

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

**Shelby City Council Agenda**  
**Monday, April 19, 2021**  
**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 5, 2021**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilman Gates

Utilities & Streets Committee—Councilman Martin

Safety Committee—Councilman Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF ERIC CUTLIP TO THE PLANNING COMMISSION**

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

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**AUTHORIZING THE MAYOR TO SIGN AGREEMENT BETWEEN THE COMMUNITY  
IMPROVEMENT CORPORATION OF SHELBY, OHIO (CIC) AND THE CITY OF SHELBY,  
OHIO**

Moved 2<sup>ND</sup>

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

**Unfinished Business**

Future Use of Main Street Fire Station—ORC Section 721.01—Future letter in regard to real estate as  
needed or not needed for any municipal purpose

Exterior Property Maintenance—59 West Main Street

Charter centennial timeline

**Legislation**

**ORDINANCE NO 10-2021**

**AMENDING CHAPTER 1476 (PROJECTIONS INTO PUBLIC  
WAYS AND GROUNDS) SECTION 1476.01 (PROJECTIONS  
PROHIBITED) OF THE CODIFIED ORDINANCES OF THE  
CITY OF SHELBY, OHIO**

**2ND READING**

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

**ORDINANCE NO 11-2021**

**AMENDING CHAPTER 1050 (ELECTRICITY) SECTION  
1050.02 (RATES AND CHARGES FOR SERVICE), (b) (1)  
(GENERATION CHARGE) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY, OHIO**

**2ND READING**

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

**RESOLUTION NO 15-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SAFETY TO APPLY FOR THE 2021 EDWARD BYRNE  
MEMORIAL JUSTICE ASSISTANCE GRANT**

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

**RESOLUTION NO 16-2021**

**DECLARING THE AMOUNT OF TAXES THAT MAY BE  
RAISED BY LEVY AT THE MAXIMUM RATE  
AUTHORIZED BY LAW WITHOUT A VOTE OF THE  
ELECTORS TO BE INSUFFICIENT AND DECLARING THE  
NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR  
THE GENERAL OPERATION OF THE SHELBY BOARD OF  
PARK COMMISSIONERS IN ACCORDANCE WITH OHIO  
REVISED CODE §5705.19, 5705.191, 5705.194, 5705.21 AND  
5705.26**

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

**RESOLUTION NO 17-2021**

**ESTABLISHING THE "LOCAL FISCAL RECOVERY FUND" AND AUTHORIZING THE DIRECTOR OF FINANCE AND PUBLIC RECORD AS EX-OFFICIO CITY TREASURER TO ACCEPT ALL FUNDS RECEIVED UNDER THE AMERICAN RESCUE PLAN AND TO DEPOSIT THEM IN SAID FUND**

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

**RESOLUTION NO 18-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE SHELBY CITY SCHOOL DISTRICT FOR THE PREPARATION AND SEEDING OF A POLLINATING FIELD AT THE FORMER RESERVOIR #1 SITE AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 19-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH PAGE EXCAVATION, INC FOR THE CITY OF SHELBY BUILDING DEMOLITION PROJECT IN THE AMOUNT OF ELEVEN THOUSAND FIVE HUNDRED THIRTY AND 00/100 DOLLARDS (\$11,530.00) AS AN INCREASE AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 20-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021 AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 21-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDMENTS TO THE CONTRACT WITH CT CONSULTANTS FOR DESIGN SERVICES FOR THE SHELBY WASTEWATER TREATMENT IMPROVEMENT PROJECT IN THE AMOUNT OF SIXTY-SIX THOUSAND TWO HUNDRED FORTY-EIGHT AND 32/100 DOLLARS (\$66,248.32) AS AN INCREASE AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 22-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT A NOMINATION FORM FOR PRINCIPAL FORGIVENESS FROM THE DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE, OFFICE OF FINANCIAL ASSISTANCE, OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE REPLACEMENT OF LEAD SERVICE LINES AND DECLARING AN EMERGENCY**

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 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  
4/5/2021

ORDINANCE NO. 10 -2021  
(Sponsors: Councilmembers Roberts and Roub)

**AMENDING CHAPTER 1476 (PROJECTIONS INTO PUBLIC WAYS AND GROUNDS)  
SECTION 1476.01 (PROJECTIONS PROHIBITED) OF THE CODIFIED ORDINANCES  
OF THE CITY OF SHELBY, OHIO.**

WHEREAS, on May 7, 2012, the Council of the City of Shelby passed Ordinance 4-2012 amending the City Sign Ordinance; and

WHEREAS, the passage of said Ordinance affected Section 1476.01; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1476 (PROJECTIONS INTO PUBLIC WAYS) be amended.

