

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

**Shelby City Council Agenda  
Monday, April 5, 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 March 15, 2021**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

**Reports of City Officials**

Steven L. Schag—Mayor

**Proclamations**

**MOTION TO CONFIRM THE APPOINTMENT OF BRAD EUBANK TO THE CIVIL SERVICE COMMISSION TO FILL AN UNEXPIRED TERM**

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

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

**MOTION TO CONFIRM THE APPOINTMENT OF JOHN ENSMAN TO THE COMMUNITY IMPROVEMENT CORPORATION**

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

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

**MOTION TO CONFIRM THE APPOINTMENT OF NATHAN MARTIN TO THE  
COMMUNITY IMPROVEMENT CORPORATION**

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

**MOTION TO CONFIRM THE APPOINTMENT OF STACEY HIATT TO THE COMMUNITY  
REINVESTMENT AREA HOUSING COUNCIL**

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

**MOTION TO CONFIRM THE APPOINTMENT OF MARY ANN HAWK TO THE SHADE  
TREE COMMISSION**

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**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 9-2021**

**AMENDING ORDINANCE NO 8-2021 (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. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**PASSAGE OF ORDINANCE**

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

**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**

**1ST READING**

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

**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**

**1ST READING**

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

**RESOLUTION NO 10-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A THREE (3) YEAR CONTRACT WITH AN OPTION TO RENEW FOR UP TO TWO (2) YEARS EXCERCISED IN ONE YEAR INCREMENTS FOR TREE TRIMMING**

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

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

**RESOLUTION NO 11-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A VENTRAC TRACTOR WITH A TOUGH CUT MOWER ATTACHMENT AND THE NECESSARY ACCESSORIES FROM MASE LEPLY SILO, INC**

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

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

**RESOLUTION NO 12-2021**

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2021 SHELBY CITY HALL ROOFING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

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

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

**RESOLUTION NO 13-2021**

**ADOPTING THE RICHLAND COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

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

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

**RESOLUTION NO 14-2021**

**AUTHORIZING THE MAYOR TO ISSUE REVOCABLE  
PERMITS TO OCCUPY THE RIGHT-OF-WAY ON IN THE  
RIC-SR-39-3.35 SHELBY STREETSCAPE PROJECT**

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

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

**Miscellaneous Business**

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

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

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

**ORDINANCE NO. 9 - 2021**  
**(Sponsors – Councilmembers Gates and Roberts)**

**AMENDING ORDINANCE NO.: 8-2021 (ANNUAL APPROPRIATIONS) AND  
DECLARING AN EMERGENCY.**

WHEREAS, on March 15, 2021, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, it is necessary to increase a line item within the 2021 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 2021 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.: 8-2021 (Annual Appropriations) is hereby amended as follows:

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

<b>703-FEF-486</b>	<b>MAINTENANCE EQUIPMENT</b>	<b>\$ 10,000.00</b>
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Section 2: That all other portions of Ordinance No.: 8-2021, 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 220.01, 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 D. McLaughlin  
Vice President of Council

APPROVED:

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

Brian A. Crum  
Clerk of Council

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

Prepared by:

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

**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

**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. 10-2021  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A THREE (3) YEAR CONTRACT WITH AN OPTION TO RENEW FOR UP TO TWO (2) YEARS EXERCISED IN ONE YEAR INCREMENTS FOR TREE TRIMMING.**

WHEREAS, in order to provide a safe, reliable, and dependable system for the distribution of electricity, it is necessary to engage the services of professional tree trimmers so that the electric distribution lines are kept free and clear of interference and/or hazard; and

WHEREAS, the expiration date of the current contract for such services was March 31, 2021; 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 advertise for bids and enter into a contract for tree trimming.

**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 is hereby authorized to advertise for bids and enter into a three (3) year contract with an option to renew for up to two (2) years exercised in one (1) year increments for tree trimming.

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 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. 11-2021  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE  
A VENTRAC TRACTOR WITH A TOUGH CUT MOWER ATTACHMENT AND THE  
NECESSARY ACCESSORIES FROM MAST LEPLEY SILO, INC.**

WHEREAS, the Shelby Service Department is desirous of purchasing a Ventrac tractor for the operation of the department; and

WHEREAS, a Ventrac tractor provides the versatility to mow on steep grades that will allow the Service Department personnel to safely mow the embankments of the up-ground reservoirs and other areas with a steep grade; 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 purchase a Ventrac tractor with a tough cut mower attachment and the necessary accessories for the operation of the Service Department.

**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 is hereby authorized to purchase a Ventrac tractor, a tough cut mower attachment, and the necessary accessories from Mast Lepley Silo, Inc. for the operation of the Service Department.

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 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. 12 -2021  
(Sponsor- Councilmembers Roberts and Roub)

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2021 SHELBY CITY HALL ROOFING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, plans and specifications have been completed for the 2021 Shelby City Hall Roofing Project; and

WHEREAS, the roof at City hall is in need of replacement; 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 roof be replaced.

**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 plans and specifications for the 2021 Shelby City Hall Roofing Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said roofing project.

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. 13 -2021**  
**(Sponsors- Councilmembers Gates and Roberts)**

**ADOPTING THE RICHLAND COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.**

WHEREAS, the Richland County Emergency Management Agency has developed a Federally Approved Multi-Jurisdictional Hazard Mitigation Plan that includes all hazards to which Richland County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.; and

WHEREAS, the City of Shelby has been assessed for its susceptibility to all hazards; and

WHEREAS, a list of all critical facilities and other assets in the City of Shelby that could be affected by hazard events has been generated; and

WHEREAS, the estimated potential losses that the City of Shelby assets could incur during a hazard event have been calculated; and

WHEREAS, goals, objectives, and strategies to mitigate against the hazards that have been identified in the County, including the City of Shelby, have been developed; and

WHEREAS, mitigation measures for the City of Shelby and surrounding areas have been prioritized; and

WHEREAS, Richland County's stakeholders have agreed to periodically review and update the Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said Multi-Jurisdictional Hazard Mitigation Plan be adopted.

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

Section 1: That the Council of the City of Shelby hereby adopts the plan to implement the actions prescribed in the Federally Approved Multi-Jurisdictional Hazard Mitigation Plan.

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 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. 14-2021**  
**(Sponsors: Councilmembers Roberts and Roub )**

**AUTHORIZING THE MAYOR TO ISSUE REVOCABLE PERMITS TO OCCUPY THE RIGHT-OF-WAY ON IN THE RIC-SR-39-3.35 SHELBY STREETScape PROJECT.**

WHEREAS, Section 102 of the Charter of the City of Shelby reads as follows: "The council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts, within the city, and shall cause them to be kept open, in repair and free from nuisance; and

WHEREAS, the City has recently learned, as a result of the design work for the reconstruction of the RIC-SR-39-3.35 Shelby Streetscape Project that privately owned structures encroach upon the public right-of-way on City streets; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said encroachment either be permitted or removed.

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

Section 1: That the Mayor shall be and is hereby authorized to issue a revocable Permit to Occupy the Right-of-Way as shown on Exhibits 1-12.

Section 2: That should the owner as noted in Section 1 fail to accept the terms and conditions of said permit, the Director of Law shall be and is hereby directed to initiate action to remove said encroachment pursuant to Section 33 of the Charter of the City of Shelby.

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 D. McLaughlin  
Vice President of Council

APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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