

The City Record

Official Municipal Bulletin - Shelby Ohio

Legislative Update 2022



Current Council

[Mayor Steven Schag](#), President of Council, (419) 347-5131

[Finance Director Brian Crum](#), Clerk of Council, (419) 347-5131

[Law Director Gordon Eyster](#) (419) 342-4261

Councilmembers:

At-Large: [Steven McLaughlin](#), (419) 566-8528 - stevemclaughlin@shelbycity.oh.gov

First Ward: [Charles Roub Jr.](#), (419) 347-6676 - charlesroub@shelbycity.oh.gov

Second Ward: [Derrin Roberts](#), (419) 961-3116 - derrinroberts@shelbycity.oh.gov

Third Ward: [Garland John Gates](#), (419) 347-3337 - garlandgates@shelbycity.oh.gov

Fourth Ward: [Nathan Martin](#), (567) 275-2525 - nathanmartin@shelbycity.oh.gov

2nd Reading
1/18/2022

ORDINANCE NO: 1 -2022
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (d) (BALANCE LEVELIZATION RATE RIDER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the Balance Levelization was established to help reduce the electric fund balance; and

WHEREAS, the fund balance has been reduced to the proposed electric cash reserve policy level; and

WHEREAS, it is necessary at this time to modify Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) to amend the negative rate rider from \$0.0022/kWh to \$0.0000/kWh to help retain the available cash balance at the desired level; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) be amended and/or modified.

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

Section 1: That Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) be amended to read as follows:

(d) *Balance Levelization Rate Rider*

(1) Service Schedules A, A-D, B, C, and D shall have a negative rate *rider* in the amount of \$0.0000 / kWh. The negative rate *rider* shall cease from all service schedules and be removed from the utility bill.

Section 2: That all other language in Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

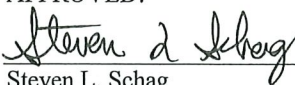
PASSED: February 7, 2022




Steven D. McLaughlin
Vice President of Council

ATTEST: 

Brian Crum
Clerk of Council

APPROVED:


Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

11/31/2022
2nd Reading
1/18/2022

ORDINANCE NO. 2 -2022
(Sponsor – Councilmember Gates)

AMENDING SECTION 206.02 (BOUNDARIES OF WARDS) OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 206.01 of the Codified Ordinances of the City of Shelby requires that each of the City's four wards "shall contain as nearly as practicable an equal number of inhabitants"; and

WHEREAS, Council met on Wednesday, December 15, 2021, as the Committee of the Whole to consider adjusting ward boundaries in light of the results of the Twenty-fourth Decennial United States Census; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the boundaries of wards – specifically the boundaries of the Third and Fourth Wards – be adjusted to comply with the requirements of Codified Ordinance 206.01;

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

Section 1: That Section 206.02 of the Codified Ordinances of the City of Shelby be amended to read as follows:

206.02 BOUNDARIES OF WARDS.

The boundaries of the wards of the city are as follows:

(a) *First Ward.* The first ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of the Black Fork of the Mohican River and West Main Street; from there westerly along the centerline of West Main Street to the west corporation line; from there generally northerly and easterly along the corporation line to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West State Street; from there westerly along the centerline of West State Street to the centerline of Leslie Lane; from there southerly along the centerline of Leslie Lane to the centerline of Maple Street; from there easterly along the centerline of Maple Street to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West Smiley Avenue; from there easterly along the centerline of West Smiley Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the point of beginning.

(b) *Second Ward.* The second ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of East Main Street and Mansfield Avenue; from there southerly along the centerline of Mansfield Avenue to the centerline of Monroe Avenue; from there southwesterly along the centerline and the extension of the centerline of Monroe Avenue to the centerline of the Ashland Railway right-of-way; from there southerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Simeon Avenue; from there westerly along the extension of the centerline and the centerline of Simeon Avenue to the centerline of Park Avenue; from there northerly along the centerline of Park Avenue to the centerline of East Tucker Avenue; from there westerly along the centerline of East Tucker Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the south corporation line; from there generally westerly and northerly along the corporation line to the centerline of West Main Street; from there easterly along the centerlines of West and East Main Streets to the point of beginning.

