

3:30pm Community & Economic Development Committee

Shelby City Council Agenda
Monday, April 4, 2016
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 March 21, 2016

Moved _____ 2ND _____

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

Public Comment

Carl Hunnell—Public Information & Outreach Supervisor Richland County Children Services

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Reports of City Officials

Steven L. Schag—Mayor

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Election of 2 members to the Volunteer Police Officers' Dependents Fund Board

Unfinished Business

Legislation

ORDINANCE NO 6-2016

**AMENDING SECTION 1042.02 (DEFINITIONS) OF
CHAPTER 1042 (SEWER REGULATIONS) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

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 7-2016

**ENACTING SECTION 234.10 (DEPUTY DIRECTOR OF
FINANCE AND PUBLIC RECORD) OF CHAPTER 234
(DIRECTOR OF FINANCE AND PUBLIC RECORD) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

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 8-2016

**ENACTING SECTION 230.07 (PROJECT COORDINATOR)
OF CHAPTER 230 (MAYOR) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

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

RESOLUTION NO 23-2016

**THANKING TONY LUGO FOR HIS YEARS OF
VOLUNTARY SERVICE IN THE CITY OF SHELBY, OHIO**

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

RESOLUTION NO 24-2016

**DECLARING THE AMOUNT OF TAXES THAT MAY BE
RAISED BY LEVY AT THE MAXIMUM RATE
AUTHORIZED BY LAW WITHOUT A VOTE OF THE
ELECTORS TO BE INSUFFICIENT AND DECLARING THE
NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR
THE GENERAL OPERATION OF THE SHELBY
DEPARTMENT OF HEALTH IN ACCORDANCE WITH
OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND
5705.26;**

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

RESOLUTION NO 25-2016

**DECLARING THE AMOUNT OF TAXES THAT MAY BE
RAISED BY LEVY AT THE MAXIMUM RATE
AUTHORIZED BY LAW WITHOUT A VOTE OF THE
BE INSUFFICIENT, AND DECLARING THE NECESSITY
EXCESS OF SUCH RATE FOR THE GENERAL
OPERATION OF THE SHELBY BOARD OF PARK
COMMISSIONERS IN ACCORDANCE WITH OHIO
REVISED CODE §§5705.19, 5705.191, 5705.194, 5705.21 AND
5705.26**

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

RESOLUTION NO 26-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE A RIGHT OF EASEMENT FOR THE MONROE AVENUE AND MANSFIELD AVENUE SANITARY SEWER REPLACEMENT PROJECT AND DECLARING AN EMERGENCY

Moved 2ND

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

RESOLUTION NO 27-2016

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO A CONTRACT WITH THE OHIO REGIONAL DEVELOPMENT CORPORATION AND TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE PY 2016 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM AND DECLARING AN EMERGENCY

Moved 2ND

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

RESOLUTION NO 28-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE AND DIRECTOR OF PUBLIC SAFETY TO ACQUIRE TITLE TO A CERTAIN PARCEL OF REAL ESTATE FOR USE AS MUNICIPAL PROPERTY AND TO ACCEPT A COGNOVIT NOTE

Moved 2ND

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSES

Moved _____ 2ND _____

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

TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR THE SALE OF PROPERTY AT COMPETITIVE BIDDING, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST

PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

3/7/2016
2nd Reading
3/21/2016

ORDINANCE NO. 6 -2016
(Sponsor - Councilmember Gates)

AMENDING SECTION 1042.02 (DEFINITIONS) OF CHAPTER 1042 (SEWER REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: In 1996, voters amended the Charter of the City of Shelby to increase the term of the Mayor from two years to four years; however, Codified Ordinance Section 1042.02 still makes reference to a two-year mayoral term; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare that this discrepancy be removed.

