

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

**Shelby City Council Agenda
Monday, April 18, 2022
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 4, 2022

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

Public Comment

Lisa Fernandez—Reentry Coordinator

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember Gates

Utilities & Streets Committee—Councilmember Martin

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

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

Former Ice Plant Property

Legislation

ORDINANCE NO 4-2022

**ENACTING SECTION 248.06 (CASH RESERVE) OF
CHAPTER 248 (DIVISION OF ELECTRICITY AND
COMMUNICATIONS) OF THE CODIFIED ORDINANCES
OF THE CITY OF SHELBY**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 6-2022

**AMENDING ORDINANCE NO 3-2022 (ANNUAL
APPROPRIATIONS) AND DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

ORDINANCE NO 7-2022

**AMENDING SECTION 1480.04 (EXCEPTIONS) OF
CHAPTER 1480 (SIGNS) OF THE CODIFIED ORDINANCES
OF THE CITY OF SHELBY**

1ST READING

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

RESOLUTION NO 22-2022

**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 _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

RESOLUTION NO 23-2022 **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 _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

RESOLUTION NO 24-2022 **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 _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

RESOLUTION NO 25-2022 **DECLARING THE INTENT TO VACATE AN ALLEY RUNNING PERPENDICULAR OF EAST MAIN STREET BETWEEN LOTS 565, 567, AND 85 IN THE CITY OF SHELBY, OHIO**

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

RESOLUTION NO 26-2022 **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 BLACK FORK COMMONS PHASE 2 PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

RESOLUTION NO 27-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PURCHASE A BRAUN CHIEF XL TYPE 1 FORD F-550 4X4 DIESEL CHASSIS FROM PENN CARE, INC., AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
3/21/2022

2nd Reading
4/1/2022

ORDINANCE NO. 4 -2022
(Sponsor - Councilmember Gates)

ENACTING SECTION 248.06 (CASH RESERVE) OF CHAPTER 248 (DIVISION OF ELECTRICITY AND COMMUNICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Director of Finance and Public Record and the Director of Utilities have recommended that the optimum cash reserve in the Electric and Communications Fund be set at \$4,500,000, free and clear of encumbrances; and

WHEREAS, said reserve would maintain a three-month cash balance to cover the costs of distribution, manufacturing, maintenance, purchase power, office, capital, and catastrophic events; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that this recommendation be approved by Council and enacted into law.

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

Section 1: That Section 248.06 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

- 248.06 CASH RESERVE.
- (a) The optimum cash reserve in the Electric and Communications Fund shall be \$4,500,000, free and clear of encumbrances.
 - (b) On or before December 1 of each year, the Director of Public Service shall recommend in writing to Council what changes, if any, should be made to the cash reserve.

Section 2: That all other sections of Chapter 248 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 Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 6 - 2022
(Sponsors – Councilmembers Gates, Martin, & Roberts)

AMENDING ORDINANCE NO.: 3-2022 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 21, 2022, 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 2022 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 2022 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.: 3-2022 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURE

230-CAP-647	BLACKFORK PARK	\$ 100,000.00
--------------------	-----------------------	----------------------

Section 2: That all other portions of Ordinance No.: 3-2022, 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. 7 -2022
(Sponsor- Councilmember McLaughlin)

AMENDING SECTION 1480.04 (EXCEPTIONS) OF CHAPTER 1480 (SIGNS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, on February 17, 2015, Shelby City Council passed Ordinance 20-2014 creating Historic Landmarks and Buildings Ordinance; and

WHEREAS, Ordinance 20-2014 created the Historic Preservation Commission which has the duty to preserve local landmarks, buildings and districts; and

WHEREAS, said Commission should review sign permit applications in the historic district for compliance to the Historic Landmarks and Buildings Ordinance; 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 Section 1480.04 of Chapter 1480 of the Codified Ordinances of the City of Shelby 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 1480.04 (Exceptions) of Chapter 1480 (Signs) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

1480.04 EXCEPTIONS.

The provisions of § 1480.03 shall not apply to the following types of signs:

(a) Temporary signs in Business Districts including: B-1 (Neighborhood Business District), B-2 (Central Business District, B-3 Highway Service Business District, OS-1 Office Service District, I-1 (Light Industrial and Manufacturing District), I-2 (Heavy Industrial and Manufacturing District).

(1) Real estate signs not over ten square feet in area which advertise only the sale, rental or lease of the premises upon which the sign is located.

(2) Bulletin boards not over 20 square feet in area for public, charitable or religious institutions when such bulletin board is located on the premises of such institutions.

(3) Signs denoting the architect, engineer or contractor, when placed upon work under construction, and not exceeding 40 square feet in area.

(4) Advertising copy or message on a painted, printed or changeable letter sign.

(5) Repainting, cleaning or repair maintenance which does not involve an alteration or change in the structural members of the sign or an increase in the total advertising area of the sign.

