

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

**Shelby City Council Agenda**  
**Monday, November 5, 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 \_\_\_\_\_

**Dispense with Reading of Journal from October 15, 2018**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development—Steve McLaughlin

Jessica Gribben—Economic Development Liaison

Public Works & General Operation Committee—Charlie Roub

**Reports of City Officials**

Steven L. Schag—Mayor

**Proclamation**

**MOTION TO CONFIRM THE APPOINTMENT OF JOHN CLARY TO THE SHADE TREE COMMISSION FOR A TERM ENDING 12/31/2021**

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

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

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

**Legislation**

**AMENDED 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**

**3RD READING**

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub

**ORDINANCE NO 25-2018**

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

**2ND READING**

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

**ORDINANCE NO 26-2018**

**CORRECTING AN ERROR ON THE SHELBY ZONING  
DISTRICTS MAP**

**2ND READING**

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

**AMENDED ORDINANCE NO 28-2018**

**AMENDING SECTION 881.06 (CREDIT FOR TAX  
PAID TO OTHER MUNICIPALITIES) OF CHAPTER  
881 (EARNED INCOME TAX) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**2ND READING**

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

**SUBSTITUTE ORDINANCE NO 28-2018**

**AMENDING SECTION 881.06 (CREDIT FOR  
TAX PAID TO OTHER MUNICIPALITIES) OF  
CHAPTER 881 (EARNED INCOME TAX) OF  
THE CODIFIED ORDINANCES OF THE CITY  
OF SHELBY**

**2ND READING**

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

**ORDINANCE NO 29-2018**

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2018  
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. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub       

**ORDINANCE NO 30-2018**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO ENTER INTO A CONTRACT WITH THE  
INTERNATIONAL UNION OF OPERATING ENGINEERS,  
LOCAL 18-S, 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. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub       

**RESOLUTION NO 54-2018**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO PURCHASE SALT FROM MORTON SALT,  
INC., IN CONJUNCTION WITH THE RICHLAND COUNTY  
BOARD OF COMMISSIONERS, FOR THE PURCHASE OF  
ROCK SALT AND DECLARING AN EMERGENCY**

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub

RESOLUTION NO 55-2018

**AUTHORIZING AND INSTRUCTING THE DIRECTOR OF  
LAW TO FILE AN ACTION TO COLLECT AN  
OUTSTANDING COGNOVIT NOTE, AND DECLARING AN  
EMERGENCY**

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

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

9/4/2014  
2nd Reading  
9/17/2018

**AMENDED 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, effective January 1, 2019.

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

10/15/2018

**ORDINANCE NO. 25-2018**  
**(Sponsor: Councilmember Gates)**

**VACATING AN ALLEY RUNNING PERPENDICULAR OF POWELL STREET BETWEEN LOTS 523, 524, 525, AND 526 IN THE CITY OF SHELBY, OHIO.**

WHEREAS, on the 4<sup>th</sup> day of September, 2018, the Council of the City of Shelby adopted Resolution No. 41-2018 and in so doing declared its intent to vacate an alley running perpendicular of Powell Street within the City of Shelby, Ohio; and

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

WHEREAS, the Board of Revision of Assessments met on September 27, 2018; (said meeting procedure being in accordance with provisions of Section 105 of the charter of the City of Shelby) and voted to approve and recommend the vacation of an alley running perpendicular of Powell Street between lots 523, 524, 525, and 526 within the City of Shelby, Ohio; and

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

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

Section 1: That an alley running perpendicular of Powell Street within the City of Shelby, Ohio and as set forth in the legal description as prepared by F.E. Krocka & Associates, Inc.- Nathan W. Sautter, registered surveyor, on August 17, 2018 and designated as the plat of vacation of a 16-foot alley adjacent to Lots 523, 524, 525 & 526, Richland County Recorder Plat Volume 2#3, Page 15 of the records of the City of Shelby, Richland County, Ohio is hereby vacated.

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

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01. Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

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

ATTEST: \_\_\_\_\_  
Steven T. Lifer  
Clerk of Council  
\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

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

1st Reading  
10/15/2018

**ORDINANCE NO. 26-2018**  
**(Sponsor: Councilmember Gates)**

**CORRECTING AN ERROR ON THE SHELBY ZONING DISTRICTS MAP.**

WHEREAS, the official Zoning Districts Map of the City of Shelby contains an error in that it places the property at 100 North Gamble Street in the R-2 Residential District; however, said property has been used for commercial purposes since circa 1960; 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 error be corrected.

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

Section 1: That the official Zoning Districts Map of the City of Shelby be corrected to place the property located at 100 North Gamble Street (Richland County Parcel Numbers: 046-08-104-13-000 and 046-08-104-12-000) in the B-3 Highway Service Business District.

