

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

Shelby City Council Agenda
Monday, July 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 _____

Motion to excuse Councilmember Gates

Moved _____ 2ND _____

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

Dispense with Reading of Journal from July 5, 2022

Moved _____ 2ND _____

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

Public Comment

Bryant McAfee, Director of Business Development, Omni Fiber LLC

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business
Former Ice Plant Property

Legislation

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**

3RD READING

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

PASSAGE OF ORDINANCE

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

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

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3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 14-2022

**PROPOSING AN AMENDMENT TO SECTION 46 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 15-2022

**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. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 16-2022

**AMENDING CHAPTER 1044 (SEWER CHARGES),
SECTION 1044.02 (CONDITIONS OF SERVICE; RATE
SCHEDULE) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY, OHIO**

1ST READING

Moved _____ 2ND _____

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

RESOLUTION NO 42-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH KELSTIN INC FOR THE SHELBY STREETSCAPE PROJECT IN THE AMOUNT OF EIGHTEEN THOUSAND THREE HUNDRED SEVENTY-SEVEN AND 14/100 DOLLARS (\$18,377.14) AS AN INCREASE AND DECLARING AN EMERGENCY

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

RESOLUTION NO 43-2022

ACCEPTING THE ANNEXATION OF A CERTAIN PARCEL OF LAND KNOWN AS THE HUMPHREY ANNEXATION IN SHARON TOWNSHIP, RICHLAND COUNTY, TO THE CITY OF SHELBY

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

RESOLUTION NO 44-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A POLE ATTACHMENT AGREEMENT WITH OMNI FIBER, LLC AND DECLARING AN EMERGENCY

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

RESOLUTION NO 42-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH KELSTIN INC FOR THE SHELBY STREETSCAPE PROJECT IN THE AMOUNT OF EIGHTEEN THOUSAND THREE HUNDRED SEVENTY-SEVEN AND 14/100 DOLLARS (\$18,377.14) AS AN INCREASE AND DECLARING AN EMERGENCY

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

RESOLUTION NO 43-2022

ACCEPTING THE ANNEXATION OF A CERTAIN PARCEL OF LAND KNOWN AS THE HUMPHREY ANNEXATION IN SHARON TOWNSHIP, RICHLAND COUNTY, TO THE CITY OF SHELBY

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

RESOLUTION NO 44-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A POLE ATTACHMENT AGREEMENT WITH OMNI FIBER, LLC AND DECLARING AN EMERGENCY

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

RESOLUTION NO 45-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2022 SEWER EQUIPMENT COMPANY OF AMERICA 900-ECO 9 YARD TRUCK MOUNTED COMBINATION SEWER CLEANER (VAC TRUCK) THROUGH THE STATE OF OHIO PROCUREMENT STATE TERM SCHEDULE FOR THE OPERATION OF THE SERVICE DEPARTMENT

Moved _____ 2ND _____

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE

Moved _____ 2ND _____

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

CONFERENCES WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING DISPUTES INVOLVING THE PUBLIC BODY THAT ARE SUBJECT OF PENDING OR IMMINENT COURT ACTION

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
6/21/2022

2nd Reading
7/5/2022

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 18th 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

1st Reading
7/5/2022

ORDINANCE NO. 14 -2022
(Sponsor: Councilmember Gates)

PROPOSING AN AMENDMENT TO SECTION 46 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922; and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City; 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 a proposed amendment to Charter Section 46 be passed and submitted to the electors of the City of Shelby.

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 there be submitted to the electors of the City at the election to be held on Tuesday, November 8, 2022, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 46 as noted herein below with language to be deleted shown with strikethroughs:

Section 46. No contract, agreement or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council or by any officer of the city, unless the director of finance and public record shall first certify to the council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and recorded in the records of the council. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales or services, products or by-products, or from any city undertakings, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds, or notes sold and in process of delivery, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification. ~~No contract shall be let which exceeds the estimate for the improvement contemplated.~~

Section 2: That the ballots on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

**PROPOSED CHARTER AMENDMENT
CITY OF SHELBY**

A Majority Affirmative Vote Is Necessary For Passage

The proposed amendment to Section 46 of the Shelby Charter removes the requirement that no contract shall be let which exceeds the estimate.

