

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

**Shelby City Council Agenda  
Tuesday, September 7, 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 \_\_\_\_\_

**Motion to excuse Councilman Roub**

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

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

**Dispense with Reading of Journal from August 16, 2021**

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

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

**Public Comment**

Jessica Gribben—Economic Development Liaison

Joe Trolan—Richland County Mental Health & Recovery Services Board  
Recovery Month Proclamation from Mayor Schag

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Councilman McLaughlin

Public Works & General Operation Committee—Councilman Roub

Safety Committee—Councilman Roberts

**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 22-2021 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. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 23-2021 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. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 24-2021 TRANSFERRING APPROPRIATIONS FOR THE YEAR 2021 AND DECLARING AN EMERGENCY**

**Motion that the rule requiring that an ordinance be read on three separate occasions be suspended**

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

**PASSAGE OF ORDINANCE**

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

**RESOLUTION NO 54-2021**

**ACCEPTING THE ANNEXATION OF CERTAIN PARCELS OF LAND KNOWN AS THE SHULER/MOOR ANNEXATION IN JACKSON TOWNSHIP, RICHLAND COUNTY, TO THE CITY OF SHELBY**

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

**RESOLUTION NO 55-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT CHANGE ORDER WITH BK LAYER, LLC FOR THE EAST MAIN STREET SANITARY SEWER PROJECT IN THE AMOUNT OF ELEVEN THOUSAND FOUR HUNDRED SIXTY-FOUR AND 00/100 DOLLARS (\$11,464.00) AS AN INCREASE AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 56-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT WATER AND WASTEWATER INFRASTRUCTURE GRANT AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 57-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH BCC OHIO INC. TO REPAIR THE WEST WHITNEY AVENUE BRIDGE AND DECLARING AN EMERGENCY**

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

**Miscellaneous Business**

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

**ORDINANCE NO. 22 - 2021**  
**(Sponsors– Councilmembers Gates & Martin)**

**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, on April 19, 2021, the Council of the City of Shelby passed RESOLUTION NO. 17-2021 affirming funds received from the American Rescue Plan Act may be expended to cover costs of the subdivision consistent with the requirements of the “American Rescue Plan Act,” (ARPA) and any applicable regulations; and

WHEREAS, monies received from the American Rescue Plan Act have been received and deposited into a fund entitled “Local Fiscal Recovery Fund” ; and

WHEREAS, it is necessary to create line items within the 2021 budget and to fund said line items with ARPA 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 fund ARPA expenditures and/or projects and to balance the books for the calendar year 2021.

**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 CREATE AN EXPENDITURE LINE ITEM**

<b>284-LFR-472</b>	<b>Supplies</b>	<b>\$ 5,000.00</b>
<b>284-LFR-500</b>	<b>Engineering</b>	<b>\$ 50,000.00</b>
<b>284-LFR-515</b>	<b>Equipment</b>	<b>\$ 15,000.00</b>
<b>284-LFR-531</b>	<b>Miscellaneous</b>	<b>\$ 48,000.00</b>
<b>284-LFR-536</b>	<b>Construction</b>	<b>\$ 350,000.00</b>
<b>284-LFR-546</b>	<b>Economic Development</b>	<b>\$ 5,000.00</b>

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. 23 - 2021**  
**(Sponsors – Councilmembers Gates & Martin)**

**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**

300-POL-515	EQUIPMENT	\$ 46,000.00
300-PRO-586	WHITNEY AVE. BRIDGE	\$ 4,000.00
354-PCC-515	EQUIPMENT	\$ 24,000.00
502-WCI-500	ENGINEERING	\$ 10,000.00
502-WCI-536	CONSTRUCTION	\$ 2,255,000.00
600-MFG-526	DIESEL FUEL	\$ 20,000.00

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: 24 -2021**  
**(Sponsors: Councilmembers Gates & Martin)**

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2021 AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2021 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2021 and so as to fund necessary expenditures and/or projects; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these funds be transferred.

