

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

**Shelby City Council Agenda  
Monday, April 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 \_\_\_\_\_

**Motion to excuse Councilmember McLaughlin**

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

**Dispense with the Reading of the Journal from March 20, 2023**

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Councilmember McLaughlin—No Meeting

Public Works & General Operation Committee—Councilmember Roub

Parking Committee—Councilmember Roberts—No Meeting

**Reports of City Officials**

Steven L. Schag—Mayor

**Proclamations**

**MOTION TO CONFIRM THE APPOINTMENT OF CHERYL REED TO THE CIVIL SERVICE COMMISSION TO FILL AN UNEXPIRED TERM ENDING 12/31/2026**

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**

Labor Consultants

**Legislation**

**ORDINANCE NO 10-2023**

**AMENDING SECTIONS 1490.10 (GENERAL EXTERIOR MAINTENANCE REQUIREMENTS) AND 1490.14 (YARD AREA MAINTENANCE) OF CHAPTER 1490 (EXTERIOR PROPERTY MAINTENANCE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**2ND READING**

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

**ORDINANCE NO 11-2023**

**AMENDING ORDINANCE NO 9-2023 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY**

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

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 12-2023**

**REPEALING CHAPTER 289 (FLOODPLAIN  
MANAGEMENT COMMISSION) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**1ST READING**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 9-2023**

**DECLARING THE INTENT TO VACATE AN ALLEY  
RUNNING PERPENDICULAR OF WEST MAIN STREET  
BETWEEN LOTS 578, 576, 575, AND 27 IN THE CITY OF  
SHELBY, OHIO**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 13-2023**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO ENTER INTO AN AGREEMENT WITH  
SENTEC SYSTEMS, LLC. FOR TECHNOLOGY SERVICES  
FOR THE CITY OF SHELBY AND DECLARING AN  
EMERGENCY**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 14-2023**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT  
CONTRACTS AWARDED IN 2023 AND DECLARING AN  
EMERGENCY**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 15-2023**

**DECLARING THE REMAINS OF A DESIGNATED DWELLING (55 SECOND STREET) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND DANGEROUS TO LIFE AND OTHER PROPERTY; DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY LAND REUTILIZATION CORPORATION FOR ITS DEMOLITION AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 16-2023**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH RICHLAND ENGINEERING LTD, A WALLACE PANCHER GROUP COMPANY FOR ENGINEERING SERVICES TO WRITE THE BID SPECIFICATIONS AND PERFORM THE ANCILLARY OVERSIGHT SERVICES FOR THE DEMOLITION OF THE SMOKE STACK AND THE THREE CONNECTING BREECHINGS LOCATED AT THE MUNICIPAL LIGHT PLANT**

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

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

1st Reading  
3/20/2023

ORDINANCE NO. 10 -2023  
(Sponsors- Councilmembers Roberts and Roub)

**AMENDING SECTIONS 1490.10 (GENERAL EXTERIOR MAINTENANCE REQUIREMENTS) AND 1490.14 (YARD AREA MAINTENANCE) OF CHAPTER 1490 (EXTERIOR PROPERTY MAINTENANCE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, Section 1490.10 and 1490.14 contains regulations for Exterior Property Maintenance in the City of Shelby; and

WHEREAS, Shelby City Council is desirous to amend said regulations; 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 1490.10 and 1490.14 of Chapter 1490 of the Codified Ordinances of the City of Shelby 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 1490.10 (General Exterior Maintenance Requirements) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**1490.10 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.**

(a) The exterior surfaces of all structures within the city, be the same functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which the part or feature was designed.

(b) The entire yard area contiguous to all structures within the city, extending from the area immediately adjacent to the structure up to and including the lot line in all directions, shall be maintained in a safe, clean, sanitary, and blight free condition.

Section 2: That Section 1490.14 (Yard Area Maintenance) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**1490.14 YARD AREA MAINTENANCE.**

(a) Refuse.

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated automobiles, or automobile parts shall be placed or stored in any area contiguous to any structure within the city over a period in excess of 24 hours; provided, however, that those items set forth herein which are usually and ordinarily placed for refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled refuse hauling date.

(2) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Mayor and/or his or her designee, create a health, accident or fire hazard, are a public nuisance or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property.

(b) Vegetation.

(1) Any tree, shrub or part thereof which, as a result of death, decay, breaking, placement or neglect, is a hazard or endangers any person, animal or property, or causes a blighting effect on the neighborhood, shall be trimmed in conformity with Chapter 1026, or removed.

(2) Grass and weeds shall be maintained, controlled and cut in conformity with Chapter 662.

(c) Appurtenant structures.

