

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

**Shelby City Council Agenda**  
**Monday, September 20, 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 September 7, 2021**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilman Gates

Utilities & Streets Committee—Councilman Martin

**Reports of City Officials**

Steven L. Schag—Mayor

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

McBride Park Baseball Field

**Legislation**

**ORDINANCE NO 25-2021**

**AMENDING THE ZONING ORDINANCE (ORDINANCE NUMBER 1-91, PART 12, TITLE 6) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO TO CHANGE A PORTION OF A PERMANENT PARCEL ON MANSFIELD AVENUE WHICH IS DESIGNATED AS R1-A (RESIDENTIAL DISTRICT) TO I-1 (LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT)**

**1ST READING**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 58-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A FORD 4500 SERIES ONE TON CAB AND CHASSIS TRUCK FOR THE OPERATION OF THE SERVICE DEPARTMENT FROM DONLEY FORD OF SHELBY**

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

**RESOLUTION NO 59-2021**

**ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**

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

**RESOLUTION NO 60-2021**

**AUTHORIZING THE HEALTH COMMISSIONER TO TAKE ANY ACTION THAT THE MAYOR AS DIRECTOR OF PUBLIC SAFETY MAY DIRECT UNDER OHIO REVISED CODE SECTIONS 3717.49(C)(1) AND 3717.29(D)(1), INCLUDING THE IMMEDIATE SUSPENSION OF A FOOD LICENSE UNDER CLEAR AND PRESENT DANGER OR AN IMMEDIATE DANGER TO PUBLIC HEALTH AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 61-2021**

**CONSENTING TO THE ANNEXATION OF A CERTAIN PARCEL OF LAND KNOWN AS THE HUMPHREY ANNEXATION IN SHARON TOWNSHIP, RICHLAND COUNTY, OHIO, TO THE CITY OF SHELBY AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 62-2021**

**REQUIRING THE ESTABLISHMENT OF A BUFFER BETWEEN THE HUMPHREY ANNEXATION AND ADJACENT SHARON TOWNSHIP PROPERTY IN THE EVENT OF INCOMPATIBILITY AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 63-2021**

**AUTHORIZING THE EXTENSION OF CITY SERVICES TO AN AREA OF SHARON TOWNSHIP, RICHLAND COUNTY, OHIO (PROPOSED TO BE ANNEXED TO THE CITY OF SHELBY) AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 64-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SALT FROM COMPASS MINERALS 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. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**Miscellaneous Business**

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

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

ORDINANCE NO. 25 -2021  
(Sponsor: Councilmember Gates)

**AMENDING THE ZONING ORDINANCE (ORDINANCE NUMBER 1-91, PART 12, TITLE 6) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO TO CHANGE A PORTION OF A PERMANENT PARCEL ON MANSFIELD AVENUE WHICH IS DESIGNATED AS R1-A (RESIDENTIAL DISTRICT) TO I-1 (LIGHT INDUSTRIAL AND MANUFACTURING DISTRICT)**

WHEREAS, by authority of Codified Ordinance 1260.05, the Council of the City of Shelby has determined that a portion of a certain permanent parcel on Mansfield Avenue as located in the R-1A (Residential District) should be zoned as I-1 (Light Industrial and Manufacturing District); and

WHEREAS, in accordance with Codified Ordinance 1260.05 the Council of the City of Shelby has determined that said amendment to the Zoning Ordinance is necessary; and

WHEREAS, in accordance with mandates of the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning this proposed amendment; 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 Ordinance 1-91, Part 12, Title 6 be amended and that a portion of a certain Richland County permanent parcel number on Mansfield Avenue be rezoned.

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

Section 1: That the zoning map attached to Ordinance 1-91 as passed on March 4, 1991 (with amendments) is hereby revised and amended by changing a portion of the Richland County Permanent Parcel Number 017-80-239-78-000 from R-1A (Residential District) to I-1 (Light Industrial and Manufacturing District).