(c) *Third Ward.* The third ward shall contain all the territory bounded as follows: beginning for the same at the intersection of the centerlines of Mansfield Avenue and East Main Streets; from there westerly along the centerline of East Main Street to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of West Smiley Avenue; from there westerly along the

centerline of West Smiley Avenue to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the centerline of Maple Street; from there westerly along the centerline of Maple Street to the centerline of Leslie Lane; from there northerly along the centerline of Leslie Lane to the centerline of West State Street; from there easterly along the centerline of West State Street to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the north corporation line; from there generally easterly and southerly along the corporation line to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the centerline of Technology Parkway; from there southerly along the centerline of Technology Parkway to the centerline of Glenwood Drive; from there westerly along the centerline of Glenwood Drive to the centerline of Samantha Avenue; from there northerly along the centerline of Samantha Drive to the centerline of Parkwood Drive; from there westerly along the centerline of Parkwood Drive to the boundary line between Jackson and Sharon Townships; from there northerly along said boundary line to the centerline of Grand Boulevard; from there westerly along the centerline of Grand Boulevard to the centerline of Wentz Avenue; from there southerly along the centerline of Wentz Avenue to the de facto centerline of Parkwood Drive; from there westerly along the de facto centerline of Parkwood Drive to the centerline of Mansfield Avenue; from there along the centerline of Mansfield Avenue to the point of beginning.

(d) *Fourth Ward.* The fourth ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of Wentz Avenue and Grand Boulevard; from there easterly along the centerline of Grand Boulevard to the boundary line between Sharon and Jackson Townships; from there southerly along said boundary line to the centerline of Parkwood Drive; from there easterly along the centerline of Parkwood Drive to the centerline of Samantha Drive; from there southerly along the centerline of Samantha Drive to the centerline of Glenwood Drive; from there easterly along the centerline of Glenwood Drive to the centerline of Technology Parkway; from there northerly along the centerline of Technology Parkway to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the east corporation line; from there generally southerly and westerly along the corporation line to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of East Tucker Avenue; from there easterly along the centerline of East Tucker Avenue to the centerline of Park Avenue; from there southerly along the centerline of Park Avenue to the centerline of Simeon Avenue; from there easterly along the centerline and the extension of the centerline of Simeon Avenue to the centerline of Ashland Railway right-of-way; from there northerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Monroe Avenue; from there northeasterly along the extension of the centerline and the centerline of Monroe Avenue to the centerline of Mansfield Avenue; from there southeasterly along the centerline of Mansfield Avenue to the de facto centerline of Parkwood Drive; from there easterly along the de facto centerline of Parkwood Drive to the centerline of Wentz Avenue; from there northerly along the centerline of Wentz Avenue to the point of beginning.

Section 2: That there be attached to this Ordinance a map delineating the ward boundaries as defined in Section 1 above.

Section 3: That all other sections of Chapter 206 shall 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.

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: February 7, 2022


Steven McLaughlin
Vice President of Council

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

APPROVED: Steven L. Schag
Steven L. Schag
Mayor

Prepared by:
Gordon M. Eyster
Gordon M. Eyster
Director of Law

ORDINANCE NO. 3 - 2022
(Sponsors- Councilmembers Gates & Martin)

CREATING APPROPRIATIONS FOR THE YEAR 2022 AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code §5705.38 requires that “the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure. . . no later than the first day of April of the current year”; and

WHEREAS, the Director of Finance and Public Record, in cooperation with the Finance Committee of City Council, and the Administration and Department Heads have prepared the “Annual Appropriation Ordinance” as attached hereto and made a part hereof; 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 Annual Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and so as to comply with the provisions of the Ohio Revised Code.

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 an appropriation is hereby made and authorized for the year 2022, the same to be in full force and effect from and after approval, as and for the general appropriations for the City of Shelby for the year 2022.

Section 2: That City Council does hereby appropriate as an appropriation for the year 2022 the following sums, to wit:

2022	Fund	Personal	Other	Total
GENERAL FUND	101			
Building and Zoning		\$0.00	\$3,850.00	\$3,850.00
City Administration & Buildings		\$0.00	\$42,300.00	\$42,300.00
Civil Service		\$75.00	\$200.00	\$275.00
Council		\$47,225.00	\$11,900.00	\$59,125.00
Court		\$344,650.00	\$129,700.00	\$474,350.00
Finance		\$206,300.00	\$15,050.00	\$221,350.00
Law		\$108,400.00	\$25,300.00	\$133,700.00
Economic Development		\$0.00	\$414,850.00	\$414,850.00
Engineering		\$102,850.00	\$21,650.00	\$124,500.00
Fire		\$902,500.00	\$86,400.00	\$988,900.00
Mayor		\$154,850.00	\$5,450.00	\$160,300.00
Misc.		\$0.00	\$86,100.00	\$86,100.00
Police		\$1,565,800.00	\$399,700.00	\$1,965,500.00
Transportation		\$0.00	\$44,000.00	\$44,000.00
Transfers		\$0.00	\$540,000.00	\$540,000.00
TOTAL		\$3,432,650.00	\$1,826,450.00	\$5,259,100.00
SPECIAL FUNDS	Fund			
Street	200	\$324,450.00	\$2,003,650.00	\$2,328,100.00
State Highway	205	\$51,400.00	\$0.00	\$51,400.00
Street Sales Tax	210	\$0.00	\$83,000.00	\$83,000.00
Income Tax	220	\$147,800.00	\$4,539,200.00	\$4,687,000.00
Health	225	\$305,850.00	\$216,150.00	\$522,000.00
Park	230	\$31,250.00	\$1,720,000.00	\$1,751,250.00
Rehab Escrow CDBG	232	\$0.00	\$26,000.00	\$26,000.00
Court Probation	233	\$20,600.00	\$7,200.00	\$27,800.00
BMV Reimbursement	234	\$0.00	\$1,500.00	\$1,500.00