(1) All structures located in the yard area contiguous to any residential and commercial structure within the city, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformity with other provisions of this chapter having regard to foundations, roofs and exterior surfaces.

(2) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential or commercial structure within the city shall be repaired or removed.

(d) Automobile parking.

(1) No motor vehicle or trailer shall be parked in any part of the yard area contiguous to a residential or commercial structure within the city, other than that area designated by custom and use as the driveway or parking lot, for a cumulative amount of time greater than six hours in any 48-hour period.

(2) Other than as provided in division (d)(1) hereof, the parking and storage of all motor vehicles, trailers and other equipment shall be in accordance with the provisions of the traffic code as set forth in Part Four of these Codified Ordinances and the Ohio Revised Code.

(e) Ground surface hazards. Holes, cracks excavations, breaks, projections and obstructions at any place on the premises which, in the opinion of the Mayor and/or his or her designee, are a hazard using the premises, shall not be permitted.

Section 3: That all other Sections of Chapter 1490 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 4: 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 5: 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. 11 - 2023**  
**(Sponsor – Councilmember Gates)**

**AMENDING ORDINANCE NO.: 9-2023 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.**

WHEREAS, on March 20, 2023, 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 2023 budget and to fund said line items with previously unappropriated monies; and

WHEREAS, the fire equipment fund receives the majority of funding during the final quarter of the year; and

WHEREAS, the fire equipment fund is in need of an advance of funding from the general fund to meet its financial obligations during the first three quarters of the year; 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 2023 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.: 9-2023 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURE**

101-TRS-462	TRANSFER-MISCELLANEOUS	\$ 75,000.00
703-FEF-446	TRANSFER-GENERAL FUND	\$ 75,000.00

Section 2: Any funds advanced to the fire equipment fund shall be repaid to the general fund in 2023.

Section 3: That all other portions of Ordinance No.: 9-2023, not modified expressly herein, shall remain in full force and effect.

Section 4: 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 5: 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 McLaughlin  
Vice President of Council

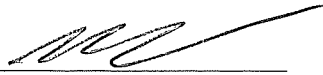
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:



Gordon M. Eyster  
Director of Law



ORDINANCE NO. 12 -2023  
(Sponsors: Councilmembers Roberts and Roub)

**REPEALING CHAPTER 289 (FLOODPLAIN MANAGEMENT COMMISSION) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, on June 15, 2009, Shelby City Council passed Ordinance 20-2009, creating a Floodplain Management Commission and the powers and duties of said commission; and

WHEREAS, the Commission has fulfilled their duties by studying, investigating, consulting with experts, and presenting to Council meaningful data that will benefit our citizens for years to come; 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 289 (Floodplain Management Commission) of the Codified Ordinances be repealed.

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

Section 1: That Chapter 289 (Floodplain Management Commission) of the Codified Ordinances of the City of Shelby be repealed.

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

Section 3: 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

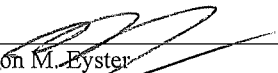
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 9 -2023  
(Sponsor: Councilmember Martin)

**DECLARING THE INTENT TO VACATE AN ALLEY RUNNING PERPENDICULAR OF WEST MAIN STREET BETWEEN LOTS 578, 576, 575, AND 27 IN THE CITY OF SHELBY, OHIO.**

WHEREAS, the plats of the City of Shelby, Ohio, indicate that a dedicated alley runs perpendicular of West Main Street between lots 578, 576, 575, and 27; and

WHEREAS, a majority of the owners of property bounding and abutting upon said alley have submitted a "Petition to Vacate Street or Alley" to Council of the City of Shelby, Ohio, asking the alley to be vacated; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate an alley and sets forth the procedure for doing so; 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 alley running perpendicular of West Main Street between lots 578, 576, 575, and 27 within the City of Shelby, Ohio, be vacated.

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

Section 1: That it is the intent of the Council of the City of Shelby that the alley running perpendicular of West Main Street between lots 578, 576, 575, and 27 as shown on Exhibit A within the City of Shelby, Ohio be vacated.

Section 2: That the Clerk of Council is hereby instructed to cause notice of Council's intent to vacate said alley to be served upon those persons mandated by the terms of the Charter of the City of Shelby.

Section 3: That the Board of Revisions of Assessments shall hold a meeting to consider Council's intent to vacate as well as any objections which may be lodged concerning said intent and that said Board of Revisions of Assessments submit a report to the council of the City of Shelby following said meeting.

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. 13 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH SENTEC SYSTEMS, LLC. FOR TECHNOLOGY SERVICES FOR THE CITY OF SHELBY AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby is desirous in retaining a Technology Service Provider to provide technology services and functions; 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 Technology 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 the agreement with Sentec Systems, LLC. for technology for the City of Shelby.

