

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

**Shelby City Council Agenda
Monday, September 19, 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 September 6, 2022

Moved _____ 2ND _____

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

Public Comment

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 17-2022

**AMENDING SECTION 642.15 (PLACING SIGNS) OF
CHAPTER 642 (OFFENSES RELATING TO PROPERTY) OF
THE CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 20-2022

**AMENDING SECTION 618.12 (HUNTING PROHIBITED) OF
CHAPTER 618 (ANIMALS) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

2ND READING

Moved _____ 2ND _____

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

RESOLUTION NO 49-2022

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO PURCHASE A 2022 FORD ESCAPE SE AWD
FROM DONLEY FORD OF SHELBY FOR THE
OPERATION THE HEALTH DEPARTMENT**

Moved _____ 2ND _____

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

RESOLUTION NO 50-2022

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO PURCHASE SALT FROM MORTON SALT IN
CONJUNCTION WITH THE RICHLAND COUNTY BOARD
OF COMMISSIONERS FOR THE PURCHASE OF ROCK
SALT AND DECLARING AN EMERGENCY**

Moved _____ 2ND _____

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

RESOLUTION NO 51-2022

**GIVING CONSENT/AUTHORIZATION TO THE DIRECTOR
OF TRANSPORTATION OF THE STATE OF OHIO TO
COMPLETE BRIDGE INSPECTION SERVICES (PID 117554)
WITHIN THE CITY OF SHELBY, OHIO AND DECLARING
AN EMERGENCY**

Moved _____ 2ND _____

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

RESOLUTION NO 52-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY SOUTH STREET STORM SEWER REPLACEMENT PROJECT

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

RESOLUTION NO 53-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE BROADWAY SANITARY SEWER PROJECT AND DECLARING AN EMERGENCY

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

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

1st Reading
8/15/2022
2nd Reading
9/16/2022

ORDINANCE NO. 17 -2022
(Sponsor: Councilmember Gates)

AMENDING SECTION 642.15 (PLACING SIGNS) OF CHAPTER 642 (OFFENSES RELATING TO PROPERTY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it has become necessary to revise the ordinance concerning the posting of signs on utility poles within 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 Codified Ordinance Section 642.15 be amended.

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

Section 1: That Section 642.15 of the Codified Ordinances of the City of Shelby be amended to read as follows:

§ 642.15 PLACING SIGNS.

- (a) Except for government placed signs, no person shall place a sign or other material upon a city-owned pole, or upon any pole, fixture, apparatus, or tree located within a city right-of-way along a public thoroughfare.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

Section 2: That all other sections of Chapter 642 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.

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: _____

Steven L. Schag
Mayor

Prepared by:

 Gordon M. Eyster
 Director of Law

1st Reading
9/6/2022

ORDINANCE NO. 20 -2022
(Sponsor – Councilmember Gates)

AMENDING SECTION 618.12 (HUNTING PROHIBITED) OF CHAPTER 618 (ANIMALS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, local law enforcement agencies (LEAs) have received reports about coyotes within the corporate limits of the City of Shelby; and

WHEREAS, the Ohio Department of Natural Resources, Division of Wildlife has designated the coyote as a “nuisance species”; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.12 of the Codified Ordinances of the City of Shelby be amended to provide a way to control the population of nuisance animals.

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

Section 1: That Section 618.12 of the Codified Ordinances of the City of Shelby be amended to read as follows:

§ 618.12 HUNTING PROHIBITED.

(a) The hunting of animals within the municipality is prohibited. No person shall hunt, kill, or attempt to kill any animal by the use of firearms or any other means. However, nothing in this section shall be deemed to prohibit the killing of rats or other nuisance animals (as determined by the Ohio Division of Wildlife) authorized to be killed by the Chief of Police using means for this killing which are also authorized by the Chief.

(b) Whoever violates this section is guilty of a minor misdemeanor.

Section 2: That all other sections of Chapter 618 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.

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. 49 -2022
(Sponsor: Councilmember Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE
A 2022 FORD ESCAPE SE AWD FROM DONLEY FORD OF SHELBY FOR THE
OPERATION OF THE HEALTH DEPARTMENT.**

WHEREAS, the Shelby Health Department is desirous of purchasing a vehicle to replace the 2018 Ford Escape which was totaled in a recent auto collision; and

WHEREAS, Donley Ford of Shelby offered the best quote for providing the same; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to purchase a 2022 Ford Escape SE AWD.