SHALL SECTION 46 OF THE SHELBY CHARTER BE AMENDED? YES
NO

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all actions necessary to submit the above question to the electors of the City at the election held on November 8, 2022.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 PM of the seventy-fifth day prior to the election.

Section 5: That the Clerk of Council shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2023.

Section 7: 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 8: 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. 15 - 2022
(Sponsor – Councilmember 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 EXPENDITURE

101-TRS-462	TRANSFER-MISCELLANEOUS	\$ 50,000.00
220-TRS-446	TRANS-GENERAL FUND	\$ 1,580,000.00
220-TRS-447	TRANS-CAPITAL IMPROVEMENT	\$ 85,000.00
220-TRS-465	TRANS-SIDEWALKS	\$ 10,000.00
220-TRS-466	TRANS-STREETS, ALLEYS, BASINS	\$ 325,000.00
220-TRS-467	TRANS-POLICE/COURT CONST	\$ 500,000.00
353-SAC-514	CATCH BASINS	\$ 10,000.00
353-SAC-535	STREET RESURFACING	\$ 20,000.00
402-SIF-500	ENGINEERING	\$ 20,000.00
500-DCP-615	WATERLINE REPLACEMENT	\$ 20,000.00

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. 16 -2022
(Sponsor – Councilmember Martin)

AMENDING CHAPTER 1044 (SEWER CHARGES), SECTION 1044.02 (CONDITIONS OF SERVICE; RATE SCHEDULE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule) to maintain a sustainable financial balance for the operation of the sewer fund; and

WHEREAS, the fund balance has endured a substantial decline in revenue from multiple factors including; the loss of leachate and septage deliveries, loss of revenue during Covid19 stay at home orders, a reduction in the quarterly Production Cost Adjuster (PCA) due to increased plant efficiencies, and the 2022 annual Consumer Price Index (CPI) adjustment per the maximum allowance by ordinance was below the reported percentage per the U.S. Bureau of Labor Statistics, Division of Consumer Prices and Price Indexes; 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 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule) be amended to adjust the base rate schedule for sewer services from the current annual rate of \$1.3514 per 100 cubic feet to \$1.6550 per 100 cubic feet to maintain a financially sustainable fund balance as required for an enterprising utility service.

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

Section 1: That Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedules) of the Codified Ordinances of the City of Shelby shall be amended to implement an adjustment to the annual base rate as follows:

§ 1044.02 CONDITIONS OF SERVICE; RATE SCHEDULE.

The terms and conditions upon which the owners of lots and lands within and outside of the corporate limits of the city may connect to or receive the benefits of the sewerage system, either directly or indirectly, and the charges for the service, shall be as follows:

(a) *Domestic.*

(1) Per dwelling unit inside the city limits, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$8.0246
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(2) Per dwelling unit outside the city limits, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$16.0494
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(3) The rate for elderly or totally disabled customers who meet age, income and other prerequisites as determined by the Director of Public Service (such prerequisites being subject to approval of Council) shall have the customer charge portion of their bill reduced by 10%.

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$7.2304
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(b) *Commercial and/or industrial.*

(1) Per commercial unit producing human waste only, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$16.0494
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(2) Per commercial unit producing other than human waste or per industrial unit, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$48.1343
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

Section 2: That all other provisions in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedules) 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

Steven L. Schag
Mayor

Prepared by:


Gordon Eyster
Director of Law

RESOLUTION NO. 42 -2022
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH KELSTIN INC. FOR THE SHELBY STREETScape PROJECT IN THE AMOUNT OF EIGHTEEN THOUSAND THREE HUNDRED SEVENTY-SEVEN AND 14/100 DOLLARS (\$18,377.14) AS AN INCREASE AND DECLARING AN EMERGENCY.

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

WHEREAS, it has become necessary to make additions to the Shelby Streetscape Project and adjust the contract as detailed in the attached Change Order #4; 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 Eighteen Thousand Three Hundred Seventy-Seven and 14/100 Dollars (\$18,377.14) as an increase.

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

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

PASSED: _____


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 43 -2022
(Sponsor: Councilmember Roberts)

ACCEPTING THE ANNEXATION OF A CERTAIN PARCEL OF LAND KNOWN AS THE HUMPHREY ANNEXATION IN SHARON TOWNSHIP, RICHLAND COUNTY, TO THE CITY OF SHELBY.

