

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

Shelby City Council Agenda
Tuesday, January 3, 2023
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 the Reading of the Journal from December 19, 2022

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub

Parking 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
2021 State Audit

Unfinished Business
Future Use of Main Street Fire Station

Legislation

ORDINANCE NO 1-2023

AMENDING SECTIONS 258.01 (SALARIES OF MEMBERS OF COUNCIL), 258.02 (SALARY OF THE MAYOR), 258.03 (SALARY OF THE DIRECTOR OF LAW), AND 258.04 (SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved 2ND

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

ORDINANCE NO 2-2023

**VACATING GLENN ROAD WITHIN THE CITY OF
SHELBY, RICHLAND COUNTY, OHIO AND DECLARING
AN EMERGENCY**

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

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 1-2023

**AUTHORIZING THE CITY OF SHELBY TO ENTER INTO
AN AGREEMENT WITH LLOYD REBAR COMPANY, LLC
AND SHELBY IRON WORKS PROPERTIES, LLC FOR A
NEW LIGHT MANUFACTURING AND WAREHOUSING
ADDITION, PURSUANT TO CHAPTER 5709 OF THE OHIO
REVISED CODE-ENTERPRISE ZONES AND DECLARING
AN EMERGENCY**

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

RESOLUTION NO 2-2023

**DIRECTING THE RICHLAND COUNTY BOARD OF
ELECTIONS TO CONDUCT AN ELECTION ON TUSEDAY,
MAY 2, 2023 WITH REGARD TO WHETHER A TWO-
TENTHS (.2) PERCENT INCOME TAX FOR THE PURPOSE
OF MAINTAINING ROADWAY AND SIDEWALK
IMPROVEMENTS AND REPAIRS WOULD CONTINUE TO
BE IMPOSED AND DECLARING AN EMERGENCY**

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

RESOLUTION NO 3-2023

VACATING UTILITY EASEMENTS LOCATED ON THE NORTH SIDE OF LOT NUMBER 4160; THE SOUTH SIDE OF LOT NUMBER 4159 AND DECLARING THAT SAID EASEMENTS ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY

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

Miscellaneous Business

Adjournment at _____ p.m.

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

ORDINANCE NO. 1-2023
(Sponsors – Councilmembers Gates & Martin)

AMENDING SECTIONS 258.01 (SALARIES OF MEMBERS OF COUNCIL), 258.02 (SALARY OF THE MAYOR), 258.03 (SALARY OF THE DIRECTOR OF LAW), AND 258.04 (SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, currently, Chapter 258 (Elected Officials' Salaries) contains no provision for compensation for elected officials whose terms begin in 2024; 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 258 be amended so as to provide compensation for elected officials whose terms begin in 2024.

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 SALARIES OF MEMBERS OF COUNCIL.

- (a) Effective January 1, 2024, through January 5, 2025, the salary for each member of City Council shall be \$8,658 annually, to be paid biweekly.
- (b) Effective January 6, 2025, through January 4, 2026, the salary for each member of City Council shall be \$8,809 annually, to be paid biweekly.
- (c) Effective January 5, 2026, through January 3, 2027, the salary for each member of City Council shall be \$8,963 annually, to be paid biweekly.
- (d) Effective January 4, 2027, through January 2, 2028, the salary for each member of City Council shall be \$9,120 annually, to be paid biweekly.

258.02 SALARY OF THE MAYOR.

- (a) Effective January 1, 2024, through December 31, 2024, the salary for the Mayor shall be \$72,698 annually, to be paid biweekly.
- (b) Effective January 1, 2025, through December 31, 2025, the salary for the Mayor shall be \$74,879 annually, to be paid biweekly.
- (c) Effective January 1, 2026, through December 31, 2026, the salary for the Mayor shall be \$77,125 annually, to be paid biweekly.
- (d) Effective January 1, 2027, through December 31, 2027, the salary for the Mayor shall be \$79,439 annually, to be paid biweekly.