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

Section 1: That the Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	283-LCR-564	Service Vehicle	\$ 15,000.00
FROM	300-POL-558	Police Cruisers	\$ 36,000.00
TO	283-LCR-472	Supplies	\$ 7,500.00
TO	283-LCR-515	Equipment	\$ 7,500.00
TO	300-POL-515	Equipment	\$ 36,000.00

Section 2: That all other portions of Ordinance No. 8-2021, not modified herein, shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, 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 McLaughlin  
Vice President of Council

APPROVED:

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

Brian A. Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 54 -2021  
(Sponsors: Councilmembers McLaughlin and Roub)

**ACCEPTING THE ANNEXATION OF CERTAIN PARCELS OF LAND KNOWN AS THE SHULER/MOORE ANNEXATION IN JACKSON TOWNSHIP, RICHLAND COUNTY, TO THE CITY OF SHELBY.**

WHEREAS, a petition for annexation of certain territory in Jackson Township, Richland County, Ohio, was duly filed by a group of property owners who designated as their agent Andrew J. Medwid, with the Richland County Commissioners on June 2, 2021; and

WHEREAS, The Board of County Commissioners of Richland County, Ohio, certified the transcript of the proceedings in connection with the annexation of the territory with the map and petition required in connection therewith to the Finance Director as Clerk of Council of the City of Shelby, the date of receipt being July 6, 2021; and

WHEREAS, sixty (60) days from the date of said filing with the Finance Director as Clerk of Council have now passed in accordance with the provisions of Ohio Revised Code 709.04; 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 parcels of land known as the Shuler/Moore Annexation in Jackson 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 MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That the proposed annexation as applied for in the petition of a group of property owners who designated as their agent Andrew J. Medwid, which was filed with the Board of County Commissioners of Richland County, Ohio, and which prayed for annexation to the City of Shelby, and which was approved for annexation by the Board of County Commissioners of Richland County, Ohio, on July 1, 2021, be and the same is hereby accepted. The territory hereby annexed is described as follows:

PARCEL 1: SITUATED IN THE STATE OF OHIO, COUNTY OF RICHLAND, JACKSON TOWNSHIP, BEING PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22, RANGE 19, AND BEING 4.936 ACRES CONVEYED TO JEFFREY A. AND MICHELLE M. SHULER OF RECORD IN OFFICIAL RECORD 1446, PAGE 409, RECORDS REFER TO THE RECORDER'S OFFICE RICHLAND COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A MAG SPIKE SET AT THE CENTERLINE OF SMILEY AVENUE EAST - TOWNSHIP ROAD 57 (WIDTH VARIES) AND THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;

THENCE NORTH 89°56'33" EAST, A DISTANCE OF 644.68 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, TO AN IRON PIN SET AT THE NORTHWEST CORNER OF SAID SHULER TRACT, THE SOUTH LINE OF A TRACT CONVEYED TO LEONARD N. AND KATHY A. FOX OF RECORD IN OFFICIAL RECORD 902, PAGE 908, AND ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°56'33" EAST, A DISTANCE OF 323.42 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, THE NORTH LINE OF SAID SHULER TRACT, THE SOUTH LINE OF SAID FOX TRACT, AND A SOUTH LINE OF A TRACT CONVEYED TO GARY L. AND JOYCE A. ADKINS OF RECORD IN OFFICIAL RECORD 564, PAGE 837, PASSING AN IRON PIPE FOUND AT 283.95 FEET, TO AN IRON PIN SET AT A NORTHEAST CORNER OF SAID SHULER TRACT AND A NORTHWEST CORNER OF A TRACT CONVEYED TO DIANE T. MOORE OF RECORD IN OFFICIAL RECORD 1878, PAGE 704;

THENCE SOUTH 00°19'08" EAST, A DISTANCE OF 674.57 FEET WITH AN EAST LINE OF SAID SHULER TRACT AND A WEST LINE OF SAID MOORE TRACT, PASSING A

MAG SPIKE SET AT 23.50 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST AND AN IRON PIN SET AT 53.50 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST, TO AN IRON PIN SET AT THE SOUTHEAST CORNER OF SAID SHULER TRACT, A SOUTHWEST CORNER OF SAID MOORE TRACT, AND A NORTH LINE OF A TRACT CONVEYED TO ADENA CORPORATION OF RECORD IN OFFICIAL RECORD 2565, PAGE 665;