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

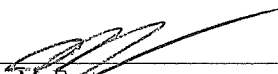
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 14 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2023 AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby is desirous to participate with the Ohio Department of Transportation to purchase 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 Ohio Department of Transportation 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: The City of Shelby (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon an award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Monday, May 1, 2023 **by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held

responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

Section 2: That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract and authorizes the Mayor as Director of Public Service to sign the agreement.

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

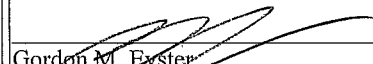
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 15 -2023  
(Sponsor: Councilmember Gates)

**DECLARING THE REMAINS OF A DESIGNATED DWELLING (55 SECOND STREET) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND DANGEROUS TO LIFE AND OTHER PROPERTY; DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY LAND REUTILIZATION CORPORATION FOR ITS DEMOLITION AND DECLARING AN EMERGENCY.**

WHEREAS, under the authority of Section 3, Article XVIII of the Ohio Constitution and Chapters 715.26, 715.261, 3714.14 and 3737.28 of the Ohio Revised Code, and Section 1 of the Charter of the City of Shelby, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Shelby and its inhabitants; and

WHEREAS, the Richland County Building Department has, pursuant to Ohio Revised Code Chapters 119, 3781, and 3791, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described; and

WHEREAS, the owner or occupant has failed to comply with the order issued by the Department; and

WHEREAS, the Council of the City of Shelby is fully advised in this matter by reason of the reports and proceedings within the Department.

**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 it is hereby determined and declared that a two-story residential structure(s) located on the premises described in Section 2 hereinafter are insecure, unsafe, structurally defective and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age and dilapidation; and it is hereby further determined and declared that by reason thereof said building(s) are beyond repair and are a nuisance.

Section 2: The premises referred to in Section 1 hereof are described as follows: situated in the City of Shelby, County of Richland and State of Ohio: being known and described as Inlot Number One Hundred Sixty-Four (#164) in the regular series of consecutive numbers in the said City of Shelby, Ohio.

Parcel Number: 046-08-024-09-000  
Owner: Steven Lowe  
Address: 55 Second Street

Section 3: That the Mayor as Director of Public Safety is hereby authorized and directed to enter into a contract with the Richland County Land Utilization Corporation and described in Resolution 67-2022, for the demolition and removal of the building(s) or structure(s) hereinbefore described, including any fences, concrete stairs, retaining walls and all appurtenances thereto, together with the removal of all debris and leveling to grade.

Section 4: That the Mayor as Director of Public Safety in conjunction with the Richland County Land Utilization Corporation, shall notify the owner or occupant to remove all chattels and personal property from the building(s) and/or not less than five (5) days prior to the commencement of demolition and the failure of the owner or occupant to so remove such personal property and chattels shall be deemed an intentional abandonment thereof by such owner or occupant and such property may be subject to salvage rights of the demolition contractor.

Section 5: That the debris and all materials resulting from the demolition of the structure(s) or building(s) shall become the property of the contractor.

Section 6: 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 7: That by reason of the immediate necessity of removing a nuisance which is insecure, unsafe, structurally defective and dangerous to life and other property, this Resolution is hereby deemed to be an emergency for the immediate preservation of the public peace, health, safety and welfare of the City of Shelby and its inhabitants, 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

**RESOLUTION NO. 16 -2023**  
**(Sponsor – Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH RICHLAND ENGINEERING LTD, A WALLACEPANCHER GROUP COMPANY FOR ENGINEERING SERVICES TO WRITE THE BID SPECIFICATIONS AND PERFORM THE ANCILLARY OVERSIGHT SERVICES FOR THE DEMOLITION OF THE SMOKE STACK AND THE THREE CONNECTING BREECHINGS LOCATED AT THE MUNICIPAL LIGHT PLANT.**

WHEREAS, the smoke stack and the three breechings at the Municipal Light Plant are structurally failing and need to be demolished; and

WHEREAS, engineering services are needed to populate the bid specifications and to oversee the demolition process; and

WHEREAS, Richland Engineering LTD, a WallacePancher Group Company was sought and determined to meet the qualifications to perform the engineering services required for the demolition 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 enter into an agreement with Richland Engineering LTD, a WallacePancher Group Company to write the bid specifications for the demolition of the smoke stack and the three connecting breechings located at the Municipal Light Plant and perform the oversight services during the demolition.

**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 enter into an agreement with Richland Engineering LTD, a WallacePancher Group Company for the engineering services to write the bid specifications for the demolition of the smoke stack and the three connecting breechings located at the Municipal Light Plant and perform the ancillary oversight services during the demolition.

Section 2: That the expected cost for the provided engineering services is \$39,910.

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 Eyster  
Director of Law