Section 2: That the Clerk of Council and the Chairperson of the Shelby Planning Commission are directed to make the necessary changes on the original zoning map of the City of Shelby, Ohio.

Section 3: That all other zones and designations currently on said map are to remain in full force and effect.

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 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. 58 -2021  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE  
A FORD 4500 SERIES ONE TON CAB AND CHASSIS TRUCK FOR THE OPERATION  
OF THE SERVICE DEPARTMENT FROM DONLEY FORD OF SHELBY.**

WHEREAS, Resolution 42-2021 authorized the Mayor to advertise for bids for a One Ton 4500 Series Dump Truck; and

WHEREAS, no bids were submitted to the Mayor for the One Ton 4500 Series Dump Truck; and

WHEREAS, the Shelby Service Department is desirous of purchasing a one-ton dump truck for the operation of the department; 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 2022 model year Ford 4500 series one-ton cab and chassis truck from Donley Ford of Shelby.

**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 2022 model year Ford 4500 series one-ton cab and chassis truck for the operation of the Service Department from Donley Ford of Shelby.

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 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL )

Revised Code, Secs. 5705.34-5705.35

RESOLUTION NO. 59-2021

(SPONSOR - COUNCILMEMBERS GATES & ROBERTS  
City of Shelby , Richland

The Council of the

County, Ohio, met in Regular session on September 20, 2021  
(Regular Or Special)

at the office of Shelby City Council with the following members present:

Mr./~~Ms~~ Charles Roub, First Ward

Mr./~~Ms~~ Derrin Roberts, Second Ward

Mr./~~Ms~~ Garland John Gates, Third Ward

Mr./~~Ms~~ Nathan Martin, Fourth Ward

Mr./~~Ms~~ Steven McLaughlin, Councilperson at Large

Mr./Mrs.

Mr./Mrs.

Mr. ~~XXXX~~ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted

a Tax Budget for the next succeeding fiscal year commencing January 1st, 2022 ; and  
Year

WHEREAS, The Budget Commission of Richland County, Ohio, has

certified its action thereon to this Council together with an estimate by the County Auditor of the rate  
of each tax necessary to be levied by this Council, and what part thereof is without, and what part within,  
the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Shelby

Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate

of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A**  
**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET**  
**COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$236,000.00		2.00	
Police Pension	\$40,000.00		0.30	
Fire Pension	\$40,000.00		0.30	
Park Fund		\$167,500.00		1.50
Health Fund		\$207,000.00		1.90
<b>TOTAL</b>	<b>\$316,000.00</b>	<b>\$374,500.00</b>	<b>2.60</b>	<b>3.40</b>



**SCHEDULE B  
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
<p><b>GENERAL FUND:</b></p> <p>Current Expense Levy authorized by voters on for not to exceed years.</p> <p><b>SPECIAL LEVY FUNDS:</b></p> <p><b>Park Fund</b> Levy authorized by voters on <b>November 8, 2016</b> for not to exceed 5 years. TY 17-21</p> <p><b>Park Fund</b> Levy authorized by voters on <b>November 4, 2019</b> for not to exceed 5 years. TY 20-24</p> <p><b>Health Fund</b> Levy authorized by voters on <b>November 8, 2016</b> for not to exceed 5 years. TY 17-21</p> <p><b>Health Fund</b> Levy authorized by voters on <b>November 4, 2019</b> for not to exceed 5 years. TY 20-24</p>	<p>0.50</p> <p>1.00</p> <p>0.90</p> <p>1.00</p>	<p>\$167,500.00</p> <p>\$207,000.00</p>

and be it further

*RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.*

*Mr. /~~Msx~~ \_\_\_\_\_ seconded the Resolution and the roll being*

*called upon its adoption the vote resulted as follows:*

- Mr. /~~Msx~~ Gates \_\_\_\_\_,*
- Mr. /~~Msx~~ Martin \_\_\_\_\_,*
- Mr. /~~Msx~~ McLaughlin \_\_\_\_\_,*
- Mr. /~~Msx~~ Roub \_\_\_\_\_,*
- Mr. /~~Msx~~ Roberts \_\_\_\_\_,*
- Mr. /Mrs. \_\_\_\_\_,*
- Mr. /Mrs. \_\_\_\_\_,*

*Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2021*

*Attest:*

*Brian A. Crum \_\_\_\_\_ Clerk of Council*

*Steven McLaughlin \_\_\_\_\_ Vice President of Council  
Mayor, Steven L. Schag*

CERTIFICATE OF COPY  
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, Brian A. Crum, Clerk of the Council of

City of Shelby, in said County, and in whose custody the Files

and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby  
certify that the foregoing is taken and copied from the original Resolution No. 59-2021

now on file with said Board, that the foregoing has been compared by me with said original document,  
and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Clerk of Council

City of Shelby of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 5705.34, or at such a later date as may be approved by the Board of Tax Appeals

No. \_\_\_\_\_

\_\_\_\_\_  
(CITY COUNCIL )

City of Shelby  
Richland County, Ohio.

\_\_\_\_\_  
RESOLUTION  
ACCEPTING THE AMOUNTS AND RATES  
AS DETERMINED BY THE BUDGET  
COMMISSION AND AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING  
THEM TO THE COUNTY AUDITOR.

\_\_\_\_\_  
(CITY COUNCIL )

\_\_\_\_\_  
Adopted \_\_\_\_\_, 2021

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Filed \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
County Auditor

By \_\_\_\_\_  
Deputy.

RESOLUTION NO.: 40 -2021  
(Sponsor: Councilmember Gates)

**AUTHORIZING THE HEALTH COMMISSIONER TO TAKE ANY ACTION THAT THE MAYOR AS DIRECTOR OF PUBLIC SAFETY MAY DIRECT UNDER OHIO REVISED CODE SECTIONS 3717.49(C)(1) AND 3717.29(D)(1), INCLUDING THE IMMEDIATE SUSPENSION OF A FOOD LICENSE UNDER CLEAR AND PRESENT DANGER OR AN IMMEDIATE DANGER TO PUBLIC HEALTH AND DECLARING AN EMERGENCY.**

WHEREAS, the Shelby City Health Department currently provides many public health services to protect the citizens of Shelby; and

WHEREAS, the Shelby City Health Department licenses and inspects all of the Food Service Operations and Retail Food Establishments within its jurisdiction; 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 authorize the Health Commissioner to take any action under Ohio Revised Code Sections 3717.49(C)(1) and 3717.29(D)(1), including the authorization to immediately suspend a food license under clear and present danger or immediate danger to the public health.

**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 Safety shall be and is hereby authorized to direct the Health Commissioner to take any action that may be taken under Ohio Revised Code Sections 3717.49(C)(1) and 3717.29(D)(1) which includes the authorization to immediately suspend a food license under clear and present danger or immediate danger to public health.

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. 61 -2021  
(Sponsor: Councilmember McLaughlin)

**CONSENTING TO THE ANNEXATION OF A CERTAIN PARCEL OF LAND KNOWN AS THE HUMPHREY ANNEXATION IN SHARON TOWNSHIP, RICHLAND COUNTY, OHIO, TO THE CITY OF SHELBY AND DECLARING AN EMERGENCY.**

WHEREAS, a petition for annexation of certain territory in Sharon Township, Richland County, Ohio, was duly filed by a group of property owners who designated as their agent, Andrew J. Medwid, Esq., said petition having been filed with the Richland County Commissioners on September 8, 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 parcel of land known as the Humphrey Annexation in Sharon Township, Richland County, Ohio, be annexed into the City of Shelby.