(6) Any sign denoting only the name and profession of an occupant in a commercial building, public institution, other building or dwelling and not exceeding three total square feet in area.

(7) Projecting signs not more than one and one-half total square feet in area.

(8) Non-electric signs six square feet or less which are mounted on a building or six square feet or less mounted in the ground with a maximum height of six feet.

(b) Temporary signs which require a permit.

(1) Sunflower or other rented changeable letter signs.

(2) Any other temporary sign not covered under division (a) of this section.

(c) General provisions.

(1) All temporary signs under division (a) of this section which promote a special sale or event may be placed not more than 30 days before the initial date of the sale or event and shall be removed not more than five days after such special sale or event. Temporary signs requiring a

permit shall be placed not more than 30 days from date of permit and shall be removed not more than five days after the expiration of such permit.

(2) No banners or pennants shall be allowed unless used as a temporary business/announcement sign.

(3) All temporary signs which existed prior to the date of this chapter shall be removed within 30 days of the date that this new chapter is adopted.

(4) All temporary signs shall further comply with the provisions of § 1480.23.

(d) Historic preservation. Signs and marquees which (1) maintain and enhance the distinctive character of historical areas and properties, or (2) safeguard the heritage of the city by preserving sights, structures or portions thereof which reflect elements of the city's cultural, social or architectural heritage, upon application to and approval by the Zoning Inspector, and the Shelby Historic Preservation Commission as to the applicant's proposed location, construction and erection thereof.

Section 2: That all other Sections of Chapter 1480 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

Steve L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

RESOLUTION NO. 22-2022
(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 April 11, 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 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 West 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 April 11, 2022).

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

RESOLUTION NO. 23 -2022
(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 West 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 April 11, 2022).

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. 24 -2022
(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 April 11, 2022; 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 West 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 April 11, 2022).

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. Byster
Director of Law

RESOLUTION NO. 25 -2022
(Sponsor: Councilmember Martin)

DECLARING THE INTENT TO VACATE AN ALLEY RUNNING PERPENDICULAR OF EAST MAIN STREET BETWEEN LOTS 565, 567, AND 85 IN THE CITY OF SHELBY, OHIO.

WHEREAS, the plats of the City of Shelby, Ohio, indicate that a dedicated alley runs perpendicular of East Main Street between lots 565, 567, and 85; and

WHEREAS, a majority of the owners of property bounding and abutting upon said alley have submitted a "Petition to Vacate Street or Alley" to Council of the City of Shelby, Ohio, asking the alley to be vacated; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate an alley and sets forth the procedure for doing so; 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 alley running perpendicular of East Main Street between lots 565, 567, and 85 within the City of Shelby, Ohio, be vacated.

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

Section 1: That it is the intent of the Council of the City of Shelby that the alley running perpendicular of East Main Street between lots 565, 567, and 85 as shown on Exhibit A within the City of Shelby, Ohio be vacated.

Section 2: That the Clerk of Council is hereby instructed to cause notice of Council's intent to vacate said alley to be served upon those persons mandated by the terms of the Charter of the City of Shelby.

Section 3: That the Board of Revisions of Assessments shall hold a meeting to consider Council's intent to vacate as well as any objections which may be lodged concerning said intent and that said Board of Revisions of Assessments submit a report to the council of the City of Shelby following said meeting.

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. 26 -2022
(Sponsor- Councilmember Gates)

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 BLACK FORK COMMONS PHASE 2 PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, on December 6, 2021, Shelby City Council passed Resolution No. 72-2021 and on April 6, 2022, Shelby City Council passed Resolution 14-2022, authorizing the Mayor as Director of Public Service to advertise for bids and enter into a contract for the Black Fork Commons Phase 2 Project; and

WHEREAS, said bids for the project came in over budget; and

WHEREAS, plans and specifications have been modified for the Black Fork Commons Phase 2 Project; 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 project be rebid.

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 revised plans and specifications for the Black Fork Commons Phase 2 Project 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 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 therefor, 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

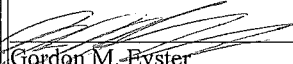
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 27 -2022
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PURCHASE A BRAUN CHIEF XL TYPE 1 FORD F-550 4X4 DIESEL CHASSIS FROM PENN CARE, INC., AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Fire Department is desirous of purchasing a Braun Chief XL Type 1 Ford F-550 4X4 Diesel Chassis for the operation of the department; and

WHEREAS, Penn Care, Inc., offered the best quote for providing the same; 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 be authorized to purchase a Braun Chief XL Type 1 Ford F-550 4X4 Diesel Chassis from Penn Care, Inc.

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 is hereby authorized to purchase a Braun Chief XL Type 1 Ford F-550 4X4 Diesel Chassis for the operation of the Fire Department from Penn Care, Inc.

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 so as to meet the ongoing contractual 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 Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law