

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

**Shelby City Council Agenda
Monday, September 18, 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 September 5, 2023

Moved _____ 2ND _____

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

Public Comment

EMA Representative

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember Gates

MOTION THAT THE COMBINED FINANCIAL STATEMENT AND THE CASH/INVESTMENT RECONCILIATION STATEMENT BOTH DATED AUGUST 31, 2023, BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember Martin

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

ORDINANCE NO 24-2023

**ENACTING SECTION 204.06 (OFFICIAL TREE) OF
CHAPTER 204 (OFFICIAL STANDARDS) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

2ND READING

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

RESOLUTION NO 42-2023

**ACCEPTING THE AMOUNTS AND RATES AS
DETERMINED BY THE BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR**

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

RESOLUTION NO 43-2023

DECLARING THE REMAINS OF A DESIGNATED DWELLING (50-52 EAST MAIN 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 _____ 2ND _____
Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

RESOLUTION NO 44-2023

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, SHELBY AVENUE WATERLINE REPLACEMENT PROJECT

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

RESOLUTION NO 45-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT A NOMINATION FORM TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE FOR A SLUDGE DEWATERING PROJECT FOR THE WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY

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

Miscellaneous Business

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

1st Reading
9/5/2023

ORDINANCE NO. 24 -2023
(Sponsor – Councilmember Gates)

ENACTING SECTION 204.06 (OFFICIAL TREE) OF CHAPTER 204 (OFFICIAL STANDARDS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, in 1807 when government surveyors laid out the territory upon which Shelby would later be established into townships and sections, they referenced section corners and quarter-section corners to existing trees of the old-growth forest; and

WHEREAS, the species most often used for reference in Sections 5, 6, 7, 8, and 9 of Township 22, Range 19 was the sugar maple tree; 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 sugar maple be designated as the City's official tree.

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

Section 1: That Section 204.06 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

204.06 OFFICIAL TREE.

The tree *Acer saccharum*, commonly known as the sugar maple, is hereby adopted as the official tree of the City in recognition of it being the source of maple syrup and for its brightly colored fall foliage.

Section 2: 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.

PASSED: _____

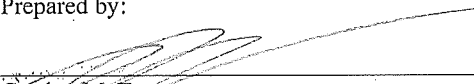
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 42-2023
RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
SPONSOR - COUNCILMEMBERS GATES AND MARTIN
(CITY COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the City of Shelby, Richland

County, Ohio, met in Regular session on September 18, 2023
(Regular Or Special)

at the office of Shelby City Council Chamber with the following members present:

Mr. Charles Roub, First Ward

Mr. Derrin Roberts, Second Ward

Mr. Garland John Gates, Third Ward

Mr. Nathan Martin, Fourth Ward

Mr. Steven McLaughlin, Councilmember at Large

Mr./Mrs. _____

Mr./Mrs. _____

Mr. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted

a Tax Budget for the next succeeding fiscal year commencing January 1st, 2024; and
Year

WHEREAS, The Budget Commission of Richland County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Auditor of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part within,
the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Shelby

Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate

of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
 SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
 COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$265,000.00		2.00	
Police Pension	\$40,000.00		0.30	
Fire Pension	\$40,000.00		0.30	
Park Fund		\$172,000.00		1.50
Health Fund		\$210,000.00		1.90
TOTAL	\$345,000.00	\$382,000.00	2.60	3.40

SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed years.		
SPECIAL LEVY FUNDS:		
Park Fund Levy authorized by voters on November 2, 2021 for not to exceed 5 years. TY 22-26	0.50	\$172,000.00
Park Fund Levy authorized by voters on November 4, 2019 for not to exceed 5 years. TY 20-24	1.00	
Health Fund Levy authorized by voters on November 2, 2021 for not to exceed 5 years. TY 22-26	0.90	\$210,000.00
Health Fund Levy authorized by voters on November 4, 2019 for not to exceed 5 years. TY 20-24	1.00	

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. _____ seconded the Resolution and the roll being

called upon its adoption the vote resulted as follows:

Mr. McLaughlin _____,

Mr. Roub _____,

Mr. Roberts _____,

Mr. Gates _____,

Mr. Martin _____,

Adopted the _____ day of _____, 2023

Attest:

 Steven McLaughlin Vice President of Council

 Brian A. Crum Clerk of Council

Approved:

 Steven L. Schag Mayor

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, Brian A. Crum, Clerk of the Council of

City of Shelby, in said County, and in whose custody the Files

and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original Resolution No. 42-2023

now on file with said Board, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this 18th day of September, 2023

Clerk of Council

City of Shelby of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 5705.34, or at such a later date as may be approved by the Board of Tax Appeals

No. _____

(CITY COUNCIL)

City of Shelby
Richland County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING THE
THEM TO THE COUNTY AUDITOR.

(CITY COUNCIL)

Adopted _____, 2023

Clerk of Council

Filed _____, 20 ____

County Auditor

By _____
Deputy.

RESOLUTION NO. 43 -2023
(Sponsor: Councilmember Roberts)

DECLARING THE REMAINS OF A DESIGNATED DWELLING (50-52 EAST MAIN 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, 3763.03 et seq. 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 Shelby Fire Chief, pursuant to Ohio Revised Code Chapter 715.26, made its inspection as pertains to the remains of the building and structure hereinafter described; and

WHEREAS, the Council of the City of Shelby is fully advised in this matter by reason of the reports and proceedings within the Fire 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 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 Parts of Lots Three Seventy-Eight and Three Seventy-Nine (#378 & 379) in the regular series of consecutive numbers in the said City of Shelby, Ohio.

Parcel Numbers: 046-08-119-10-000, 046-08-119-09-000, and 046-08-119-11-000
Owner: Charles Warfel, Unknown Spouse, and Unknown Occupants
Address: 50-52 East Main 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 as its agent pursuant to ORC 715.261(E), 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: September 18, 2023

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 -2023
(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, SHELBY AVENUE WATERLINE 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 Shelby Avenue Waterline 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 Shelby Avenue Waterline 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 Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

RESOLUTION NO. 45 -2023
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT A NOMINATION FORM TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE FOR A SLUDGE DEWATERING PROJECT FOR THE WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY.

WHEREAS, the Wastewater Treatment Plant operation is required to dispose of the activated sludge that is generated from the treatment process; and

WHEREAS, the Wastewater Treatment Plant would be able to receive septage waste to create a source of revenue for the sewer fund provided a dewatering press was available within the operation of the treatment process; and

WHEREAS, the most efficient and economical way to process activated sludge and septage waste for disposal is through a dewatering press; and

WHEREAS, the Wastewater Treatment Plant dewatering press project would require future funding to support the planning, design, and construction; and

WHEREAS, the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA) is accepting project nomination forms until September 25, 2023 for planning year 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 the Mayor as Director of Public Service be authorized to submit a Planning Year 2024 Water Pollution Control Loan Fund Nomination Form to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA) to secure future funding for the planning, design, and construction of a dewatering press for the operation at the Wastewater Treatment Plant.

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 submit a Planning Year 2024 Water Pollution Control Loan Fund Nomination Form to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA) for future funding for the planning, design, and construction of a sludge dewatering press for the operation at the Wastewater Treatment Plant.

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 due to the time sensitive filing of the nomination form 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