**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 City of Shelby hereby consents to the proposed annexation as applied for in the petition of Andrew J. Medwid, Esq., et al., which was filed with the Board of County Commissioners of Richland County, Ohio, and which prayed for annexation to the City of Shelby. The territory is described as follows:

Situated in the County of Richland in the State of Ohio, and in the Township of Sharon:

Being a part of the Southwest Quarter of Section 17, Township 22, Range 19, and more particularly bounded and described as being 7 7/10 acres of land and commencing for the same at a given point 806.7 feet North of the South boundary line of said Quarter in the center of the Shelby and Ontario Public highway, point marked by an iron pin;

Thence North 0 degrees 51 minutes East 711 feet in the center of said highway to a point known on the County Surveyor's C.L. Bushey "blue print";

Thence according to said County Surveyor's blueprint, North 73 degrees 30 minutes East 308 feet to a stake where said ditch intersects in the center of Blackfork Creek;

Thence in a Southerly direction, meandering in the center of Blackfork Creek, to the North Pagle line;

Thence North 89 degrees 45 minutes West 502 feet to the center of the Shelby and Ontario public highway marked by an iron pin to the place of beginning.

ALSO;

Situated in Sharon Township, Richland County, Ohio and being a part of Section 17, Township 27, Range 19 and being a Parcel of land described as beginning at a point which is in the centerline of the Shelby and Ontario Road, said point being 1703 feet North of the South Line of Section 17;

Thence North 73 degrees 35 minutes East 308 feet to a stake;

Thence along the centerline of the Blackfork 73 feet to a stake;

Thence continuing along said centerline 115 feet to a stake;

Thence along said centerline 426 feet to a point on the bank of the new channel of the Blackfork;

Thence along the following old centerline of old channel 100 feet to a stake;

Thence continuing along the said line of old channel 213 feet to a stake;

Thence along the old channel 100 feet to a stake;

Thence along the centerline of old channel 75 feet to a point in the centerline of the new channel of Blackfork;

Thence along the banks of the new channel to a point on the banks of the new channel said point being 40 feet from the centerline of the new channel;

Thence along the bank of the creek 318 feet;

Thence along and following said bank of the new channel 575 feet to a stake;

Thence South 73 degrees 35 minutes East 168 feet to a stake, same being 308 feet from the point of beginning and containing 1 and 93/100 acres of land.

Being 9 3/5 acres in the aggregate, more or less, and subject to all legal highways.

Permanent Parcel # 044-47-003-06-000

Section 2: That the Clerk of Council shall file a certified copy of this Resolution with the Board of County Commissioners of Richland County, within twenty-five days of the date of filing of the Petition for Annexation with said Board of Commissioners (said filing date having been September 8, 2021).

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. 62 -2021  
(Sponsor: Councilmember McLaughlin)

**REQUIRING THE ESTABLISHMENT OF A BUFFER BETWEEN THE HUMPHREY ANNEXATION AND ADJACENT SHARON TOWNSHIP PROPERTY IN THE EVENT OF INCOMPATIBILITY AND DECLARING AN EMERGENCY.**

WHEREAS, a Petition of Annexation of certain territory in Sharon Township, Richland County, Ohio, was duly filed by a group of property owners who designated as their agent, Andrew J. Medwid, said Petition having been filed with the Richland County Commissioners on September 8, 2021; and

WHEREAS, the property to be annexed (as described below) is currently subject to the zoning regulations of the Township of Sharon, Richland County, Ohio; and

WHEREAS, in the event that said property is annexed and in the event that said annexed property is used in a way which is incompatible with the township property to which it is adjacent, the City of Shelby must require the owner(s) of said annexed property to provide a buffer separating said annexed property from the adjacent township property; 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 owner(s) of the property to be annexed to the City of Shelby provide a buffer separating said owner's use of said property from the use of the adjacent township property in the event that said uses are incompatible.