THENCE NORTH  $89^{\circ}57'39''$  WEST, A DISTANCE OF 314.30 FEET WITH A SOUTH LINE OF SAID SHULER TRACT AND A NORTH LINE OF SAID ADENA CORPORATION TRACT, TO AN IRON PIPE FOUND AT A SOUTHWEST CORNER OF SAID SHULER TRACT AND A SOUTHEAST CORNER OF A TRACT CONVEYED TO DAVID H. AND NANJI E. KEINATH OF RECORD IN OFFICIAL RECORD 1913, PAGE 338;

THENCE NORTH  $01^{\circ}05'41''$  WEST, A DISTANCE OF 674.14 FEET WITH THE WEST LINE OF SAID SHULER TRACT AND THE EAST LINE OF SAID KEINATH TRACT, PASSING AN IRON PIN SET AT 618.85 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST AND A MAG SPIKE SET AT 648.90 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST, TO THE IRON PIN SET AT THE POINT OF BEGINNING, CONTAINING 4.936 ACRES OF LAND, OF WHICH 0.412 ACRES ARE IN THE RIGHT-OF-WAY, MORE OR LESS.

THE ABOVE DESCRIPTION WAS BASED ON A SURVEY PREPARED BY MAKEEVER AND ASSOCIATES, INC. UNDER THE DIRECT SUPERVISION OF ISAAC L. KING, P.S. PROFESSIONAL SURVEYOR NUMBER 8318, IN JANUARY 2021, AND IS SUBJECT TO ALL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

ALL BEARINGS SHOWN HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, (NAD83).

PRIOR DEED REFERENCE: OFFICIAL RECORD 1446, PAGE 409.

PARCEL 2: SITUATED IN THE STATE OF OHIO, COUNTY OF RICHLAND, JACKSON TOWNSHIP, BEING PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22, RANGE 19, AND BEING 2.044 ACRES CONVEYED TO DIANE T. MOORE OF RECORD IN OFFICIAL RECORD 1878, PAGE 704, RECORDS REFER TO THE RECORDER'S OFFICE RICHLAND COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A MAG SPIKE SET AT THE CENTERLINE OF SMILEY AVENUE EAST - TOWNSHIP ROAD 57 (WIDTH VARIES) AND THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;

THENCE NORTH  $89^{\circ}56'33''$  EAST, A DISTANCE OF 968.10 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, PASSING AN IRON PIN SET AT 644.68 FEET AND AN IRON PIN FOUND AT 928.63 FEET, TO AN IRON PIN SET AT THE NORTHWEST CORNER OF SAID MOORE TRACT, A NORTHEAST CORNER OF A TRACT CONVEYED TO JEFFREY A. AND MICHELLE M. SHULER OF RECORD IN OFFICIAL RECORD 1446, PAGE 409, THE SOUTH LINE OF A TRACT CONVEYED TO GARY L. AND JOYCE A. ADKINS OF RECORD IN OFFICIAL RECORD 564, PAGE 837, AND ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH  $89^{\circ}56'33''$  EAST, A DISTANCE OF 132.00 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, THE NORTH LINE OF SAID MOORE TRACT, THE SOUTH LINE OF SAID ADKINS TRACT, AND A SOUTH LINE OF A TRACT CONVEYED TO LEONARD N. KATHY A. FOX OF RECORD IN OFFICIAL RECORD 92, PAGE 903, TO AN IRON PIN SET AT A NORTHEAST CORNER OF SAID MOORE TRACT AND THE NORTHWEST CORNER OF A TRACT CONVEYED TO MARY ANN MILLER AND MICHELLE A. STEPHENS OF RECORD IN OFFICIAL RECORD 1899, PAGE 669;

THENCE SOUTH 00°19'08" EAST, A DISTANCE OF 674.79 FEET WITH AN EAST LINE OF SAID MOORE TRACT AND A WEST LINE OF SAID MILLER TRACT, PASSING A MAG SPIKE SET AT 21.59 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST AND AN IRON PIN SET AT 51.59 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST, TO AN IRON PIN SET AT THE SOUTHEAST CORNER OF SAID MOORE TRACT, A SOUTHWEST CORNER OF SAID MILLER TRACT, AND A NORTH LINE OF A TRACT CONVEYED TO RANDY PAYNE OF RECORD IN OFFICIAL RECORD 2565, PAGE 665;