258.03 SALARY OF THE DIRECTOR OF LAW.

- (a) Effective January 1, 2024, through December 31, 2024, the salary for the Director of Law shall be \$51,796 annually, to be paid biweekly.
- (b) Effective January 1, 2025, through December 31, 2025, the salary for the Director of Law shall be \$53,350 annually, to be paid biweekly.
- (c) Effective January 1, 2026, through December 31, 2026, the salary for the Director of Law shall be \$54,951 annually, to be paid biweekly.
- (d) Effective January 1, 2027, through December 31, 2027, the salary for the Director of Law shall be \$56,600 annually, to be paid biweekly.

258.04 SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD.

- (a) Effective January 1, 2024, through December 31, 2024, the salary for the Director of Finance and Public Record shall be \$63,214 annually, to be paid biweekly.
- (b) Effective January 1, 2025, through December 31, 2025, the salary for the Director of Finance and Public Record shall be \$65,114 annually, to be paid biweekly.
- (c) Effective January 1, 2026, through December 31, 2026, the salary for the Director of Finance and Public Record shall be \$67,067 annually, to be paid biweekly.
- (d) Effective January 1, 2027, through December 31, 2027, the salary for the Director of Finance and Public Record shall be \$69,079 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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 D. McLaughlin
Vice President of Council

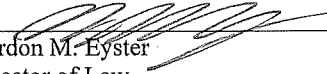
APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 2 -2023
(Sponsor: Councilmember Martin)

VACATING GLENN ROAD WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, on the 19th day of December, 2022, the Council of the City of Shelby adopted Resolution No. 69-2022 declaring its intent to vacate Glenn Road; 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 December 21, 2022 and voted to approve and recommend the vacation of Glenn Road; 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 roadway 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 TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Glenn Road as set forth in the plat and legal description as prepared by McKeever Associates, Inc.- Issac L. King, Registered Surveyor on November 21, 2022 which is attached here as Exhibit 1 is hereby vacated, subject to the City reserving all rights of easement, including but not limited to those reflected on the attached plat, a copy which is attached here as Exhibit 2.

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 is hereby deemed to be an emergency so as to meet the ongoing contractual obligation 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

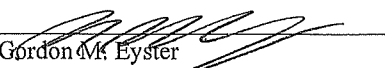
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 1-2023
(Sponsor- Councilmember Gates)

AUTHORIZING THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT WITH LLOYD REBAR COMPANY, LLC AND SHELBY IRON WORKS PROPERTIES, LLC FOR A NEW LIGHT MANUFACTURING AND WAREHOUSING ADDITION, PURSUANT TO CHAPTER 5709 OF THE OHIO REVISED CODE- ENTERPRISE ZONES AND DECLARING AN EMERGENCY

WHEREAS, the State of Ohio through its urban jobs an enterprise zone program (The "Program"), pursuant to Ohio Revised Code 5709.66 (The "Act"), has provided for the establishment of urban jobs and enterprise in order to promote and encourage expansion programs by private enterprise in such zones and creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, pursuant to the Program and the Act, the City Council of the City of Shelby (The "City"), pursuant to Resolution No. 13-88 passed March 21, 1988, has designated areas of the City as an Urban Jobs and Enterprise Zone (The "Zone") and the Director of Development of the Ohio Department of Development has approved and certified the Zone as qualifying as an Urban Jobs and Enterprise Zone in accordance with the Program and Act; and

WHEREAS, the City of Shelby has complied with the notice requirements set forth in Ohio Revised Code Sections 5709.62 and 5709.83 regarding the provision of notice to any and all board(s) of education of any school district located within the territory of which the property upon which Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is to be located and/or said boards(s) of education have waived any and all necessary notice requirements; and

WHEREAS, Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC has proposed the retention of 10 full-time employment positions as a part of the Project; and

WHEREAS, Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC submitted a proposal regarding the project to the City pursuant to 5709.62(B) of the Act; and

WHEREAS, the City is desirous of providing Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC with the incentive available for development in the Zone pursuant to Chapter 5709 of the Ohio Revised Code and desirous of entering into an agreement with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC granting tax exemptions for real and tangible property comprising the project.