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

Section 1: That Section 1042.02 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1042.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Act." The Clean Water Act (33 U.S.C. §§ 1251 et seq.), as amended.
- (b) "BOD" (denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.
- (c) "Building drain." The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer lateral beginning at a clean-out directly inside the inner face of the building wall.
- (d) "Categorical Pretreatment Standards." National Pretreatment Standards specifying quantities or concentrations of pollutants which may be discharged into a POTW by specific industrial discharges.
- (e) "City." The City of Shelby, County of Richland, State of Ohio.
- (f) "City Building Inspector." The person employed and authorized by the City to inspect construction of residential buildings including the installation of house and sewer lateral and plumbing.
- (g) "Director of Public Service." The Mayor or his or her authorized deputy, agent or representative.
- (h) "Discharge" or "industrial discharge." Any nonresident user who discharges an effluent into a POTW by whatever means.
- (i) "Garbage." Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (j) "House sewer lateral" or "building sewer lateral." The extension from the building drain to the public sewer or other place of disposal.
- (k) "Industrial waste." Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.
- (l) "Natural outlet." Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (m) "NPDES." National Pollutant Discharge Elimination System permit program as administered by the U.S. EPA or state.
- (n) "O and M." Operation and Maintenance.
- (o) "Person." Any individual, firm, company, association, society, corporation, group or other legal entity.
- (p) "pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (q) "POTW." Any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.
- (r) "Pretreatment." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful site prior to or instead of discharging the pollutants into a POTW.

(s) "Properly shredded garbage." The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(t) "Public sewer." A sewer controlled by the City or other public authority.

(u) "Sanitary sewer." A sewer which carries wastewater and wastes and to which storm, surface and ground waters shall not be admitted.

(v) "Sewer." A pipe or conduit for carrying wastewater.

(w) "Slugload." Any substance released in a discharge at a rate and/or concentration which causes interference with the POTW.

(x) "Storm sewer" or "storm drain." A sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.

(y) "Suspended solids." Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(z) "Wastewater." A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

(aa) "Wastewater Review Commission."

(1) A commission consisting of three persons to include the following: a member of Council, the POTW superintendent, and a representative of industry. The following is a description of the terms of office and the appointment procedure of the Wastewater Review Commission.

(2) A. The terms of office of the Councilmember and the POTW superintendent shall be for the length of time they hold their respective positions. The term of office of the industry representative shall be for four years concurrent with the term of office of the Mayor.

B. The industry member shall be appointed by the Mayor; the appointment shall be confirmed by Council.

C. The Council member shall automatically serve as the Commission's Chairperson. A Vice-Chairperson and a Secretary shall be elected from the Commission's membership.

(bb) "Wastewater system." All facilities for collecting, pumping, treating and disposing of wastewater.

(cc) "Wastewater treatment plant." Any arrangement of devices and structures used for treatment of wastewater.

(dd) "Watercourse." A channel in which a flow of water occurs, either continuously or intermittently.

Section 2: That all other sections of Chapter 1042 shall remain in full force and effect;

Section 3: That publication of this Ordinance shall be an expense of the Sewer Fund;

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; and

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: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

3/7/2016
2nd Reading
3/21/2016

ORDINANCE NO. 7-2016
(Sponsor - Councilmember Gates)

ENACTING SECTION 234.10 (DEPUTY DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 234 (DIRECTOR OF FINANCE AND PUBLIC RECORD) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: Section 19 of the Charter of the City of Shelby reads, in part, "The council shall create by ordinance such other officers, clerks and employees as are not in the classified service, in each department of the city government as are necessary for the transaction of the city's business, and all such positions so created shall be filled by appointment by the mayor..."; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare that the position of Deputy Director of Finance and Public Record be established.

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

Section 1: That Section 234.10 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

234.10 DEPUTY DIRECTOR OF FINANCE AND PUBLIC RECORD.

The position of Deputy Director of Finance and Public Record is hereby established. Under the supervision and direction of the Director of Finance and Public Record, said Deputy Director shall exercise the powers and perform the duties as have been delegated upon the Director of Finance and Public Record by the Charter and Codified Ordinances of the City and by the laws of the state as applicable to the positions of city auditor and city treasurer. Said Deputy Director shall be in the unclassified service in accordance with Ohio Revised Code Section 124.11(A)(28).

Section 2: That all other sections of Chapter 234 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; and

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 Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

3/7/2016
2nd Reading
3/21/2016

ORDINANCE NO. 8 -2016
(Sponsor - Councilmember Gates)

ENACTING SECTION 230.07 (PROJECT COORDINATOR) OF CHAPTER 230 (MAYOR) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: Section 19 of the Charter of the City of Shelby reads, in part, "The council shall create by ordinance such other officers, clerks and employees as are not in the classified service, in each department of the city government as are necessary for the transaction of the city's business, and all such positions so created shall be filled by appointment by the mayor..."; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare that the position of Project Coordinator be established.

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

Section 1: That Section 230.07 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

230.07 PROJECT COORDINATOR.

The Mayor is hereby authorized to appoint a Project Coordinator. Said coordinator shall prepare documents and administer all public works projects and undertakings of the City, shall serve as the City's representative to the Richland County GIS Consortium and as the City's prevailing wage coordinator, and shall perform such other duties as may be assigned by the Mayor or by ordinance. Said coordinator shall be in the unclassified service in accordance with Ohio Revised Code Section 124.11(A)(3)(c).