Law Enforcement Trust	235	\$0.00	\$8,730.00	\$8,730.00
Court IDAT	236	\$0.00	\$27,000.00	\$27,000.00
Court Enforce. & Education	237	\$0.00	\$700.00	\$700.00
Dare	238	\$0.00	\$5,000.00	\$5,000.00
Unclaimed Monies	240	\$0.00	\$500.00	\$500.00
Court IDAM	242	\$0.00	\$5,500.00	\$5,500.00
CDBG General	250	\$0.00	\$106,000.00	\$106,000.00
Home Program	251	\$0.00	\$217,000.00	\$217,000.00
Local Coronavirus Relief	283	\$0.00	\$0.00	\$0.00
Local Fiscal Recovery	284	\$953,003.00	\$0.00	\$953,003.00
City Admin. & Bldg.	650	\$0.00	\$0.00	\$0.00
Police Pension	700	\$252,000.00	\$800.00	\$252,800.00
Fire Pension	701	\$250,000.00	\$1,150.00	\$251,150.00
Shade Tree Trust	705	\$0.00	\$4,600.00	\$4,600.00
FEMA	815	\$0.00	\$0.00	\$0.00
TOTAL		\$2,336,353.00	\$8,973,680.00	\$11,310,033.00

Debt Service Funds

Special Bond	275	\$0.00	\$1,000.00	\$1,000.00
General Bond SSE	281	\$0.00	\$0.00	\$0.00
USDA	282	\$0.00	\$0.00	\$0.00
Light Debt Reserve	602	\$0.00	\$55,000.00	\$55,000.00
TOTAL		\$0.00	\$56,000.00	\$56,000.00

Capital Project Funds

Court Computer	239	\$0.00	\$14,000.00	\$14,000.00
Police Computer	241	\$0.00	\$1,500.00	\$1,500.00
Capital Improvement	300	\$0.00	\$519,900.00	\$519,900.00
Shelby Reservoir	301	\$0.00	\$0.00	\$0.00
Sewer Construction	302	\$0.00	\$0.00	\$0.00
San./Storm/Sewer - Equipment	303	\$0.00	\$0.00	\$0.00
Court Capital Improvement	304	\$0.00	\$13,000.00	\$13,000.00
Fox Run Six	322	\$0.00	\$0.00	\$0.00
Fox Run Seven	324	\$0.00	\$0.00	\$0.00
Water Facilities 69%	350	\$0.00	\$0.00	\$0.00
Bridges & Sidewalks 29%	351	\$0.00	\$0.00	\$0.00
Sidewalks 2%	352	\$0.00	\$16,150.00	\$16,150.00
Streets, Alleys, Catch Basin Fund	353	\$0.00	\$524,500.00	\$524,500.00
Police/Court	354	\$0.00	\$608,500.00	\$608,500.00
Police Equipment	702	\$0.00	\$24,000.00	\$24,000.00
Fire Equipment	703	\$0.00	\$275,000.00	\$275,000.00
TOTAL		\$0.00	\$1,996,550.00	\$1,996,550.00

Permanent Fund

Mini Park Trust	Fund 710	\$0.00	\$3,000.00	\$3,000.00
TOTAL		\$0.00	\$3,000.00	\$3,000.00

Special Assessment Fund

Fire Damage Fund	253	\$0.00	\$101,974.00	\$101,974.00
TOTAL		\$0.00	\$101,974.00	\$101,974.00

Enterprise Funds

Sewer	400	\$930,050.00	\$682,875.00	\$1,612,925.00
San. Sewer Capital Improvements	401	\$0.00	\$618,600.00	\$618,600.00
Waste Water Capital Improvements	402	\$0.00	\$782,550.00	\$782,550.00
Water	500	\$1,114,100.00	\$1,112,250.00	\$2,226,350.00
Water Facilities	501	\$0.00	\$330,000.00	\$330,000.00