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

Section 1: That Section 1476.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**1476.01 PROJECTIONS PROHIBITED**

Except as otherwise provided in 1480.17, no person shall erect or cause to be erected, or permit to remain standing, any house, building, wall, fence or other permanent structure, in such manner that any part thereof stands or projects over or beyond the line of any lot or parcel of land into any street, alley, sidewalk or public ground of the city, unless specially authorized by resolution of Council.

Section 2: That all other Sections of Chapter 1476 of the Codified Ordinances of the City of Shelby 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: \_\_\_\_\_

Brian Crum  
Clerk of Council

Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

1st Reading  
4/5/2021

**ORDINANCE NO: 11-2021**  
**(Sponsor: Councilmember Martin)**

**AMENDING CHAPTER 1050 (ELECTRICITY) SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (b) (1) (GENERATION CHARGE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, it is necessary to modify Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (b) (1) (Generation Charge) to decrease the charge from \$0.0045 kWh to \$0.0040 kWh; 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 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (b) (1) (Generation Charge) be amended and/or modified.

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

Section 1: That Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (b) (1) (Generation Charge) be amended to read as follows:

*(b) Generation Charges, Fuel and Purchased Power, and Transition Cost Rider.*

The Generation Charge, Fuel and Purchase Power Charge, and the Transition Cost Rider shall be applied to the A, A-D, B, C and D Schedules. The rate design of the generation charge and fuel and purchase power charge may be changed from time to time as approved by Council.

*(1) Generation Charge.* The generation charge shall be \$0.0040 kWh

Section 2: That all other language in Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service) of the Codified Ordinances of the City of Shelby 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 D. McLaughlin  
Vice President of Council

APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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



**RESOLUTION NO. 15 -2021**  
**(Sponsors: Councilmembers Gates and Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR THE 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT.**

WHEREAS, the Shelby Police is desirous of obtaining Noptic Thermal Imaging Devices for use within the department; and

WHEREAS, it is estimated that the cost to purchase said devices is approximately \$20,000.00; 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 United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to assist with said purchases.

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

Section 1: That the Council approve an application for financial assistance to purchase Noptic Thermal Imaging Devices.

Section 2: That the Mayor as Director of Public Safety shall be and is hereby authorized and directed to execute and file a grant application with the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance 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 said grant.

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: \_\_\_\_\_  
Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 16 -2021  
(Sponsor – Councilmember Gates)

**DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS IN ACCORDANCE WITH OHIO REVISED CODE §5705.19, 5705.191, 5705.194, 5705.21 AND 5705.26.**

WHEREAS, in order for the Shelby Board of Park Commissioners to maintain its standard of excellence and in order for said Board to continue to provide parks and parkways for the community, additional funding is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby Board of Park Commissioners; 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 a levy in excess of the maximum rate authorized by law be approved.

**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 amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law on the taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the city, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Board of Park Commissioners that taxes be levied on the taxable property in said City for a period of five (5) years (as a renewal levy) at a rate in excess of such maximum rate; said excess rate being authorized by Ohio Revised Code §5705.19, 5705.191, 5705.194, 5705.21 and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2022, 2023, 2024, 2025, and 2026, at the rate for each year of 0.5 mill on each dollar of the tax valuation of the taxable property within the City of Shelby, in excess of the rate authorized by law; said excess rate being authorized by Ohio Revised Code §5705.19, 5705.191, 5705.194, 5705.21 and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution and other necessary documents to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such questions to the electors of said City as provided by law, at the November 2, 2021, general election.

Section 5: 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 6: 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 D. McLaughlin  
Vice President of Council

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

Brian Crum  
Clerk of Council

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

Steven L. Schag  
Mayor

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

Gordon M. Eyster  
Director of Law

RESOLUTION NO. 17-2021  
(Sponsor: Councilmember Gates)

**ESTABLISHING THE "LOCAL FISCAL RECOVERY FUND" AND AUTHORIZING THE DIRECTOR OF FINANCE AND PUBLIC RECORD AS EX-OFFICIO CITY TREASURER TO ACCEPT ALL FUNDS RECEIVED UNDER THE AMERICAN RESCUE PLAN AND TO DEPOSIT THEM IN SAID FUND.**

WHEREAS, the American Rescue Plan Act (Public Law No. 117-2) was signed into law by the President of the United States on March 11, 2021; and

WHEREAS, on April 7, 2021, the Auditor of the State of Ohio issued Bulletin No. 2021-004, "Separate Accountability for Federal Programs Authorized by the American Rescue Plan Act of 2021"; and

WHEREAS, it is estimated that the City will receive approximately \$1.77 million in American Rescue Plan Act funding; 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 City be prepared to accept American Rescue Plan Act funding.

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

Section 1: That the "Local Fiscal Recovery Fund" shall be and is hereby established.

