITNEY AVENUE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**  
Ashland Railway

**Unfinished Business**  
Future Use of Main Street Fire Station

Live streaming of Council meetings

**Legislation**

**ORDINANCE NO 9-2019**

**AMENDING CHAPTER 246 (PUBLIC UTILITY OFFICERS)  
OF THE CODIFIED ORDINANCES OF THE CITY OF  
SHELBY**

**3RD READING**

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 11-2019**

**AMENDING ORDINANCE NO 7-2019 (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. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**RESOLUTION NO 21-2019**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE AND SAFETY TO ENTER INTO A SALES  
AGREEMENT FOR THE SALE OF THE METAL BUILDING  
PREVIOUSLY USED BY THE SHELBY CITY FIRE  
DEPARTMENT AND TO DEPOSIT THE PROCEEDS INTO  
THE GENERAL FUND**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**RESOLUTION NO 22-2019**

**DECLARING THE INTENT TO VACATE AN ALLEY THAT  
RUNS PARALLEL WITH SECOND STREET A PORTION  
OF OAK STREET IN THE CITY OF SHELBY, OHIO**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**RESOLUTION NO 23-2019**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO ENTER INTO CONTRACT CHANGE ORDER  
WITH NORTH BAY CONSTRUCTION, INC. FOR THE  
WASTE WATER TREATMENT PLANT IMPROVEMENT  
PROJECT IN THE AMOUNT OF SIXTY-THREE  
THOUSAND SEVEN HUNDRED FORTY-NINE AND 89/100  
DOLLARS (\$63,749.89) AS AN INCREASE AND  
DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**RESOLUTION NO 24-2019**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LETTER OF INTENT WITH AEP ONSITE PARTNERS, LLC FOR A PHOTOVOLTAIC ELECTRIC GENERATION FACILITY FEASIBILITY ANALYSIS AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 25-2019**

**SUPPORTING THE PASSAGE OF HOUSE BILL NO. 54 BY THE 133<sup>RD</sup> GENERAL ASSEMBLY OF THE STATE OF OHIO**

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

**RESOLUTION NO 26-2019**

**THANKING THE FIFTEEN AMERICAN MUNICIPAL POWER, INC. MEMBER COMMUNITES FOR THEIR MUTUAL AID RESPONSE TO THE CITY OF SHELBY**

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

**Miscellaneous Business**

**MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR THE SALE OF PROPERTY AT COMPETITIVE BIDDING, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST**

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

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

1st Reading  
4/11/2019  
2nd Reading  
4/15/2019

ORDINANCE NO. 9 -2019  
(Sponsor - Councilmember Gates)

**AMENDING CHAPTER 246 (PUBLIC UTILITY OFFICERS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, duties and responsibilities of supervisors in the Department of Public Service have over the years been combined and reassigned; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the people of the City of Shelby that Chapter 246 of the Codified Ordinances be amended to reflect these changes.

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

Section 1: That Chapter 246 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**246.01 DIRECTOR OF UTILITIES.**

There is hereby established the position of Director of Utilities, which Director shall have charge of the operations of all the municipal utilities of the City and to see that the same are kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. The Director of Utilities shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

**246.02 SUPERINTENDENT OF THE WASTEWATER TREATMENT PLANT.**

The Office of Superintendent of the Wastewater Treatment Plant is hereby established, which office shall consist of one person who shall be known as the Superintendent of the Wastewater Treatment Plant. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations at the Wastewater Treatment Plant of the City and shall see that the same is kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

**246.03 SUPERINTENDENT OF THE WATER TREATMENT PLANT.**

The Office of Superintendent of Water is hereby established, which office shall consist of one person who shall be known as the Superintendent of Water. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations at the Water Treatment Plant of the City and shall see that the same is kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

**246.04 SUPERINTENDENT OF ELECTRIC DISTRIBUTION, GENERATION, AND COMMUNICATIONS.**

The Office of Superintendent of Electric Distribution, Generation, and Communications is hereby established, which office shall consist of one person who shall be known as the Superintendent of Electric Distribution, Generation, and Communications. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations of the electric distribution system, generation, and the communication system of the City and shall see that the same is kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

**246.05 SUPERINTENDENT OF STREETS, WATER DISTRIBUTION, AND WASTEWATER COLLECTION.**

The Office of Superintendent of Streets, Water Distribution, and Wastewater Collection is hereby established, which office shall consist of one person who shall be known as the

Superintendent of Streets, Water Distribution, and Wastewater Collection. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations of the streets, water distribution, and wastewater collection of the City and shall see that the same are kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

**246.06 AUTHORITY OF DIRECTOR OF PUBLIC SERVICE.**

The Director of Public Service shall have charge of all utility collections of the City and shall see that the same are continuously and efficiently made.

**246.07 DIRECTOR OF UTILITIES AS ACID RAIN PERMIT AND COMPLIANCE REPRESENTATIVE.**

The Director of Utilities is hereby designated as the representative for purposes of acid rain permit and compliance activities in conjunction with the 1.825-megawatt generator located at the Wastewater Treatment Plant on London West Road.