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 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



1st Reading  
10/15/2018

**AMENDED ORDINANCE NO. 28-2018**  
**(Sponsor: Councilmember Gates and Martin)**

**AMENDING SECTION 881.06 (CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES) OF CHAPTER 881 (EARNED INCOME TAX) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, since 2016 there has been a steady increase in the annual amount of carryover from year to year in the General Fund; and

WHEREAS, income tax levies for the construction of the Justice Center (began collection in 2012 for 25 years at 0.3%) and maintenance of streets, alleys, and sidewalks (began collection in 2014 for 5 years at 0.2%) were approved by voters and are not subject to a tax credit; and

WHEREAS, the residents who live and work in the city and those non-residents who are employed in the city pay the current full income tax rate of 1.5%; and

WHEREAS, increasing the tax credit to 75% from the current 67% will reduce the collection by approximately \$40,000 per year.

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

Section 1: That effective January 1, 2019 Section 881.06 (Credit for Tax Paid to Other Municipalities) of Chapter 881 (Earned Income Tax) of the codified Ordinances of the City of Shelby be amended to read as follows:

**881.06 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.**

Every individual taxpayer who resides in the city but who receives income, wages, salaries, commissions or other compensation for work done or services performed or rendered outside of the city, if it be made to appear that he or she has paid a municipal income tax on the income, wages, salaries, commissions or other compensation to another municipality, shall be allowed a credit against the tax imposed by this chapter of the amount so paid by him or her or in his or her behalf to the other municipality. For the tax year 2019 and forward, the credit shall not exceed 75% of the tax assessed by this chapter.

Section 2: That all other Sections of Chapter 881 (Earned Income Tax) of the Codified Ordinances of the City of Shelby shall remain in full force and effort.

Section 3: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, Ohio R.C. 121.22 and the City Charter.

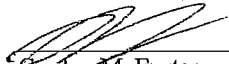
Section 4: That this Ordinance shall be in full force and effort from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

1st Reading  
10/15/2018

**SUBSTITUTE ORDINANCE NO. 28-2018**  
**(Sponsor: Councilmember Gates and Martin)**

**AMENDING SECTION 881.06 (CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES) OF CHAPTER 881 (EARNED INCOME TAX) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, since 2016 there has been a steady increase in the annual amount of carryover from year to year in the General Fund; and

WHEREAS, income tax levies for the construction of the Justice Center (began collection in 2012 for 25 years at 0.3%) and maintenance of streets, alleys, and sidewalks (began collection in 2014 for 5 years at 0.2%) were approved by voters and are not subject to a tax credit; and

WHEREAS, the residents who live and work in the city and those non-residents who are employed in the city pay the current full income tax rate of 1.5%; and

WHEREAS, increasing the tax credit to 75% from the current 67% will reduce the collection by approximately \$40,000 per year.

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

Section 1: That Section 881.06 (Credit for Tax Paid to Other Municipalities) of Chapter 881 (Earned Income Tax) of the codified Ordinances of the City of Shelby be amended to read as follows:

**881.06 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.**

(a) For income earned until and including December 31, 2018, every individual taxpayer domiciled in Shelby who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter, may claim a nonrefundable credit against the tax imposed by this chapter upon satisfactory evidence that tax has been paid to another municipality. Subject to division (c) of this section, the credit shall not exceed 67% of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality, or 67% of the amount subject to tax by Shelby, whichever is the lesser.

(b) For income earned on and after January 1, 2019, every individual taxpayer domiciled in Shelby who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter, may claim a nonrefundable credit against the tax imposed by this chapter upon satisfactory evidence that tax has been paid to another municipality. Subject to division (c) of this section, the credit shall not exceed 75% of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality, or 75% of the amount subject to tax by Shelby, whichever is the lesser.

(c) Shelby shall grant a credit against its tax on income to a resident of Shelby who works in a joint economic development zone created under R.C. § 715.691 or a joint economic development district created under R.C. § 715.70, 715.71, or 715.72 to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(d) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (a) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality.

Section 2: That all other Sections of Chapter 881 (Earned Income Tax) of the Codified Ordinances of the City of Shelby shall remain in full force and effort.

Section 3: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, Ohio R.C. 121.22, and the City Charter.

ORDINANCE NO: 29 -2018  
(Sponsor: Councilmember McLaughlin)

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2018 AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2018 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2018 and so as to fund necessary expenditures and/or projects; 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 funds be transferred.

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

FROM	225-HEA-625	NUISANCE ABATEMENT	\$23,000.00
TO	225-HEA-564	SERVICE VEHICLE	\$23,000.00

Section 2: That all other portions of Ordinance No. 4-2018, 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 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: 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 McLaughlin  
Vice President of Council

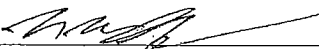
APPROVED:

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

Steven Lifer  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 30 -2018**  
(Sponsor – Councilmember Martin and Gates)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18-S, AND DECLARING AN EMERGENCY.**

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Union of Operating Engineers, Local 18-S, as the bargaining representatives of certain service workers; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement.

