

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

Shelby City Council Agenda
Monday, October 17, 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 Roberts

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

Dispense with Reading of Journal from October 3, 2022

Moved _____ 2ND _____

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

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 23-2022

**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. Roub _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 24-2022

AMENDING SECTION 1026.03 (TRIMMING OF TREES REQUIRED) OF CHAPTER 1026 (STREET TREES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

1ST READING

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

RESOLUTION NO 57-2022

ACCEPTING THE GIFT OF CERTAIN HISTORICAL ARTIFACTS FROM JONATHON C. ELGIN, ESQ., TO THE CITY OF SHELBY

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

RESOLUTION NO 58-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH SIMONSON CONSTRUCTION SERVICES, INC. FOR THE BLACK FORK COMMONS PROJECT IN THE AMOUNT OF EIGHT THOUSAND TWENTY-EIGHT AND 29/100 DOLLARS (\$8,028.29) AS AN INCREASE AND DECLARING AN EMERGENCY

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

RESOLUTION NO 59-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PARTICIPATE IN THE STATE COOPERATIVE PURCHASING PLAN FOR THE PURCHASE OF A NEW BRAUN CHIEF XL FORD F550 4X4 DIESEL AMBULANCE AND DECLARING AN EMERGENCY

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

RESOLUTION NO 60-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FY 23 MARCS (MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM) GRANT FROM THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF STATE FIRE MARSHAL, FOR MARCS RADIO EQUIPMENT FEES AND DECLARING AN EMERGENCY

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

RESOLUTION NO 61-2022

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE BROADWAY SANITARY SEWER REPLACEMENT PROJECT

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

Miscellaneous Business

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

ORDINANCE NO. 23 - 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-447	TRANSFER-CAPITAL IMPROVEMENT	\$ 70,000.00
101-TRS-462	TRANSFER-MISCELLANEOUS	\$ 50,000.00
300-FIR-564	SERVICE VEHICLE	\$ 70,000.00
402-SIF-536	CONSTRUCTION	\$ 165,000.00
500-MFG-519	CHEMICALS	\$ 50,000.00

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. 24 -2022
(Sponsor: Councilmember Martin)

AMENDING SECTION 1026.03 (TRIMMING OF TREES REQUIRED) OF CHAPTER 1026 (STREET TREES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Section 1026.03 (Trimming of Trees Required) of Chapter 1026 (Street Trees) to list the responsible city officials for informing residents of a violation of the law as stated within the said section and chapter; 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 1026.03 (Trimming of Trees Required) of Chapter 1026 (Street Trees) be amended to establish the responsible city officials to provide the notice to residences in violation of the language set forth with the law.

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

Section 1: That the amended language in Section 1026.03 (Trimming of Trees Required) in Chapter 1026 (Street Trees) shall read as follows:

§ 1026.03 TRIMMING OF TREES REQUIRED.

No person, being the owner or agent of the owner of any lot or parcel of land fronting on any street, avenue or public ground of the city, in front of which trees are planted and growing, shall fail to keep the trees so trimmed as not to obstruct the passage of light from any street lamp in the vicinity thereof. No owner or agent shall fail to keep all trees in front of his or her lots and lands so trimmed that all branches overhanging streets and pavements are clear, not less than eight feet above the surface of the streets, avenues, alleys or public grounds, nor shall the branches be permitted to extend over any street, highway, alley or sidewalk in the city in such manner as to obstruct the free use of the same, nor to the annoyance and inconvenience of any resident. If any such owner or agent, after being notified by the Service Department Superintendent, the Code Enforcement Officer, or a Designee to trim the trees, refuses or neglects to do the same as ordered within five days, the same shall be done or caused to be done by the Service Department Superintendent, the Code Enforcement Officer, or the Designee shall certify the cost and expense thereof and the same together with a penalty of 25% of the cost and expense shall be assessed against the lots or lands. The remedy shall be in addition to the penalty provided in § 1026.99.

Section 2: That all other sections of Chapter 1026 (Street Trees) 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. 57 -2022
(Sponsor – Councilmember Gates)

ACCEPTING THE GIFT OF CERTAIN HISTORICAL ARTIFACTS FROM JONATHON C. ELGIN, ESQ., TO THE CITY OF SHELBY.