Section 2: That all other sections of Chapter 230 shall remain in full force and effect; and

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; and

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 Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

RESOLUTION 23 -2016

(Sponsors -- Councilmembers Roub, Gates & McLaughlin)

THANKING TONY LUGO FOR HIS YEARS OF VOLUNTARY SERVICE IN THE CITY OF SHELBY, OHIO

WHEREAS, Tony Lugo exemplifies the highest ideals of engaged citizenship; and

WHEREAS, Tony has invested hundreds of hours in voluntary service in an effort to keep Shelby sidewalks free of litter and debris; and

WHEREAS, Mr. Lugo approaches each day with a spirit of love, joy, and optimism which he freely shares with all whom he meets; and

WHEREAS, Tony's life story is a source of inspiration to the residents of Shelby.

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

Section 1 That the Council express its sincere appreciation to Mr. Tony Lugo for his many years of voluntary service on behalf of the citizens of Shelby.

Section 2 That the Council gratefully recognize the value of Mr. Lugo's inspiring initiatives and faithful dedication to making Shelby a cleaner, healthier and happier place to live.

Section 3 That the Clerk of Council present Mr. Lugo an authenticated copy of this resolution.

Section 4 That the Clerk of Council cause this Resolution to be published once in a newspaper of general circulation published within the city limits.

Section 5 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.

Section 6 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: _____

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 24 -2016
(Sponsor – Councilmember Roberts)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 and 5705.26;

WHEREAS, in order for the Shelby Department of Health to maintain a standard of excellence and in order for the Department to provide general health service to the community, additional funding is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby Department of Health.

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

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law, to wit: Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26 on taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Department of Health that taxes be levied on the taxable property in said city for a period of five (5) years 2017-2021 at a rate in excess of such maximum rate authorized by the Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes for the years 2017, 2018, 2019, 2020 and 2021 at the rate for each year of .9 mills on each dollar of the tax, valuation of the taxable property within the City of Shelby, Ohio, in excess of the rate authorized by said O.R.C. §§5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That the Clerk of Council shall be and is hereby directed to certify a copy of this resolution and other necessary documents to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such question to the electors of said City as provided by law, at the November 8, 2016 general election.

Section 5: 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 6: 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 D. McLaughlin
Vice President of Council

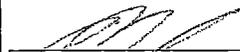
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 25 -2016
(Sponsor – Councilmember Roberts)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT, AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS IN ACCORDANCE WITH OHIO REVISED CODE §§5705.19, 5705.191, 5705.194, 5705.21 AND 5705.26.

WHEREAS, in order for the Shelby Board of Park Commissioners to maintain its standard of excellence and in order for said Board to continue to provide parks and parkways for the community, additional funding is required, and

WHEREAS, the amount of taxes which may be raised within the 10-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby Board of Park Commissioners, 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 a levy in excess of the maximum rate authorized by law be approved, and

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

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law on the taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the city, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Board of Park Commissioners that taxes be levied on the taxable property in said City for a period of five (5) years (as a renewal levy) at a rate in excess of such maximum rate; said excess rate being authorized by Ohio Revised Code §§5705.19, 5705.191, 5705.194, 5705.21 and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2017, 2018, 2019, 2020, and 2021, at the rate for each year of .5 mill on each dollar of the tax valuation of the taxable property within the City of Shelby, in excess of the rate authorized by law; said excess rate being authorized by Ohio Revised §§5705.19, 5705.191, 5705.194, 5705.21 and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution and other necessary documents to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such questions to the electors of said City as provided by law, at the November 8, 2016, general election.

Section 5: 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 6: 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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 26 -2016
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE A RIGHT OF EASEMENT FOR THE MONROE AVENUE AND MANSFIELD AVENUE SANITARY SEWER REPLACEMENT PROJECT AND DECLARING AN EMERGENCY

WHEREAS, it has become necessary to realign the sanitary sewer lines as part of the Monroe Avenue and Mansfield Avenue Sanitary Sewer Project; and

WHEREAS, in order to complete said realignment, 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 the installation 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 a right of easement for the installation of a sanitary sewer line for the Monroe Avenue and Mansfield Avenue Sanitary Sewer Replacement Project as prepared by Raymond Lenczowski, Ohio Registered Surveyor No. 6687 on March 21, 2016.