Water Capital Improvements	502	\$0.00	\$715,300.00	\$715,300.00
Electric	600	\$1,270,000.00	\$11,301,400.00	\$12,571,400.00
TOTAL		\$3,314,150.00	\$15,542,975.00	\$18,857,125.00

Internal Service Fund

Sharing Fund	706	\$0.00	\$25,000.00	\$25,000.00
Hospitalization	715	\$0.00	\$1,700,000.00	\$1,700,000.00
TOTAL		\$0.00	\$1,725,000.00	\$1,725,000.00

Agency Fund

Playscape Trust	231	\$0.00	\$0.00	\$0.00
Light Customer Deposit	601	\$0.00	\$113,000.00	\$113,000.00
Bicentennial Trust	800	\$0.00	\$0.00	\$0.00
Total Agency Funds		\$0.00	\$113,000.00	\$113,000.00

		Personal	Other	Total
TOTAL		\$9,083,153.00	\$30,338,629.00	\$39,421,782.00

Section 3: That the Director of Finance and Public Record is hereby authorized to draw warrants on the City Treasury for the amounts appropriated in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

Section 4: That transfers may be made from line item to line item within the Financial Department without specific Council authorization provided, however, that no line item may be increased during 2022 by a sum greater than 10% of the original appropriation or \$5,000.00 whichever is greater. Said transfer shall be certified by the Director of Finance and Public Record, signed by the Mayor, and by the elected official or board or commission responsible for each financial department.

Section 5: 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 6: That this Ordinance is hereby deemed to be an emergency so as to provide for the usual daily operations of municipal government 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: March 21, 2022

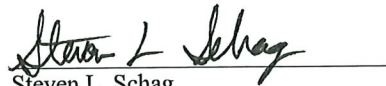


Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A. Crum

Brian A. Crum
Clerk of Council



Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

ORDINANCE NO. 5 -2022
(Sponsor: Councilmember Gates)

AMENDING CHAPTER 1466 (FLOOD DAMAGE PREVENTION) SECTION 1466.24 (USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION) (d)(3) (RESIDENTIAL STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, changes have been made to the requirements of National Flood Insurance Program Community Rating System administered by the United States Federal Emergency Management Agency; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1466 (Flood Damage Prevention) be amended.

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 Chapter 1466 (Flood Damage Prevention), Section 1466.24 (Use and Development Standards For Flood Hazard Reduction), (d) (3) (Residential Structures) be amended to read as follows:

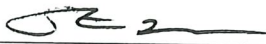
(3) New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are elevated to one foot above the flood protection level so as to prevent water from entering or accumulating within the components during conditions of flooding.

Section 2: That all other language in Chapter 1466 (Flood Damage Prevention), Section 1466.24 (Use and Development Standards For Flood Hazard Reduction) shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of the 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 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: April 4th, 2022


Steven McLaughlin
Vice President of Council

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

APPROVED:
Steven L. Schag
Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 1 -2022
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE IAFF, LOCAL 2492 REGARDING THE HIRING, TRAINING AND RETENTION OF NEW EMPLOYEES IN BARGAINING UNIT WHO, AT THE TIME OF THEIR HIRING, DO NOT POSSESS PROFESSIONAL FIREFIGHTER CERTIFICATION AND/OR EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC CERTIFICATION.

WHEREAS, City Council and the Administration have conducted settlement of the hiring, training and retention of new employees in bargaining unit who, at the time of their hiring, do not possess professional firefighter certification and/or emergency medical technician-paramedic certification; and

WHEREAS, such negotiations have provided a tentative agreement between parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and;

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the City of Shelby execute a Memorandum of Understanding with the IAFF, Local 2492 regarding the hiring, training and retention of new employees in bargaining unit who, at the time of their hiring, do not possess Professional Firefighter Certification and/or Emergency Medical Technician-Paramedic Certification.

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 Safety shall be and is hereby authorized to sign a Memorandum of Understanding, a copy of which is attached to and incorporated into this Resolution as if fully written herein, with the IAFF, Local 2492 regarding the hiring, training and retention of new employees in bargaining unit who, at the time of their hiring, do not possess Professional Firefighter Certification and/or Emergency Medical Technician-Paramedic Certification.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all resolutions in conflict with the express provisions of their Agreement are superseded by this agreement.