Section 2: That the Director of Finance and Public record as ex-officio City Treasurer be authorized to accept all funds received under the American Rescue Plan Act and to deposit them in the Local Fiscal Recovery Fund.

Section 3: That the City affirm that said funds received under the American Rescue Plan Act will be expended only in the manner prescribed by and consistent with said Act and any applicable guidelines.

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: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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

**RESOLUTION NO. 18 -2021**  
**(Sponsor – Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE SHELBY CITY SCHOOL DISTRICT FOR THE PREPARATION AND SEEDING OF A POLLINATING FIELD AT THE FORMER RESERVOIR #1 SITE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby is desirous of creating a pollinating field for bees and butterflies at the former Reservoir #1 site; and

WHEREAS, the City of Shelby is desirous of partnering with the Shelby City School District, particularly the Vocational Agricultural instructor and students to prepare the pollinating site with a specific planting design to encourage a successful soil condition for the pollinating seed; and

WHEREAS, the Shelby City School Vocational Agriculture class will be assisting in the preparations and planting of soybeans at the site in the Spring of 2021, harvesting the soybeans in the Fall of 2021, and frost seeding the pollinating field during the winter of 2021 / 2022; 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 Memorandum of Understanding with the Shelby City School District to prepare and plant a pollinating field at the former Reservoir #1 site.

**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 Memorandum of Understanding with the Shelby City School District for the preparation and planting of a pollinating field for bees and butterflies at the former Reservoir #1 site.

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

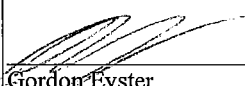
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

  
\_\_\_\_\_  
Gordon Eyster  
Director of Law

RESOLUTION NO. 19-2021  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH PAGE EXCAVATION, INC FOR THE CITY OF SHELBY BUILDING DEMOLITION PROJECT IN THE AMOUNT OF ELEVEN THOUSAND FIVE HUNDRED THIRTY AND 00/100 DOLLARS (\$11,530.00) AS AN INCREASE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has entered into a contract with Page Excavation, Inc. for the City of Shelby Building Demolition Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the City of Shelby Building Demolition Project and adjust the contract as detailed in the attached Change Order #1; 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.

**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 Page Excavation, Inc. for the total amount of Eleven Thousand Five Hundred Thirty and 00/100 Dollars (\$11,530.00) as an increase.

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: \_\_\_\_\_  
Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 20 -2021  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2021 AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby is desirous to participate with the Ohio Department of Transportation to purchase salt; 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 Ohio Department of Transportation 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: The City of Shelby (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon an award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 30, 2021 **by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held

responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

Section 2: That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract and authorizes the Mayor as Director of Public Service to sign the agreement.

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, 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: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 21-2021  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDMENTS TO THE CONTRACT WITH CT CONSULTANTS FOR DESIGN SERVICES FOR THE SHELBY WASTEWATER TREATMENT IMPROVEMENT PROJECT IN THE AMOUNT OF SIXTY--SIX THOUSAND TWO HUNDRED FORTY-EIGHT AND 32/100 DOLLARS (\$66,248.32) AS AN INCREASE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has entered into a contract with CT Consultants for design services for the Shelby Wastewater Treatment Plant Improvement Project, and said contract provides for a written amendment; and

WHEREAS, it has become necessary to make modifications to the project and adjust the contract as detailed in the attached Amendment #3; 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.

**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 amendments to the contract with CT Consultants for the total amount of Sixty-Six Thousand Two Hundred Forty-Eight and 32/100 Dollars (\$66,248.32) as an increase.

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: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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



RESOLUTION NO. 22 -2021  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT A NOMINATION FORM FOR PRINCIPAL FORGIVENESS FROM THE DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE, OFFICE OF FINANCIAL ASSISTANCE, OF THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR THE REPLACEMENT OF LEAD SERVICE LINES AND DECLARING AN EMERGENCY.**

WHEREAS, the Division of Environmental and Financial Assistance, Office of Financial Assistance of the Ohio Environmental Protection Agency is accepting nomination forms for the replacement of lead service lines; and

WHEREAS, the City of Shelby Service Department desires financial assistance in the form of principal forgiveness for the replacement of lead service lines in the downtown business corridor area on 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 Service submit a nomination form for lead service line principal forgiveness with the Division of Environmental and Financial Assistance, Office of Financial Assistance of the Ohio Environmental Protection Agency.

**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 lead service lines located in the downtown business corridor on Main Street can be nominated for replacement through an Ohio Environmental Protection Agency principal forgiveness program.

Section 2: That the Mayor as Director of Public Service is hereby authorized to execute and file a nomination form to provide information and documentation required to become eligible for lead service line replacement principal forgiveness with the Division of Environmental and Financial Assistance, Office of Financial Assistance of the Ohio Environmental Protection Agency.

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 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: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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