WHEREAS, a petition for annexation of certain territory in Sharon Township, Richland County, Ohio, was duly filed by a property owner who designated as their agent Andrew J. Medwid, with the Richland County Commissioners on April 11, 2022; and

WHEREAS, The Board of County Commissioners of Richland County, Ohio, certified the transcript of the proceedings in connection with the annexation of the territory with the map and petition required in connection therewith to the Finance Director as Clerk of Council of the City of Shelby, the date of receipt being May 18, 2022; and

WHEREAS, sixty (60) days from the date of said filing with the Finance Director as Clerk of Council have now passed in accordance with the provisions of Ohio Revised Code 709.04; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the 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 MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the proposed annexation as applied for in the petition of a property owner who designated as their agent Andrew J. Medwid, which was filed with the Board of County Commissioners of Richland County, Ohio, and which prayed for annexation to the City of Shelby, and which was approved for annexation by the Board of County Commissioners of Richland County, Ohio, on May 12, 2022, be and the same is hereby accepted. The territory hereby annexed 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 certified transcript of the proceedings of the Board of County Commissioners of Richland County, Ohio, for annexation along with an accurate map of the territory, the petition for annexation, and other papers relating to the proceedings thereto remain on file with the Finance Director as Clerk of Council of this City and have been so filed for more than sixty (60) days.

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

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

Section 5: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 44 -2022
(Sponsors: Councilmembers Martin and Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A POLE ATTACHMENT AGREEMENT WITH OMNI FIBER, LLC AND DECLARING AN EMERGENCY.

WHEREAS, Omni Fiber, LLC desires to attach aerial broadband facilities to city owned utility poles and install underground facilities in the utility right of way to support a highspeed internet service from the construction of a fiber infrastructure; and

WHEREAS, the City of Shelby is able to charge a fee for the aforementioned attachments and collect a franchise fee from the annual gross revenue from video services provided to their customers; and

WHEREAS, Omni Fiber, LLC has provided a Right of First Refusal offering for the purchase of the broadband infrastructure assets and said language is presented hereto; and

WHEREAS, it is in the best 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 a contract with Omni Fiber, LLC for the attachment and placement of broadband facilities to support a highspeed internet service for the Shelby community.

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 a Pole Attachment Agreement with Omni Fiber, LLC.

Section 2: That the Mayor as Director of Public Service is hereby authorized to accept the Right of First Refusal offering from Omni Fiber, LLC as presented in the body of the agreement and stated in Exhibit A.

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 D. 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. 45 - 2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2022 SEWER EQUIPMENT COMPANY OF AMERICA 900-ECO 9 YARD TRUCK MOUNTED COMBINATION SEWER CLEANER (VAC TRUCK) THROUGH THE STATE OF OHIO PROCUREMENT STATE TERM SCHEDULE FOR THE OPERATION OF THE SERVICE DEPARTMENT.

WHEREAS, the Service Department is desirous of purchasing a vac truck with specified accessories for the operation of the department; and

WHEREAS, the Service Department utilizes the abilities of said truck to assist the sewer, water and electric departments for their safe and efficient utility operations; and

WHEREAS, the requirements of advertising and bidding is dispensed with the event that said vac truck is purchased through the State of Ohio Procurement program, State Term Contract Number 800729, Index Number STS670; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to purchase a 2022 Sewer Equipment Company of America 900-ECO 9 Yard Truck Mounted Combination Sewer Cleaner (vac truck).

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to purchase a 2022 Sewer Equipment Company of America 900-ECO 9 Yard Truck Mounted Combination Sewer Cleaner (vac truck) from the Brown Equipment Company as awarded and referenced in the State of Ohio Procurement purchasing program, State Term Schedule Contract Number 800729 and Index Number STS670.

Section 2: That the contract price for the aforementioned sewer cleaner (vac truck) is quoted at \$509,019.61 with a \$40,000 trade in value for the city owned 2002 Vactor sewer cleaner truck (VIN 2FZAATAK42AJ69953) for a total purchase price of \$469,019.61.

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: _____


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