**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 following property, which is proposed for annexation into the City of Shelby, is currently subject to the zoning regulations of the Township of Sharon, Richland County, Ohio:

Situated in the County of Richland in the State of Ohio, and in the Township of Sharon:

Being a part of the Southwest Quarter of Section 17, Township 22, Range 19, and more particularly bounded and described as being 7 7/10 acres of land and commencing for the same at a given point 806.7 feet North of the South boundary line of said Quarter in the center of the Shelby and Ontario Public highway, point marked by an iron pin;

Thence North 0 degrees 51 minutes East 711 feet in the center of said highway to a point known on the County Surveyor's C.L. Bushey "blue print";

Thence according to said County Surveyor's blueprint, North 73 degrees 30 minutes East 308 feet to a stake where said ditch intersects in the center of Blackfork Creek;

Thence in a Southerly direction, meandering in the center of Blackfork Creek, to the North Pagle line;

Thence North 89 degrees 45 minutes West 502 feet to the center of the Shelby and Ontario public highway marked by an iron pin to the place of beginning.

ALSO;

Situated in Sharon Township, Richland County, Ohio and being a part of Section 17, Township 27, Range 19 and being a Parcel of land described as beginning at a point which is in the centerline of the Shelby and Ontario Road, said point being 1703 feet North of the South Line of Section 17;

Thence North 73 degrees 35 minutes East 308 feet to a stake;

Thence along the centerline of the Blackfork 73 feet to a stake;

Thence continuing along said centerline 115 feet to a stake;

Thence along said centerline 426 feet to a point on the bank of the new channel of the Blackfork;

Thence along the following old centerline of old channel 100 feet to a stake;

Thence continuing along the said line of old channel 213 feet to a stake;

Thence along the old channel 100 feet to a stake;

Thence along the centerline of old channel 75 feet to a point in the centerline of the new channel of Blackfork;

Thence along the banks of the new channel to a point on the banks of the new channel said point being 40 feet from the centerline of the new channel;

Thence along the bank of the creek 318 feet;

Thence along and following said bank of the new channel 575 feet to a stake;

Thence South 73 degrees 35 minutes East 168 feet to a stake, same being 308 feet from the point of beginning and containing 1 and 93/100 acres of land.

Being 9 3/5 acres in the aggregate, more or less, and subject to all legal highways.

Permanent Parcel # 044-47-003-06-000

Section 2: That in the event that said territory as described hereinabove is annexed into the City of Shelby, the City will require the owner(s) of said property to provide a buffer separating said owner's use of said property from the use of the adjacent township property in the event that said uses are incompatible.

Section 3: That the Clerk of Council shall file a certified copy of this Resolution with the Board of County Commissioners of Richland County, Ohio within twenty days of the date of the filing of the Petition for Annexation with said Board of Commissioners (said filing date having been September 8, 2021).

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

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

Prepared by:

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 63 -2021  
(Sponsor: Councilmember McLaughlin)

**AUTHORIZING THE EXTENSION OF CITY SERVICES TO AN AREA OF SHARON TOWNSHIP, RICHLAND COUNTY, OHIO (PROPOSED TO BE ANNEXED TO THE CITY OF SHELBY) AND DECLARING AN EMERGENCY.**

WHEREAS, Petitioners who have designated as their agent Andrew J. Medwid, Esq., have instituted proceeding with the Commissioners of Richland County, Ohio in an effort to seek annexation to the City of Shelby, Ohio; and

WHEREAS, Section 709.023 of the Ohio Revised Code mandates that upon receiving notice of a proposed annexation of territory, the municipal legislative authority shall adopt a statement indicating what services the municipal corporation will provide to the territory proposed for annexation and an approximate date by which it will provide said services; and

WHEREAS, the City of Shelby is prepared to offer this parcel certain municipal services set forth hereinbelow immediately following annexation and to consider the provision of further municipal services in the future as said services are mandated according to the Codified Ordinances of the City of Shelby; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that a Resolution be adopted indicating that certain services shall be provided to the parcel annexed and the approximate date by which said services shall be provided.