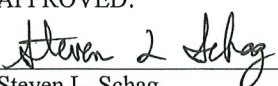
Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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: January 3, 2022


Steven McLaughlin
Vice President of Council

ATTEST: 
~~Brian Crum~~ Amber Cutlip
Clerk of Council Pro Tem

APPROVED:

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 2 -2022
(Sponsor- Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PARTICIPATE IN THE JOHNSON AND JOHNSON NATIONAL OPIOID SETTLEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby, Ohio (herein "Municipality") is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representative and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the Council of City of Shelby, Ohio has adopted, and hereby reaffirms its adoption of, a One Ohio Memorandum of Understanding ("MOU") and now desire to enter similar agreements relating to a Johnson and Johnson national Opioid Settlement relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council of the City of Shelby, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by Janssen/Johnson & Johnson to resolve governmental entity claims in the State of Ohio using a Settlement Agreement similar to the MOU; and

WHEREAS, the Council of the City of Shelby, Ohio wishes to agree to the material terms of the proposed Settlement Agreement (the "Proposed Settlement").

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 authorized to accept the Proposed Settlement on behalf of the City of Shelby, Ohio, pursuant to the terms of said settlement agreement and Settlement Participation Form.

Section 2: That council intends that any financial proceeds from the Proposed Settlement be deposited into the Police Equipment Fund.

Section 3: That all meetings and hearings concerning the adoption of the 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 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: January 18, 2022


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. 3 -2022
(Sponsor: Councilmember Gates)

APPROVING WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE.

WHEREAS, Codified Ordinance 662.04 requires the Director of Public Service to notify owners of an assessment for the cutting and removal of offensive and noxious weeds, vines, and grass by the City of Shelby; and

WHEREAS, the Director of Public Service has served said notices on multiple properties within the City of Shelby, Ohio; and

WHEREAS, before the Clerk of Council can certify these assessments to the County Auditor for inclusion on the tax duplicate, Codified Ordinance 662.04 requires that City Council approve said assessment; 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 Council of the City of Shelby approve the assessments as prepared by the Director of Public Service so that the Clerk of Council can certify said assessments to the County Auditor for inclusion on the tax duplicate.

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

Section 1: That the Council of the City of Shelby hereby approves the list of assessments as prepared by the Director of Public Service and attached hereto as "Exhibit A".

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: February 7, 2022




Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 4 -2022
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A CERTIFIED LOCAL GOVERNMENT GRANT FOR CREATION OF LOCAL DESIGN GUIDELINES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio State Historic Preservation Office provides financial assistance for the creation of local design guidelines through the Certified Local Government Grant; and

WHEREAS, the City of Shelby Historic Preservation Commission desires financial assistance under the Certified Local Government Grant Program to create local design guidelines; 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 of City of Shelby apply for a Certified Local Government 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 local design guidelines.

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

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Certified Local Government Grant.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 5: That this Resolution 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: February 7, 2022

Steven McLaughlin
Steven McLaughlin
Vice President of Council

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

APPROVED:
Steven L. Schag
Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Gordon M. Eyster
Director of Law

AMENDED RESOLUTION NO. 5-2022
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR THE SMALL RURAL TRIBAL BODY WORN CAMERA PROGRAM GRANT AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Police are desirous of obtaining body-worn cameras for use within the department; and

WHEREAS, it is estimated that the cost to purchase said devices is approximately \$28,000.00; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety apply for funding through the Small Rural Tribal Body Worn Camera Program to assist with said purchases.

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 Council approve an application for financial assistance to purchase body-worn cameras, retroactive to August 31, 2021.

Section 2: That the Mayor as Director of Public Safety shall be and is hereby authorized and directed to execute and file a grant application with the Small Rural Tribal Body Worn Camera Program and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of said grant.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 5: That this Resolution 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: February 7, 2022



Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian Crum

Brian Crum
Clerk of Council

Steven L. Schag

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 6-2022
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PURCHASE TWO (2) NEW POLICE CRUISERS AT STATE BIDDING FROM MONTROSE FORD LLC DBA MONTROSE FORD AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Police Department is desirous of purchasing two (2) new police cruisers for the operation of the department; and

WHEREAS, Montrose Ford LLC dba Montrose Ford offered the best quote for providing the same at state bid; 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 two (2) 2022 Ford Police Interceptor Utility Hybrids from Montrose Ford LLC dba Montrose Ford.

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 two (2) 2022 Ford Police Interceptor Utility Hybrids for the operation of the Police Department from Montrose Ford LLC dba Montrose Ford.

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.

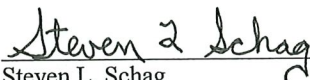
Section 3: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: February 10, 2022


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. 7 -2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH SOUTHSIDE EXCAVATING TO REMOVE LIME SLUDGE FROM THE WATER TREATMENT PLANT LARGE DRYING LAGOON AND DECLARING AN EMERGENCY.