**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 from Donley Ford of Shelby, a 2022 Ford Escape SE AWD for the Health Department.

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: _____

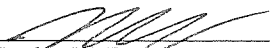
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 50 -2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SALT FROM MORTON SALT IN CONJUNCTION WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS FOR THE PURCHASE OF ROCK SALT AND DECLARING AN EMERGENCY.

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer are willing to partner with the City of Shelby in purchasing rock salt in the hopes that the combined, larger purchase will be at a lesser cost than if purchased independently; and

WHEREAS, Ohio Revised Code 125.04 authorizes political subdivisions to purchase supplies or services from one another as long as said purchase is on equivalent terms, conditions, and specifications (but at a lower price) than could be purchased by bidding or through the state cooperative purchase plan; and

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer have completed the necessary steps to purchase rock salt for both the county and City of Shelby all in accordance with the terms of the Ohio Revised Code and, specifically, 125.04; and

WHEREAS, the Richland County Board of Commissioners have received a low bid of \$63.77 per ton from Morton 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 Richland County Board of Commissioners for the purchase of rock salt.

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 be authorized to purchase rock salt at a price of \$63.77 per ton from Morton Salt.

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. 51 -2022
(Sponsor: Councilmember Martin)

GIVING CONSENT/AUTHORIZATION TO THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO TO COMPLETE BRIDGE INSPECTION SERVICES (PID 117554) WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code (ORC) Section 723.54 requires all cities to inspect the bridges inside the municipality, except bridges on the state highway system or the county highway system; and

WHEREAS, the Ohio Department of Transportation has developed a program to assist the municipalities for bridge inspections; 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 consent and authorization be given to the Ohio Department of Transportation for bridge inspections.

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 has determined the need for the following project:

Bridge Inspection Services, including, but not limited to routine inspections, element level inspections, critical findings report, fracture critical member inspections, load rating calculations and reports, weight limits post sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

Section 2: That being in the public interest, the City of Shelby gives consent to the Director of Transportation to complete the above-described project.

Section 3: That the City of Shelby shall cooperate with the Director of Transportation in the above-described project as follows:

The State shall assume and bear 100% of all the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The City of Shelby agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the City of Shelby. Starting in October 2019, The Federal Highway Administration requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

Section 4: That the City of Shelby agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

Section 5: The Project is based on the available funds provided by ODOT aimed at assisting the LPA in reaching compliance with State and Federal laws and policies for bridge inspection. The Project specifics (program duration, PID number, and consultant scope of services (Exhibit A)) shall be provided to the designated LPA Contractual Agent via email sent by ODOT Office of Structural Engineering (OSE).

ODOT will seek additional funds to renew the project in future years. If such funds are allocated, ODOT will send an email with the Project specifics to the designated LPA Contractual Agent seeking approval for the new Project. ODOT will not proceed with any Project that does not have written authorization via email from the designated LPA Contractual Agent.

Section 6: That the Mayor as Director of Public Service is hereby empowered on behalf of the City of Shelby to enter into contracts with the Director of Transportation which is necessary to complete the above-described project.

Section 7: 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 8: That this Resolution is hereby deemed to be an emergency to expedite the highway project and to promote highway safety, 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

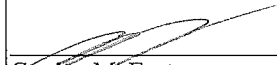
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 52 -2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY SOUTH STREET STORM SEWER REPLACEMENT PROJECT.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivision for capital improvement to public infrastructures; and

WHEREAS, the City of Shelby is planning to make capital improvements with the South Street Storm Sewer Replacement Project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to apply for said 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 apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure for the South Street Storm Sewer Replacement Project.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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


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

PASSED: _____
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian A. Crum
Clerk of Council
Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 53 -2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE BROADWAY SANITARY SEWER PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to replace a sanitary sewer line to the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to acquire rights of easement for replacement of a sanitary sewer line.

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 acquire rights of easement for the replacement of a sanitary sewer line for the Broadway Sanitary Sewer Project as shown on the attached "Easement and Right of Way" document.

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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law