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, Ohio, after receipt and investigation of the Proposal, finds and determines that Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is qualified by financial responsibility and business experience to create employment opportunities in the Zone and improve the economic climate of the City.

Section 2: That based upon the aforesaid facts, data, informational materials and reports, City Council hereby finds and determines that Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is an "enterprise" and the Project is a "project" within the meaning of the Act and that all conditions required by the Act to be satisfied prior to the City entering into an agreement with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC under 5709.62(C) of the Ohio Revised Code have been satisfied.

Section 3: That the Mayor of the City of Shelby is hereby authorized and directed to enter into an agreement (The "Agreement") with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC upon substantially the same terms and conditions and in substantially the same form as set forth in the agreement which is attached hereto and incorporated by reference as Exhibit A, and which is presently on file with the Clerk of the City of Shelby, which such changes thereto as the person or persons executing the Agreement may approve, such execution thereof being conclusive of such approval.

Section 4: That the Mayor of the City of Shelby, Ohio, and/or his designee is hereby authorized and directed to execute and deliver all instruments and to take all other actions necessary to satisfy the obligations of the City under the Agreement and to cause the City to obtain the benefits to which it is entitled under the Agreement, all on behalf of the City of Shelby.

Section 5: That the boards of education of both the Shelby City School District and the Pioneer Career and Technology Center have been provided and/or waived the necessary notices as required by Ohio Revised Code Sections 5709.62 and 5709.83.

Section 6: That the Council of the City of Shelby forward a copy of the Agreement to the Director of Development and to the Tax Commissioner of Ohio within fifteen (15) days after the Agreement is entered into.

Section 7: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 8: That this Resolution is 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. 2-2023
(Sponsor: Councilmember Martin)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, MAY 2, 2023 WITH REGARD TO WHETHER A TWO-TENTHS (.2) PERCENT INCOME TAX FOR THE PURPOSE OF MAINTAINING ROADWAY AND SIDEWALK IMPROVEMENTS AND REPAIRS WOULD CONTINUE TO BE IMPOSED AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Section 718.01 requires that municipal income tax rates in excess of one percent (1%) will be approved by the electors of the Municipality at a general, primary, or special election; and

WHEREAS, by Ordinance No. 25-2022 (passed December 5, 2022) the Shelby City Council determined to submit to the electors the question whether a two-tenths (.2) percent income tax would continue to be imposed for maintaining roadway (97%) and sidewalk improvement and repair (3%) for a period of five (5) years commencing on January 1, 2024 and ending on December 31, 2028; and

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 pursuant to the provision of Section 718.01 of the Ohio Revised Code, the Richland County Board of Elections is hereby directed and ordered to submit to the electors of the City of Shelby, Ohio a primary election on Tuesday, May 2, 2023 the question of whether the City shall continue to levy a two-tenths (.2) percent income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby for the specific purpose of **roadway improvements (97%) and sidewalk improvement and repair (3%)** for a period of five (5) years commencing on January 1, 2024 and ending on December 31, 2028.

Section 2: That the balance shall be substantially in the following form:

PROPOSED INCOME TAX

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage

Shall the Ordinance providing for the continuation of a two-tenths (.2) levy on income for a period of five (5) years, commencing on January 1, 2024 and ending on December 31, 2028, for **roadway improvements (97%) and sidewalk improvement and repair (3%)**, be passed

FOR THE INCOME TAX

AGAINST THE INCOME TAX

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 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. 3 -2023
(Sponsor: Councilmember Martin)

VACATING UTILITY EASEMENTS LOCATED ON THE NORTH SIDE OF LOT NUMBER 4160; THE SOUTH SIDE OF LOT NUMBER 4159 AND DECLARING THAT SAID EASEMENTS ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, currently, a utility easement for the benefit of the City of Shelby exists at the North side of Lot 4160 and the South side of Lot 4159; 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 such easements be vacated as they are no longer needed for municipal purposes.

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 utility easements on the North side of lot 4160; the South side of lot 4159 as set forth in the plat and legal descriptions as prepared by McKeever Associates, Inc- Issac L. King, Registered Surveyor on November 21, 2022 are hereby vacated.

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 L. McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law