WHEREAS, the Water Treatment Plant needs to excavate and remove lime sludge from the drying lagoons located at the treatment facility; and

WHEREAS, the three lime sludge drying lagoons are full and the treatment facility needs ample space to store lime sludge for the daily operation and maintenance; and

WHEREAS, the contractor will be working with area farmers to utilize and apply the lime sludge on to agricultural fields before the Spring planting season; 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 Southside Excavating to remove the lime sludge from the large drying lagoon.

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 Southside Excavating to remove the lime sludge from the large drying lagoon.

Section 2: That Southside Excavating has provided a price of \$47,400 for the removal of the lime sludge.

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: February 22, 2022


Steven McLaughlin
Vice President of Council

ATTEST: Brian Crum
Brian Crum
Clerk of Council

APPROVED: Steven L. Schag
Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 8 -2022
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT FOR A HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT.

WHEREAS, the City of Shelby, Ohio has been awarded CDBG or HOME Funds from the State of Ohio, Department of Development; and

WHEREAS, said funds are used to improve the affordable housing stock and provide for affordable housing needs of low-and-moderate income persons in the City of Shelby, Ohio; and

WHEREAS, a revolving loan fund must be established to administer said CDBG or HOME funds.


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 enter into a Housing Revolving Loan Fund Administration Agreement with the State of Ohio, Department of Development.

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.

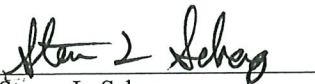
PASSED: February 22, 2022


Steven McLaughlin
Vice President of Council


ATTEST:


Brian Crum
Clerk of Council

APPROVED:


Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 9 -2022
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2022-2023 TRAINING AND EQUIPMENT GRANT FOR THE PURCHASE OF EMS SUPPLIES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Public Safety provides financial assistance for fire department purposes through the 2022-2023 Training and Equipment Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Fire Department Individual Equipment Grant Program to purchase EMS Supplies; 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 the City of Shelby apply for the 2022-2023 Training and Equipment 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 EMS Supplies.

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 Safety and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the 2022-2023 Training and Equipment Grant.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 5: That this Resolution 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: March 7, 2022




Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum

Brian Crum
Clerk of Council



Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 10 -2022
(Sponsor- Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT CHANGE ORDER WITH VASU COMMUNICATIONS, INC FOR THE PURCHASE OF EF JOHNSON MOBILE AND PORTABLE RADIOS IN THE AMOUNT OF NINE THOUSAND EIGHT HUNDRED FORTY AND 11/100 DOLLARS (\$9,840.11) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, on November 15, 2021, Shelby City Council passed Resolution No. 69-2021 authorizing the Mayor as Director of Public Safety to enter into a contract with Vasu Communications, Inc. for the purchase of EF Johnson Mobile and Portable Radios through the State Cooperative Purchase Plan; and

WHEREAS, it has become necessary to purchase an alternate radio and accessories so they are compatible with the existing police communications system causing the need for a 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 Safety shall be and is hereby authorized to enter into Change Order with Vasu Communications, Inc. for the total amount of Nine Thousand Eight Hundred Forty and 11/100 Dollars (\$9,840.11) as an increase.

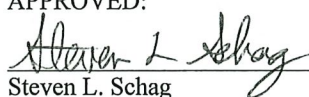
Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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: March 7, 2022


Steven McLaughlin
Vice President of Council

ATTEST: Brian Crum
Brian Crum
Clerk of Council

APPROVED:

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 11-2022
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH KELSTIN, INC FOR THE LEAD SERVICE LINE PROJECT IN THE AMOUNT OF FIFTEEN THOUSAND NINE HUNDRED NINETY-ONE AND 74/100 DOLLARS (\$15,991.74) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with Kelstin, Inc. for the Lead Service Line Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Lead Service Line Project and adjust the contract as detailed in the attached Change Order #1; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that this change order be approved.


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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into Contract Change Order with Kelstin, Inc. for the total amount of Fifteen Thousand Nine Hundred Ninety-One and 74/100 Dollars (\$15,991.74) as an increase.

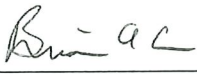
Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

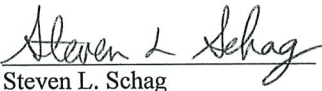
Section 3: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 7, 2022


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: 
Brian Crum
Clerk of Council


Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 12 - 2022

(Sponsor: Councilmember Gates)

APPROVING AND ADOPTING THE BLACK FORK COMMONS WRITTEN JUSTIFICATION STATEMENT FOR FUNDING FROM THE RICHLAND COUNTY BOARD OF COMMISSIONERS THROUGH THE AMERICAN RESCUE PLAN AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby, intends to apply for American Rescue Plan funding from the Richland County Board of Commissioners for the Black Fork Commons Plaza Project; and

WHEREAS, as said project is greater than One Million Dollars (\$1,000,000.00), it requires a written justification statement; 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 written justification statement be approved and adopted.