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

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

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

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

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

Steven T. Lifer  
Clerk of Council

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

Prepared by:

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

ORDINANCE NO: 11 -2019  
(Sponsor: Councilmember McLaughlin)

**AMENDING ORDINANCE, NO: 7-2019 (ANNUAL APPROPRIATIONS), AND  
DECLARING AN EMERGENCY.**

WHEREAS, on March 18, 2019, 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 a line item within the 2019 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 2019 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: 7-2019 (Annual Appropriations) is hereby amended as follows:

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

**600 – DIS- 531      Miscellaneous      \$200,000.00**

Section 2: That all other portions of Ordinance No.: 7-2019, 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



**RESOLUTION NO. 21 -2019**  
**(Sponsor: Councilmembers Roberts and Roub)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO A SALES AGREEMENT FOR THE SALE OF THE METAL BUILDING PREVIOUSLY USED BY THE SHELBY CITY FIRE DEPARTMENT AND TO DEPOSIT THE PROCEEDS INTO THE GENERAL FUND.**

WHEREAS, the City of Shelby is the owner of a 30' x 40' metal building; and

WHEREAS, Section 236.04 of the Codified Ordinances of the City of Shelby states that the Director of Public Safety shall make no disposition of any property belonging to the city without first being authorized by resolution or ordinance; and

WHEREAS, the 30' x 40' metal building is no longer needed for municipal purposes and the monies will benefit the General Fund; 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 and Safety of the City of Shelby is authorized to enter into a sales agreement for said building, and the monies to be deposited into the General Fund.

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

Section 1: That the Mayor as Director of Public Service and Safety is hereby authorized to enter into a sales agreement for said metal building.

Section 2: That all meetings and hearings concerning the adoption of the 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 earliest period allowed by law.

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

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

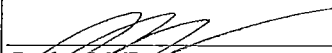
APPROVED:

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

Steven T. Lifer  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 22 -2019  
(Sponsor: Councilmember Gates)

**DECLARING THE INTENT TO VACATE AN ALLEY THAT RUNS PARALLEL WITH SECOND STREET A PORTION OF OAK STREET IN THE CITY OF SHELBY, OHIO.**

WHEREAS, the plats of the City of Shelby, Ohio, indicate that an alley that runs parallel with Second Street and a portion of Oak Street are dedicated streets and alleys in the City of Shelby; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate streets and alleys and sets forth the procedure for doing so; and

WHEREAS, the owners of the property contiguous to and abutting an alley that runs parallel with Second Street and a portion of Oak Street and have submitted a "Petition to Vacate Street or Alley" to the Council of the City of Shelby asking that said street and alley be vacated; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby, Ohio, that an alley that runs parallel with Second Street and a portion of Oak Street be vacated as shown and described on Exhibits A & B; 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 an alley that runs parallel of Second Street and a portion of Oak Street as shown and described on Exhibits A & B within the City of Shelby be vacated.

Section 2: That the Clerk of Council of the City of Shelby is hereby instructed to cause notice of Council's intent to vacate an alley that runs parallel with Second Street and a portion of Oak Street and as shown and described on Exhibits A & B to be served upon those persons mandated by the terms of the Charter of the City of Shelby, Ohio.

Section 3: That the Board of Revision 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 Revision 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 Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby; and

Section 7: 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 Lifer  
Director of Finance

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

Prepared by:

  
\_\_\_\_\_  
Gordon Byster  
Director of Law

RESOLUTION NO. 23-2019  
(Sponsor- McLaughlin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF SIXTY-THREE THOUSAND SEVEN HUNDRED FORTY-NINE AND 89/100 DOLLARS (\$63,749.89) AS AN INCREASE AND DECLARING AN EMERGENCY.**

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

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #28; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that this change order be approved, 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 Contract Change Order with North Bay Construction, Inc. for the total amount of Sixty-Three Thousand Seven Hundred Forty-Nine and 89/100 Dollars (\$63,749.89) as an increase.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been 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.: 24 -2019**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LETTER OF INTENT WITH AEP ONSITE PARTNERS, LLC, FOR A PHOTOVOLTAIC ELECTRIC GENERATION FACILITY FEASIBILITY ANALYSIS AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has an interest in the purchase of electricity from a photovoltaic electric generation facility owned and operated by AEP OnSite Partners, LLC.; and

WHEREAS, AEP OnSite Partners, LLC, will evaluate the feasibility of a photovoltaic electric generation facility and its related equipment and facility by conducting a feasibility analysis for a photovoltaic electric generation facility to be located at the City of Shelby Waste Water Treatment Plant; 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 Letter of Intent with AEP OnSite Partners, LLC., for a Photovoltaic Electric Generation Facility Feasibility Analysis.

**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 Letter of Intent with AEP OnSite Partners, LLC, for a photovoltaic electric generation facility feasibility analysis.