**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, in accordance with Ohio Revised Code 709.023, the City of Shelby, hereby declares its intent to provide municipal services to an area of Sharon Township, Richland County, Ohio, as proposed to be annexed to the City of Shelby, as follows-police, fire, electricity, street lighting, and road maintenance (maintenance of the entire width of the street or highway which is contiguous to the boundaries of the annexation).

Section 2: That the City of Shelby will provide the hereinabove designated services to the parcel of land proposed to be annexed as described as follows:

Situated in the County of Richland in the State of Ohio, and in the Township of Sharon:

Being a part of the Southwest Quarter of Section 17, Township 22, Range 19, and more particularly bounded and described as being 7 7/10 acres of land and commencing for the same at a given point 806.7 feet North of the South boundary line of said Quarter in the center of the Shelby and Ontario Public highway, point marked by an iron pin;

Thence North 0 degrees 51 minutes East 711 feet in the center of said highway to a point known on the County Surveyor's C.L. Bushey "blue print";

Thence according to said County Surveyor's blueprint, North 73 degrees 30 minutes East 308 feet to a stake where said ditch intersects in the center of Blackfork Creek;

Thence in a Southerly direction, meandering in the center of Blackfork Creek, to the North Pagle line;

Thence North 89 degrees 45 minutes West 502 feet to the center of the Shelby and Ontario public highway marked by an iron pin to the place of beginning.



ALSO;

Situated in Sharon Township, Richland County, Ohio and being a part of Section 17, Township 27, Range 19 and being a Parcel of land described as beginning at a point which is in the centerline of the Shelby and Ontario Road, said point being 1703 feet North of the South Line of Section 17;

Thence North 73 degrees 35 minutes East 308 feet to a stake;

Thence along the centerline of the Blackfork 73 feet to a stake;

Thence continuing along said centerline 115 feet to a stake;

Thence along said centerline 426 feet to a point on the bank of the new channel of the Blackfork;

Thence along the following old centerline of old channel 100 feet to a stake;

Thence continuing along the said line of old channel 213 feet to a stake;

Thence along the old channel 100 feet to a stake;

Thence along the centerline of old channel 75 feet to a point in the centerline of the new channel of Blackfork;

Thence along the banks of the new channel to a point on the banks of the new channel said point being 40 feet from the centerline of the new channel;

Thence along the bank of the creek 318 feet;

Thence along and following said bank of the new channel 575 feet to a stake;

Thence South 73 degrees 35 minutes East 168 feet to a stake, same being 308 feet from the point of beginning and containing 1 and 93/100 acres of land.

Being 9 3/5 acres in the aggregate, more or less, and subject to all legal highways.

Permanent Parcel #044-47-003-06-000

Section 3: That said municipal services as described hereinabove shall be provided to said annexed parcel immediately upon and after the granting of the Petition for Annexation by the Board of County Commissioners of Richland County, Ohio.

Section 4: That in its sole discretion, the City of Shelby shall provide municipal services other than those listed hereinabove in accordance with the mandates of the Codified Ordinances of the City of Shelby.

Section 5: That in accordance with Ohio Revised Code 709.023(E)(7), the City of Shelby shall assume the maintenance of the entire width of the street or highway which is contiguous to the boundaries of the annexation set forth hereinabove.

Section 6: That the Clerk of this Council shall file a certified copy of this Resolution with the Board of County Commissioners of Richland County, Ohio within twenty days of the date of the filing of the Petition for Annexation with said Board of Commissioners (said filing date having been September 8, 2021).

Section 7: 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 8: That this Resolution is 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. 64 -2021  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SALT FROM COMPASS MINERALS 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 \$54.82 per ton from Compass Minerals; 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 \$54.82 per ton from Compass Minerals.

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