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 Council of the City of Shelby approves and adopts the attached written justification statement for the Black Fork Commons Project.

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: March 7, 2022

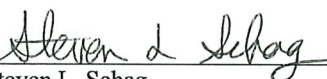


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: 

Brian Crum
Clerk of Council



Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

RESOLUTION NO. 13 -2022
(Sponsor- Councilmember Martin)

APPROVING THE SUBGRANT AGREEMENT AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SAID AGREEMENT WITH THE BOARD OF RICHLAND COUNTY COMMISSIONERS UTILIZING AMERICAN RESCUE PLAN ACT FUNDING FOR THE BLACK FORK COMMONS NEIGHBORHOOD INVESTMENT PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, on March 10, 2022, the Board of Richland County Commissioners approved American Rescue Plan Act funding for the Black Fork Commons Neighborhood Investment Project; and

WHEREAS, said funding requires a subgrant agreement between the Board of Richland County Commissioners and the City of Shelby; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said subgrant be approved and entered into.

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 American Rescue Plan Act Subgrant Agreement between the Board of Richland County Commissioners and the City of Shelby for the Black Fork Commons Neighborhood Investment Project is hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to enter into the Subgrant Agreement.

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution is hereby deemed to be an emergency and 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: 3/11/2022



Steven McLaughlin
Vice President of Council

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

APPROVED: Steven L. Schag
Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 14-2022
(Sponsor- Councilmember Martin)

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 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 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: March 11, 2022


Steven McLaughlin
Vice President of Council

ATTEST: 
Brian Crum
Clerk of Council

APPROVED: 
Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 15 -2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2022.

WHEREAS, the City of Shelby is desirous to participate with the Ohio Department of Transportation to purchase salt; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Ohio Department of Transportation for the purchase of rock salt.

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

Section 1: The City of Shelby (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon an award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29, 2021 by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation

agreement and/or a Political Subdivision's request to rescind its participation agreement.

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

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

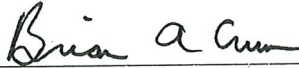
Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 21, 2022



Steven McLaughlin
Vice President of Council

ATTEST:




Brian Crum
Clerk of Council

APPROVED:



Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 16 -2022
(Sponsor- Councilmember Martin)

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 2022 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, plans and specifications have been completed for the 2022 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; 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 improvements be made to said streets within 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 plans and specifications for the 2022 Paving Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said paving 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: March 21, 2022


Steven McLaughlin
Vice President of Council

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

APPROVED: Steven L. Schag
Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 17 -2022
(Sponsors – Councilmembers Gates, Roberts, Roub and Martin)

**THANKING CAPTAIN ROBERT D. DEANE FOR HIS SERVICE AS A FIREFIGHTER
IN THE SHELBY FIRE DEPARTMENT.**

WHEREAS, Robert D. Deane recently retired from the Shelby Fire Department; and

WHEREAS, during his tenure of employment, Mr. Deane served for two years as a volunteer firefighter, seven years as a firefighter, and twenty-one years as a fire captain; and

WHEREAS, the Council desires to thank Mr. Deane for his dedicated public service to the City of Shelby and its residents.

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

Section 1: That the Council express its sincere thanks and appreciation to Robert D. Deane for his extraordinary thirty years of dedicated service as a volunteer firefighter, firefighter, and fire captain in the Shelby Fire Department.

Section 2: That the Council extend to Mr. Deane its best wishes for a satisfying and productive retirement.

Section 3: That the Clerk of Council present Mr. Deane an authenticated copy of this Resolution.

Section 4: That the Clerk of Council cause this Resolution to be published once in a newspaper of general circulation published within the city limits.

Section 5: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

Section 6: 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: April 4, 2022



Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A. Crum
Brian Crum
Clerk of Council

Steven L. Schag
Steven L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

RESOLUTION NO. 18-2022
(Sponsors: Councilmembers Gates and Martin)

ELECTING TO TAKE THE "STANDARD ALLOWANCE" OF UP TO \$10,000,000.00 AS THE AMOUNT OF REVENUE LOSS FOR USE FOR THE PROVISION OF GOVERNMENT SERVICES UNDER SECTION 603(c)(1)(C) OF THE AMERICAN RESCUE PLAN.