**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: That the Mayor as Director of Public Service is hereby authorized and directed to enter into agreement with the International Union of Operating Engineers, Local 18-S on behalf of certain service workers, a copy of which is attached hereto and made a part hereof as though fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

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 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

RESOLUTION NO. 54 -2018  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SALT FROM MORTON SALT, INC., IN CONJUNCTION WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS, FOR THE PURCHASE OF ROCK SALT AND DECLARING AN EMERGENCY.**

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer are willing to partner with the City of Shelby in purchasing rock salt in the hopes that the combined, larger purchase will be at a lesser cost than if purchased independently; and

WHEREAS, Ohio Revised Code 125.04 authorizes political subdivisions to purchase supplies or services from one another as long as said purchase is on equivalent terms, conditions, and specifications (but at a lower price) than could be purchased by bidding or through the state cooperative purchase plan; and

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer have completed the necessary steps to purchase rock salt for both the county and City of Shelby all in accordance with the terms of the Ohio Revised Code and, specifically, 125.04; and

WHEREAS, the Richland County Board of Commissioners have received a low bid of \$96.33 per ton from Morton Salt, Inc.; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Richland County Board of Commissioners for the purchase of rock salt.

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 be authorized to purchase rock salt at a price of \$96.33 per ton from Morton Salt, Inc.

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.

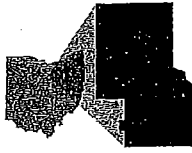
PASSED: \_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Steven Lifer  
Clerk of Council  
\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

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



# Richland County Engineer

77 NORTH MULBERRY STREET • MANSFIELD, OHIO 44902-1208

Adam M. Gove, P.E., P.S.

Office Phone 419-774-5591

Fax 419-774-5539

Tax Map Phone 419-774-5620

Mansfield Garage 419-774-5839

September 11, 2018

Road Salt 2018 / 2019

The Board of Richland County Commissioners recently opened bids for the purchase of Rock Salt for the 2018/2019 winter season. Recent bids by other entities in the State had shown that the price for salt was on the rise. While I am glad that we did receive a bid for our contract (unlike the results of 2014), I am disappointed in the price that was received.

Our contract price for the 2018/2019 winter season, which the County intends to accept, is \$96.33 per ton and will be supplied by Morton Salt, Inc. This is nearly 2 ½ times more than last year's price of \$42.10. Two other companies, Cargill and Compass Minerals, supplied letters at the time of bid stating that they were not able to fulfill our needs for salt. Due to the large quantity of salt used by the County Highway Department, our options are limited in how we obtain salt for snow and ice control. This is why we intend to accept the bid price that was received from Morton Salt, Inc.

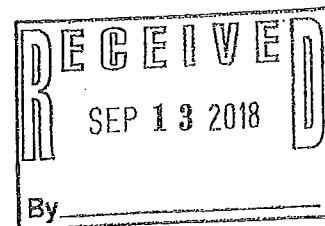
As in year's past, once the contract with Morton is complete, you will need to contact Morton directly to set up delivery and billing details. The contact information will be sent out in the near future.

Due to varying purchasing laws between Townships, Counties, Villages, and Municipalities, some of you may be able to purchase salt through other methods. If you feel that it would be possible to obtain a better price for salt, I would recommend that you seek legal council to explore those options. While it is too late for this year, another option would be to join the ODOT salt contract next spring. The price for ODOT in Richland County is \$83.67 per ton for the 2018/2019 season. It is important to keep in mind that when using the ODOT contract, each entity must purchase at least 90% of its requested tonnage. This can lead to storage issues in years with very light winters and has been the main reason that Richland County has remained on our own contract.

Please let our office know if you have any questions or concerns. I wish you the best for the upcoming winter season. Let's all hope for a mild one.

Respectfully,

Adam M. Gove, P.E., P.S.  
Richland County Engineer



RESOLUTION NO. 55 - 2018  
(Sponsor: Councilmember Gates)

**AUTHORIZING AND INSTRUCTING THE DIRECTOR OF LAW TO FILE AN ACTION TO COLLECT AN OUTSTANDING COGNOVIT NOTE, AND DECLARING AN EMERGENCY.**

WHEREAS, the Charter of the City of Shelby Section 33 provides the Director of Law shall prosecute or defend for and on behalf of the City all complaints, suits, and controversies in which the City is a party and such other suits, matters and controversies as he shall by resolution or ordinance be directed to prosecute or defend; and

WHEREAS, Gregory A. Beard executed a certain Cognovit Note on or about March 30, 2016, and has failed to satisfy the terms contained herein; 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 Director of Law be authorized and instructed to file legal action to collect payment on said Note.

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

Section 1: That the Law Director of the City of Shelby is hereby authorized and instructed to institute legal action which may be necessary to collect on the Cognovit Note executed by Gregory A. Beard on or about March 30, 2016.

Section 2: That Director of Finance is authorized and instructed to pay any and all court costs, publication costs, or any other costs associated with the aforementioned action, with the understanding that said costs may ultimately be recouped.

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution is hereby deemed to be an emergency for the immediate preservation of the public peace, property and health and safety, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

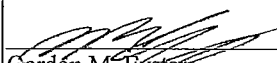
\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Steven Lifer  
Clerk of Council

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

Prepared by:

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