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: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 27 -2016
(Sponsor- Councilmember Roub)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO A CONTRACT WITH THE OHIO REGIONAL DEVELOPMENT CORPORATION AND TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE PY 2016 COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM AND DECLARING AN EMERGENCY

WHEREAS, the City of Shelby in partnership with the Board of Richland County Commissioners wishes to apply for PY 2016 Community Housing Impact and Preservation Program (CHIP) funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD) in the amount of Eight Hundred Thousand Dollars (\$800,000) for the purpose of addressing local housing needs; and

WHEREAS, The City of Shelby and the Ohio Regional Development Corporation understand this agreement is contingent upon PY 2016 CHIP funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD); and

WHEREAS, OCD Policy 15-02, and 2 CFR 200.320 authorizes the Grantee to hire an administrative consultant, whose services are detailed in this contract for administrative services; and

WHEREAS, this agreement is in effect until the CHIP funds are expended and the funded activities are complete and closed out; 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 City of Shelby, Ohio direct and authorize Ohio Regional Development Corporation to act in connection with said Program Application and provide such additional information that may be required.

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 authorizes the President of the Ohio Regional Development Corporation to file a PY 2016 Community Housing Impact and Preservation Program Application with the State of Ohio, Department of Development Services Agency, and to provide all information and documentation required in said Application submission.

Section 2: That the City of Shelby authorizes the execution of an Agreement for the PY 2016 Community Housing Impact and Preservation (CHIP) Program for Administration and Implementation Services with the Ohio Regional Development Corporation (ORDC).

Section 3: This agreement is only enforceable upon funding of the PY 2016 CHIP Grant, therefore contingent upon funding from the State of Ohio, Development Services Agency.

Section 4: ORDC is to work with and at the direction of the City of Shelby in order to assure that all services, information and documentation required by said Agreements, HUD, the State of Ohio and CHIP guidelines are followed.

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: _____

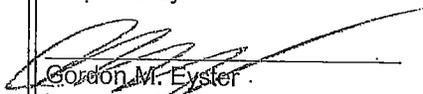
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 28 -2016

(Sponsor – Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE AND DIRECTOR OF PUBLIC SAFETY TO ACQUIRE TITLE TO A CERTAIN PARCEL OF REAL ESTATE FOR USE AS MUNICIPAL PROPERTY AND TO ACCEPT A COGNOVIT NOTE

WHEREAS, Section 1 of the Charter of the City of Shelby, Ohio authorizes the acquisition of real property in fee simple by purchase for any municipal purpose; and

WHEREAS, the City of Shelby entered into a Demolition Contract with Gregory A. Beard and as part of said agreement the transfer of the below mentioned real property is allowed; and

WHEREAS, pursuant to said contract Gregory A. Beard is required to execute a note for repayment terms; and

WHEREAS, it is 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 and Director of Public Safety, be authorized to enter into a contract for the acquisition of said real property from Gregory A. Beard.

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

Section 1: That the Mayor as Director of Public Service and Director of Public Safety is hereby authorized to acquire title to the aforementioned parcel of real estate entitled to the City of Shelby per the above mentioned Land Contract entered into by the City of Shelby and Gregory A. Beard within the City of Shelby, Richland County, Ohio and being identified by the following county legal property description:

Being a strip of land Twenty (20) feet off of the East side of Inlot No. Five Hundred Sixty-Two (#562) in the regular series of consecutive numbers of Inlots in the said City of Shelby, County and State aforesaid: Also the following real estate, situated in the City of Shelby, County of Richland and State of Ohio, and known as being a strip of land Twenty (20) feet wide off the East end of Inlot No. Five Hundred Sixty (#560) in the regular series of consecutive numbers of Inlots in the said City of Shelby, County and State aforesaid, also the following real estate, situated in the City of Shelby, County of Richland, State of Ohio, beginning from the same at the Northeast corner of Inlot No. Five Hundred Sixty-Two (#562); thence running East Sixteen (16) feet; thence south one hundred seventy (170) feet; thence West Sixteen (16) feet to the Southeast corner of Inlot No. Five Hundred Sixty (#560); thence North and parallel with the East line of Inlot No. Five Hundred Sixty-Two (#562) to the place of beginning.

Prior Instrument Reference: Deed Volume 906, Pages 193-195

Section 2: The Mayor is authorized to request from Gregory A. Beard, a certain Cognovit note, a copy of which is attached hereto.

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

PASSED: _____
Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law