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 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 T. Lifer  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 25 -2019  
(Sponsor – Councilmember Gates)

**SUPPORTING THE PASSAGE OF HOUSE BILL NO. 54 BY THE 133RD GENERAL ASSEMBLY OF THE STATE OF OHIO.**

WHEREAS, since 1934 when the first state sales tax was enacted, a covenant had existed between state government and the Buckeye State's counties, municipalities, and townships, whereby the state would provide financial support to assist local governments; and

WHEREAS, the amount of Local Government Fund support received by the City of Shelby has dropped by 51% from \$317,483 in 2010 to \$156,851 in 2017 despite the fact that the balance in the state's Budget Stabilization Fund – also known as the "Rainy Day Fund" – has now grown to a record \$2.69 billion; and

WHEREAS, House Bill No. 54 has been introduced with bipartisan support to amend Ohio Revised Code Section 131.51 to increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby to restore the Local Government Fund to its 2010 levels.

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

Section 1: That the Council support the passage of House Bill No. 54 by the 133rd General Assembly of the State of Ohio to amend Ohio Revised Code Section 131.51 to increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019.

Section 2: That the Clerk of Council shall send copies of this Resolution to the Honorable Mike DeWine, Governor of the State of Ohio; the Honorable Larry Obhof, Member of the Ohio Senate; and the Honorable Mark Romanchuk, Member of the Ohio House of Representatives no later than three (3) business days after its passage.

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.

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. 26 -2019**  
**(Sponsors – Councilmembers Gates, Martin and Roub)**

**THANKING THE FIFTEEN AMERICAN MUNICIPAL POWER, INC. MEMBER COMMUNITIES FOR THEIR MUTUAL AID RESPONSE TO THE CITY OF SHELBY.**

WHEREAS, on the late afternoon of Sunday, April 14, 2019, a tornado struck the southeast edge of the City of Shelby, wreaking destruction and havoc in its path; and

WHEREAS, the City's electric distribution system along Mansfield Avenue and George Hawk Road was virtually destroyed by the force of the storm; and

WHEREAS, American Municipal Power, Inc., to which the City belongs, maintains a Mutual Aid Program, a network of municipal electric systems that stands ready to provide assistance to fellow municipal systems when local utility emergencies occur that are too widespread to be handled by one system alone; and

WHEREAS, without a moment's hesitation, fifteen municipal electric systems in Ohio and Michigan responded to the City's request for mutual aid to restore power to affected homes and businesses; and

WHEREAS, the people of the City of Shelby are truly thankful and grateful for the mutual aid that rebuilt and restored the tornado-damaged electric distribution system.

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

Section 1: That the Council express its most sincere thanks and gratitude to the following communities and their line workers who provided mutual aid to the City of Shelby after the April 14, 2019, tornado:

From the City of Bryan, Ohio – Brad Plummer and Brandon Suffel;

From the City of Cuyahoga Falls, Ohio – Chris Rhodes, Tyler Cammell, and Joe Marez;

From the City of Galion, Ohio – Jerry Pangborn, Kyle Nulk, Russ Brown, Dick Benner, James Talley, Bill Smith, and Steve Olmstead;

From the City of Hillsdale, Michigan – Trenton Morrill and Randy Gay;

From the City of Hudson, Ohio – Bob Snyder, Jeff Fullerton, John Strobl, Bob Reddick, Chris Mick, and Keith Moore;

From the Village of Jackson Center – Dave Overman and Ben Shuster;

From the City of Napoleon, Ohio – Jeff Feather and Oscar Gomez;

From the City of Oberlin, Ohio – Chad Watson, Marion Prestridge, Kyle Spears, and John Kiley;

From the City of Orrville, Ohio – Virgil Steiner, Burt Graham, Kyle Miller, John Baab, and Alex Meyer;

From the Village of Pioneer, Ohio – Nick Carlson;

From the City of Piqua, Ohio – Ken Wagner and Kyle Brandewie;

From the Village of Plymouth – Darrin Elliot and Jarrod Hintz;

From the City of Tipp City, Ohio – Nick Sanders, Derrick Canan, and Ryan McCarroll;

From the City of Wadsworth, Ohio – Bill Lyren, Jr., Jason Howard, Luke Truman, Lance Purviance, Trevor Alexis, and Bob Lindeman; and

From the City of Westerville, Ohio – Jeremy Savage, Michael Roark, Taylor Reidy, and Elias Markley.

Section 2: That the Council note that the responding mutual aid communities brought with them fourteen bucket trucks, ten digger trucks, seven pickup trucks, one pole trailer, and one dump truck to facilitate their work.

Section 3: That the Clerk of Council mail a copy of this Resolution to the mayors of each of the aforementioned communities.

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, approval by the Mayor, and the earliest period allowed by law.

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

\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council


APPROVED:

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

Steven T. Lifer  
Clerk of Council

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

Prepared by:

  
Gordon M. Eyster  
Director of Law