THENCE NORTH 89°57'39" WEST, A DISTANCE OF 132.00 FEET WITH A SOUTH LINE OF SAID MOORE TRACT AND A NORTH LINE OF SAID PAYNE TRACT, TO AN IRON PIN SET AT A SOUTHWEST CORNER OF SAID MOORE TRACT AND A SOUTHEAST CORNER OF SAID SHULER TRACT;

THENCE NORTH 00°19'08" WEST, A DISTANCE OF 674.57 FEET WITH THE WEST LINE OF SAID MOORE TRACT AND THE EAST LINE OF SAID SHULER TRACT, PASSING AN IRON PIN SET AT 621.07 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST AND A MAG SPIKE SET AT 651.07 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST, TO THE IRON PIN SET AT THE POINT OF BEGINNING, CONTAINING 2.044 ACRES OF LAND, OF WHICH 0.159 ACRES ARE IN THE RIGHT-OF-WAY, MORE OR LESS.

THE ABOVE DESCRIPTION WAS BASED ON A SURVEY PREPARED BY MAKEEVER AND ASSOCIATES, INC. UNDER THE DIRECT SUPERVISION OF ISAAC L. KING, P.S. PROFESSIONAL SURVEYOR NUMBER 8318, IN FEBRUARY 2021, AND IS SUBJECT TO ALL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

ALL BEARINGS SHOWN HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, (NAD83).

PRIOR DEED REFERENCE: OFFICIAL RECORD 1878, PAGE 704.

Section 2: That the certified transcript of the proceedings of the Board of County Commissioners of Richland County, Ohio, for annexation along with an accurate map of the territory, the petition for annexation, and other papers relating to the proceedings thereto remain on file with the Finance Director as Clerk of Council of this City and have been so filed for more than sixty (60) days.

Section 3: That the Finance Director as Clerk of Council be and is hereby authorized and directed to make three (3) copies of this Resolution to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners of Richland County, Ohio, relating thereto, as well as certificate as to the correctness thereof. The Finance Director as Clerk of Council shall then forthwith deliver one copy to the Richland County Auditor, one copy to the Richland County Recorder, and one copy to the Secretary of the State of Ohio. Further, the Finance Director as Clerk of Council shall do all other things required in Ohio Revised Code 709.06.

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

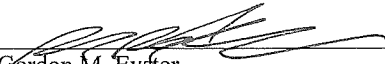
APPROVED:

ATTEST:

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

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

Prepared by:

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

RESOLUTION NO. 55 -2021  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH BK LAYER, LLC FOR THE EAST MAIN STREET SANITARY SEWER PROJECT IN THE AMOUNT OF ELEVEN THOUSAND FOUR HUNDRED SIXTY-FOUR AND 00/100 DOLLARS (\$11,464.00) AS AN INCREASE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has entered into a contract with BK Layer, LLC, for the East Main Street Sanitary Sewer Project, and said contract provides for a written change order; 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 BK Layer, LLC for the total amount of Eleven Thousand Four Hundred Sixty-Four and 00/100 Dollars (\$11,464.00) 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. 56 -2021**  
**(Sponsors: Councilmembers Martin and Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT WATER AND WASTEWATER INFRASTRUCTURE GRANT AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Department of Development provides financial assistance to municipal agencies through the Water and Wastewater Infrastructure Grant Program; and

WHEREAS, the City of Shelby desires financial assistance under the Water and Wastewater Infrastructure Grant Program to replace waterlines; 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 of City of Shelby apply for Water and Wastewater Grant.

**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 Council approves an application for financial assistance for waterline replacement through the Ohio Department of Commerce Water and Wastewater Infrastructure Grant Program.

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

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. 57 -2021**  
**(Sponsor – Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH BCC OHIO INC. TO REPAIR THE WEST WHITNEY AVENUE BRIDGE AND DECLARING AN EMERGENCY.**

WHEREAS, appropriations were included in the Capital Improvement Fund to make repairs to the city owned West Whitney Avenue bridge; and

WHEREAS, the southeast retaining wall on the West Whitney Avenue bridge approach is in need of repair; 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 an agreement with BCC Ohio Inc. to make the necessary repair to the West Whitney Avenue bridge.

**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 an agreement with BCC Ohio Inc. to repair the southeast retaining wall on the West Whitney Avenue bridge.

Section 2: That the repair is necessary to maintain the structural integrity of the approach to the said bridge.

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 Eyster  
Director of Law