

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

**Shelby City Council Agenda**  
**Tuesday, June 21, 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 June 6, 2022**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilmember Gates

Utilities & Streets Committee—Councilmember Martin

**Reports of City Officials**

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**

Future Use of Main Street Fire Station—ORC Section 721.01—Future letter in regard to real estate as needed or not needed for any municipal purpose

Former Ice Plant Property

Alley between Summit Street and Tucker Avenue

**Legislation**

**AMENDED ORDINANCE NO. 8-2022**

**AMENDING CHAPTER 1486 (STORMWATER  
MANAGEMENT) SECTION 1486.16 (MAINTENANCE  
OF STORMWATER DRAINAGE FACILITIES AND  
CONTROL STRUCTURES) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY, OHIO**

**2ND READING**

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

**ORDINANCE NO. 12-2022**

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO. 13-2022**

**VACATING AN ALLEY THAT RUNS PERPENDICULAR OF EAST MAIN STREET BETWEEN LOTS 565, 567, AND 85 WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO**

**1<sup>ST</sup> READING**

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

**RESOLUTION NO. 38-2022**

**APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE UTILITIES BILLING SOFTWARE UPGRADE WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO. 39-2022**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE EDGE GROUP, INC. FOR CONSTRUCTION INSPECTION SERVICES FOR THE BLACK FORK COMMONS, PHASE 2 PROJECT AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO. 40-2022**

**ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2023**

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

**Miscellaneous Business**

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

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

**AMENDED ORDINANCE NO. 8-2022**  
**(Sponsors: Councilmembers Roberts and Roub)**

**AMENDING CHAPTER 1486 (STORMWATER MANAGEMENT) SECTION 1486.16 (MAINTENANCE OF STORMWATER DRAINAGE FACILITIES AND CONTROL STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, construction of and maintenance of stormwater drainage facilities is important to maintain the City stormwater system; and

WHEREAS, it has become necessary to further regulate the construction and maintenance of said drainage facilities; 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 1486 (Stormwater Management) be amended.

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

Section 1: That Chapter 1486 (Stormwater Management), Section 1486.16 (Maintenance of Stormwater Drainage Facilities and Control Structures) be amended to read as follows:

**1486.16 MAINTENANCE OF STORMWATER DRAINAGE FACILITIES AND CONTROL STRUCTURES.**

- (a) For new stormwater drainage facilities and control structures (e.g. detention basins, bioretention cells, underground detention, or any other stormwater control measure that provides stormwater runoff control of peak discharge and/or EPA mandates such as Water Quality Volume) that are of a permanent nature and constructed after September 3, 2022, the property owner shall assume full responsibility for the stormwater drainage facilities and control structures located within the corporation limits during construction and once they have been constructed and accepted by the City. Long-term maintenance planning shall be incorporated into the design of the stormwater facility and shall include unobstructed access to the stormwater facility as well as 20' minimum (or as approved by the City Engineer) being unobstructed and reserved around the entire stormwater facility for long-term maintenance operations.

Prior to obtaining approval to begin construction, an Inspection and Maintenance Agreement for Stormwater Control Measures shall be executed between the property owner and City. Said agreement template shall be provided by the Director of Public Service. Prior to obtaining final project acceptance from the City, the property owner shall provide a certified as-built survey (by a registered surveyor) in accordance with the Inspection and Maintenance Agreement for Stormwater Control Measures.

Funding for the maintenance of these stormwater facilities shall be by the property owner(s). When stormwater facilities are shared between multiple property owners (e.g. subdivision), facilities shall be located on a dedicated parcel that is owned by an association of homeowners whom shall be responsible for the maintenance and associated funding for the stormwater facility. Long-term maintenance planning shall be incorporated into the design of the stormwater facility and shall include a 20' minimum width unobstructed access route to the stormwater facility with 20' minimum (or as approved by the City Engineer) being unobstructed and reserved around the entire stormwater facility for long-term maintenance operations within the dedicated parcel.

The maintenance of drainage features, such as swales and the like, on individual parcels or lots in new subdivisions, shall be the responsibility of the individual parcel or lot owners. The City will require all of these stormwater drainage facilities and control structures to be designed to minimize maintenance costs.

(b) For existing stormwater drainage facilities and control structures (e.g. detention basins, bioretention cells, underground detention, or any other stormwater control measure that provides stormwater runoff control of peak discharge and/or EPA mandates such as Water Quality Volume) that are of a permanent nature and constructed before September 3, 2022, the city may assume responsibility for the structures located within the corporation limits once they have been constructed and accepted by the city. Funding for the maintenance of these major facilities may be by assessment of property owners in accordance with the Charter of the City of Shelby. Alternatively, the property owners may address the necessary maintenance with their own funds and/or means. The maintenance of minor detention areas, such as swales and the like, on individual parcels or lots in new subdivisions, shall be the responsibility of the individual parcel or lot owners. Special provisions shall be written into the deeds for the individual parcels, or lots in new subdivisions, so that the owners are aware that the parcels or lots are used for temporary stormwater storage. The City will require all of these stormwater drainage facilities and control structures to be designed to minimize maintenance costs. The property owner or owners shall provide all necessary easements and rights-of-way to the city in order to permit the maintenance and repair of the required stormwater drainage facilities and control structures.