WHEREAS, the "American Rescue Plan Act of 2021" (ARP), H.R. 1319, Public Law 117-2, was signed into law by the President of the United States on March 11, 2021; and

WHEREAS, Section 603(b)(3) of the ARP sets aside a sum of funds available to Cities for use in accordance with its provisions referred to as the "Coronavirus Local Fiscal Recovery Fund" (CLFRF); and

WHEREAS, Section 603(c)(1)(C) of ARP allows use of such funds "for the provision of government services to the extent of the reduction in revenue of such The City due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the city prior to the emergency"; and

WHEREAS, the U.S. Treasury has adopted various rules attached to the use of these funds, having issued a Final Rule on January 6, 2022; and

WHEREAS, Section 35.6(d) of the Final Rule provides for the use of a "standard allowance" or for the use of a calculation formula by which an entity may determine the amount of "revenue loss" pursuant to Section 603(c)(1)(C) of ARP, but provides that recipients "must make a one-time election" between those options; and

WHEREAS, the election provided for under Section 35.6(d)(1) of the Final Rule allowing a recipient to take up to \$10,000,000.00 as the standard allowance provides the City with more certainty as to exactly how much "revenue loss" funds may be used to provide for "the provision of government services" over the multi-year performance period allowed for use of ARP funds.

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

Section 1: That the Council hereby elect, under Section 35.6(d)(1) of the Final Rule, to take up to \$953,000.00 as a "standard allowance" for "the provisions of government services."

Section 2: That use of this standard allowance may be for the direct provision of government services, or they may be used as a secondary/additional legal justification or support for an ARP funded project/purchase in the event such a project was later deemed not to be otherwise appropriate for funding use under Section 603(c)(1)(A)(B) or (D) of the ARP.

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.

PASSED: April 4, 2022




Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: 

Brian Crum
Clerk of Council



Steven L. Schag
Mayor

RESOLUTION NO. 19 -2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT A H2OHIO LEAD SERVICE LINE INVENTORY AND MAPPING GRANT APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY AND DECLARING AN EMERGENCY.

WHEREAS, the H2Ohio initiative has partnered with the Ohio Environmental Protection Agency to provide a limited funding source for lead service line inventory and mapping; and

WHEREAS, the Rural Community Assistance Partnership (RCAP) has offered their assistance to populate and submit the City of Shelby Lead Service Line Inventory and Mapping Grant application to the Ohio EPA; and

WHEREAS, the funding source is limited to a \$50,000 grant per applicant and is being provided until the funding is exhausted; and

WHEREAS, should additional funds be required for the inventory project, RCAP has indicated they may contribute financial support from their available funds; and

WHEREAS, the City of Shelby Service Department desires financial assistance in the form of a grant to inventory and map the location of the lead service lines throughout the city's public water system; 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 is seeking authorization to submit an application to the Ohio Environmental Protection Agency for the H2Ohio Lead Service Line Inventory and Mapping 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 H2Ohio and the Ohio Environmental Protection Agency have collaborated to provide a funding source by the means of a grant to support lead service line inventory and mapping within public water systems.

Section 2: That the Mayor as Director of Public Service is hereby authorized to execute and file an application to the Ohio Environmental Protection Agency to provide the necessary information and documentation required to become eligible for the H2Ohio Lead Service Line Inventory and Mapping Grant for the city's public water system.

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: April 4, 2022


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: 
Brian Crum
Clerk of Council


Steven L. Schag
Mayor

RESOLUTION NO. 20 -2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACCEPT A QUOTE FROM M. SMITH ROOFING, LTD. FOR THE BLOWER ROOM AND DIGESTER BUILDING ROOF REPLACEMENT PROJECT AT THE WASTE WATER TREATMENT PLANT.

WHEREAS, the Waste Water Treatment Plant is desirous of replacing the roof on the Blower Room and the Digester Building; and

WHEREAS, The Garland Company had performed a comprehensive inspection and survey of the said two roofs and has determined the roofs have failed and recommend the roofs be replaced; and

WHEREAS, a Request for Proposal to replace the two roofs has provided a quote of \$49,700.00 from M. Smith Roofing, Ltd.; 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 accept the quote from M. Smith Roofing Ltd. for the roof replacement project at the Waste Water Treatment Plant.

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 accept the quote provided by M. Smith Roofing Ltd. for the Blower Room and Digester Building roof replacements at the Waste Water Treatment Plant.

Section 2: That a quote of \$49,700.00 from M. Smith Roofing Ltd. has been provided for the roofing project.

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

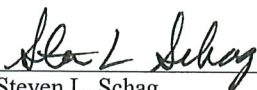
Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: April 4, 2022


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