WHEREAS, Attorney Jonathon C. Elgin, Esq., recently purchased the building and contents of the building previously occupied by Poland, Depler and Shepherd, Co. LPA and, while sorting through the materials left in the building, discovered a number of legal artifacts that are likely the last in existence; and

WHEREAS, because of their historical value, Attorney Elgin wishes to donate these artifacts to the City of Shelby; 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 gift of said legal artifacts be accepted in order to guarantee their preservation.

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

Section 1: That the gift of the following legal artifacts of historical significance from Attorney Jonathon C. Elgin to the City of Shelby shall be and is hereby accepted:

- a.) *The Charter and Ordinances of a General and Permanent Nature of the City of Shelby, Ohio* (referred to as the *1923 Code* in the current *Codified Ordinances of the City of Shelby*);
- b.) two copies of *The Charter of the City of Shelby, Ohio* (second printing – April 1, 1941); and
- c.) *Charter and Code of Ordinances of the City of Shelby – General Ordinances of the City Effective July 1, 1958* (the personal copy of F. Herbert Poland, the former, late Director of Law).

Section 2: That the Council, on behalf of the City and its residents, express both its thanks and its gratitude to Attorney Elgin for his thoughtful gift.

Section 3: That the President of Council and the Clerk of Council and their successors in office be directed to preserve said historical artifacts in perpetuity.

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.

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. 58 -2022
(Sponsor- Councilmember Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH SIMONSON CONSTRUCTION SERVICES, INC. FOR THE BLACK FORK COMMONS PROJECT IN THE AMOUNT OF EIGHT THOUSAND TWENTY-EIGHT AND 29/100 DOLLARS (\$8,028.29) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with Simonson Construction Services, Inc. for the Black Fork Commons Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Black Fork Commons Project and adjust the contract as detailed in the attached Change Order #2; 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 Simonson Construction Services, Inc. for the total amount of Eight Thousand Twenty-Eight and 29/100 Dollars (\$8,028.29) 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. 59 -2022
(Sponsors: Councilmembers Gates and Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PARTICIPATE IN THE STATE COOPERATIVE PURCHASING PLAN FOR THE PURCHASE OF A NEW BRAUN CHIEF XL FORD F550 4X4 DIESEL AMBULANCE AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Fire Department is desirous of purchasing a new ambulance for the operation of the department; and

WHEREAS, the requirements of advertising and bidding are dispensed with the event that said ambulance is purchased through the State Cooperative Purchase Plan; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety be authorized to purchase one (1) new Braun Chief XL Ford F550 4X4 diesel ambulance as detailed on the product quotation from Penn Care, Inc.

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to purchase a new Braun Chief XL Ford F550 4X4 diesel ambulance as outlined on the product quotation from Penn Care, Inc through the State Cooperative Purchase Plan, STS Contract# 800818.

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 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 60 - 2022
(Sponsors: Councilmembers Gates & Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FY 23 MARCS (MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM) GRANT FROM THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF STATE FIRE MARSHAL, FOR MARCS RADIO EQUIPMENT FEES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Commerce, Division of State Fire Marshal, provides financial assistance for MARCS Radio Equipment and fees through the FY 23 MARCS Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the FY 23 MARCS Grant for MARCS Radio Equipment fees; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety of City of Shelby apply for the FY 23 MARCS Grant.

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

Section 1: That the City of Shelby Council approves an application for financial assistance for MARCS Radio Equipment fees.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Commerce, Division of State Fire Marshal, and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the FY 23 MARCS Grant.

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

Section 5: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

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. 61 -2022
(Sponsor: Councilmember Martin)

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE BROADWAY SANITARY SEWER REPLACEMENT PROJECT.

WHEREAS, a portion of the sanitary sewer system in the City of Shelby is in need of replacement; 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 for bids and enter into a contract for the improvements herein above described.

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

Section 1: That the plans and specifications are approved and that the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the Broadway Sanitary Sewer Replacement 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 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