

**3:30 Community & Economic Development Committee**  
**6:59pm-The Lord's Prayer & Moment of Silence**

**Shelby City Council Agenda**  
**Tuesday, September 5, 2017**  
**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 August 21, 2017**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Derrin Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

**AMENDED SUBSTITUTE ORDINANCE NO 16-2017 DETERMINING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY BE SOLD AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY AND DECLARING AN EMERGENCY**

**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 24-2017**

**AMENDING ORDINANCE NO: 8-2017 (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 24-2017**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR THE OHIO WATER POLLUTION CONTROL FUND GRANT FOR THE REPLACEMENT OF SANITARY SEWER LATERALS AND DECLARING AN EMERGENCY**

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

**Miscellaneous Business**

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

5/17/2017  
2nd Reading  
8/21/2017

AMENDED SUBSTITUTE ORDINANCE NO: 16-2017  
(Sponsor: Councilmembers Roberts and Roub)

**DETERMINING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY BE SOLD AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY AND DECLARING AN EMERGENCY.**

WHEREAS, The City of Shelby owns a parcel of land within said City which should be sold, and which is more particularly described in the attached Exhibit 1; and

WHEREAS, The Charter of the City of Shelby provides, in Section 1, that the City may acquire property in fee simple or lesser interest and may sell, convey, lease, hold, manage, and control such property; and

WHEREAS, Ohio Revised Code Section 1724.10 authorizes the Council to designate the Community Improvement Corporation as its agent for the sale of lands which have been determined not to be required by the political subdivision for its purposes; and

WHEREAS, The sale or transfer of the property described in the attached Exhibit 1 will promote the welfare of the people of the political subdivision; and

WHEREAS, Ohio Revised Code Section 1724.10 allows for the sale of real property that will promote the welfare of the people of the City of Shelby; and

WHEREAS, It is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that this parcel be sold and that the Community Improvement Corporation of Shelby, Inc. be designated the agent of the City for the sale of the parcel of land reflected in the attached Exhibit 1.

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

Section 1: That the real estate attached hereto as Exhibit 1 shall be sold.

Section 2: That the City designates the Community Improvement Corporation of Shelby, Ohio, Inc. (CIC) as its agent in the sale of the above described real property in accordance with Ohio Revised Code 1724.10 (B), subject to the following conditions:

- a. The property may be sold in its entirety (lots 1 & 2 as shown on exhibit 1) or separately as lots 1 & 2, whichever provides for the greatest sum.
- b. Said real property shall be in contract to sell within six (6) months of the effective date of this Ordinance.
- c. The CIC shall have the exclusive right to sell said real property within six (6) months of the effective date of this Ordinance.
- d. The CIC may retain a sum not greater than six percent (6%) of the sale price, after the deduction of all appraisal fees and all costs related to the sale of the property.
- e. A quit-claim deed shall be used to transfer said real property.
- f. Said real property shall be sold "as is - where is" with no warranties whatsoever, either expressed or implied.
- g. That the City of Shelby shall reserve unto itself sufficient utility easements as may be required.

Section 3: That the Director of Finance and Public Record shall deposit the net proceeds from the sale of said real property into the Electric Fund.

Section 4: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with the Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

Section 5: That this Ordinance 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.

**ORDINANCE NO. 24-2017**  
(Sponsor: Councilmember McLaughlin)

**AMENDING ORDINANCE NO: 8-2017 (ANNUAL APPROPRIATIONS), AND DECLARING AN EMERGENCY.**

WHEREAS, on March 20, 2017, 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 2017 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 2017 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: 8-2017 (Annual Appropriations) is hereby amended as follows:

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

354 - PCC - 536	CONSTRUCTION	\$19,951.00
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Section 2: That all other portions of Ordinance No.: 8-2017, 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: 24-2017  
(Sponsor: Councilmember Gates)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR THE OHIO WATER POLLUTION CONTROL FUND GRANT FOR THE REPLACEMENT OF SANITARY SEWER LATERALS AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for the replacement of sanitary sewer systems through the Ohio Water Pollution Control Fund; and

WHEREAS, the Shelby City Health Department desires financial assistance under the Ohio Water Pollution Control Fund to help with the replacement of sanitary sewer laterals on West Main Street; 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 Safety apply for funding through the Ohio Water Pollution Control Fund.

**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 Council approve an application for financial assistance for the replacement of sanitary sewer laterals.

Section 2: That the Mayor as Director of Public Safety shall be and is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Ohio Water Pollution Control 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, Ohio.

Section 5: 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