Section 2: That all other language in Chapter 1486 Stormwater Management), 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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council


APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 12 - 2022**  
(Sponsors – Councilmembers Gates & Martin)

**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 line items within the 2022 budget and to fund said line items 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 EXPENDITURES**

101-TRS-462	TRANSFER-MISCELLANEOUS	\$ 46,000.00
230-CAP-515	EQUIPMENT	\$ 10,000.00
230-CAP-587	SELTZER PARK REHAB	\$ 15,000.00
230-CAP-593	VETERANS PARK REHAB	\$ 5,000.00
230-CAP-628	RABOLD PARK REHAB	\$ 5,000.00
230-CAP-647	BLACKFORK PARK	\$ 11,000.00
400-MFG-526	DIESEL FUEL	\$ 15,000.00

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. 13-2022  
(Sponsors: Councilmembers Roberts, Martin, Roub and Gates)

**VACATING AN ALLEY THAT RUNS PERPENDICULAR OF EAST MAIN STREET BETWEEN LOTS 565, 567, AND 85 WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO.**

WHEREAS, on the 18<sup>th</sup> day of April, 2022, the Council of the City of Shelby adopted Resolution No. 25-2022 declaring its intent to vacate an alley that runs perpendicular of East Main Street between lots 565, 567, and 85; and

WHEREAS, notice of adoption of the above resolution has been given to the owners of property abutting said roadways effected by said resolution, notifying said property owners of the time and place at which objections could be presented to the Board of Revision of Assessments (pursuant to Section 105 of the Charter of the City of Shelby); and

WHEREAS, the Board of Revision of Assessments met on May 17, 2022 and voted to approve and recommend the vacation of an alley that runs perpendicular of East Main Street between lots 565, 567, and 85 said hearing and procedure being in accordance with the provisions of Section 105 of the Charter of the City of Shelby, Ohio; and

WHEREAS, this Council is satisfied that there is good cause for vacating said roadways hereinafter described and that said vacation will not be detrimental to the general interest and public welfare.

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

Section 1: That an alley that runs perpendicular of East Main Street between lots 565, 567, and 85 as set forth in the plat and legal description as prepared by Seiler & Craig Surveying, Inc.-Chad Craig, Registered Surveyor on January 25, 2022 is hereby vacated.

Section 2: That in accordance with Section 105 of the Charter of the City of Shelby, Ohio, the City shall retain any and all easements necessary for the maintenance of utilities currently located within said roadway.

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

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

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

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

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

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

Prepared by:

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



RESOLUTION NO. 38 -2022  
(Sponsor: Councilmember Martin)

**APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE UTILITIES BILLING SOFTWARE UPGRADE WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, the current Utilities Office billing software will not be supported after December 31, 2022; and

WHEREAS, a software upgrade is necessary for the efficient operation of the municipal billing system; and

WHEREAS, the new software will take between four to six months to install, convert, and implement the required billing data and train the office staff on the new program; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to advertise and enter into a contract for the Utilities Billing Software upgrade.

**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 specifications for the Utilities Billing Software for 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 the 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 therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

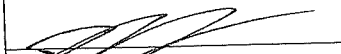
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 39 -2022  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE EDGE GROUP, INC. FOR CONSTRUCTION INSPECTION SERVICES FOR THE BLACK FORK COMMONS, PHASE 2 PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, in order to proceed with the construction of the Black Fork Commons, Phase 2 Project it is necessary that the City contract for construction inspection services; 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 for the completion of said services.

**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 The Edge Group, Inc. for construction administration services for the Black Fork Commons, Phase 2 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: \_\_\_\_\_

\_\_\_\_\_  
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. 40-2022**  
(Sponsors – Councilmembers Gates & Martin)

**ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2023.**

WHEREAS, the Director of Finance and Public Record has submitted a revenue budget for the year 2023, to the Council of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, and general welfare of the citizens of the City of Shelby that the revenue budget for the year 2023 be adopted.

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

Section 1: That the revenue budget for the year 2023 has been submitted to City Council by the Director of Finance and Public Record, and the same is hereby adopted.

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

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

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

Brian Crum  
Director of Finance

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

Prepared by:

\_\_\_\_\_  
Gordon Eyster  
Director of Law