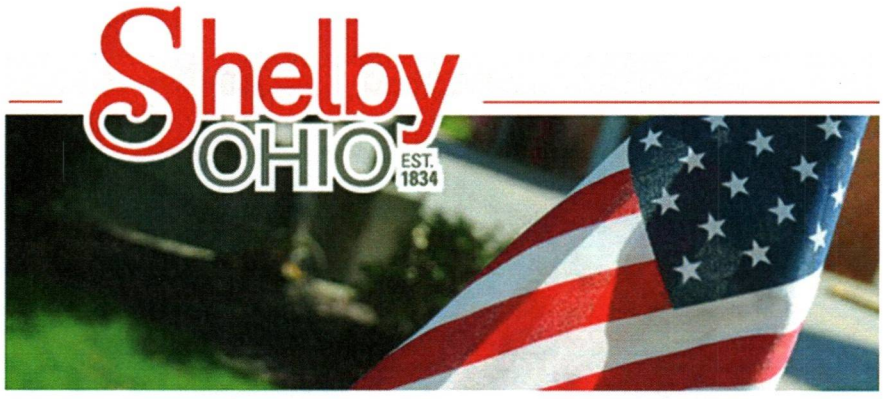
The City Record

Official Municipal Bulletin - Shelby Ohio

Legislative Update 2024



Current Council

Mayor Steven Schag, President of Council, (419) 347-5131
Finance Director Brian Crum, Clerk of Council, (419) 347-5131
Law Director Gordon Eyster (419) 342-4261

Councilmembers:
At-Large: Steven McLaughlin, (419) 566-8528 - stevemclaughlin@shelbycity.oh.gov
First Ward: Charles Roub Jr, ,(419)347-6676 - charlesroub@shelbycity.oh.gov
Second Ward: Derrin Roberts, (419) 961-3116 - derrinroberts@shelbycity.oh.gov
Third Ward: Eric Cutlip, (567) 275-2515 - ericcutlip@shelbycity.oh.gov
Fourth Ward: Nathan Martin, (567) 275-2525 - nathanmartin@shelbycity.oh.gov

2/20/2024

ORDINANCE NO. 1 -2024
(Sponsors: Councilmembers Roberts & Roub)

ENACTING CHAPTER 858 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY (SALE OF CANNABIS) AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023 electors in the State of Ohio in the general election approved an issue known as Issue 2, an initiative petition to create a new Chapter 3780 of the Ohio Revised Code regarding adult use cannabis control to authorize and regulate the cultivation, processing, sale, purchase, possession, home grow, and adult use cannabis by adults at least twenty-one years of age, effective thirty days from the date of said election; and

WHEREAS, R.C. 3780 authorizes and regulates recreational adult use cannabis operators permitted under Chapter 3780 in the State of Ohio; and

WHEREAS, pursuant to R.C. 3780.01(A)(2), "adult use cannabis operator" means a Level I adult use cultivator, a Level II adult use cultivator, a Level III adult use cultivator, and adult use processor and an adult use dispensary; and

WHEREAS, new Chapter 3780.25 of the Ohio Revised Code entitled, "Local authority regarding adult use cannabis" of Title 37 of the Ohio Revised Code entitled, "Health, Safety, Morals," reads in pertinent part as follows:

> (A) The legislative authority of a municipal corporation may adopt an ordinance, or board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of adult use cannabis operators permitted under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively; and

WHEREAS, in addition to Chapter 3780.25, Article XVIII, §3 of the Ohio Constitution, ("Home Rule Amendment"), provides that "[m]unicipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws."; and

WHEREAS, Shelby City Council previously passed Ordinance No. 31-2018 (Prohibition of Medical Marijuana Processing, Cultivation, and Retail Distribution within the City of Shelby); and

WHEREAS, the City Council of the City of Shelby further determines that the sale of adult use cannabis within the City of Shelby does not promote and provide for the public peace, health, safety, convenience, comfort, prosperity, and general welfare of its residents and pursuant to the authority granted by R.C. Chapter 3780.25, and Article XVIII, §3 of the Ohio Constitution, the City Council does wish to prohibit "adult use cannabis operators" within the City of Shelby; and

WHEREAS, this Council finds it necessary to adopt a new Chapter 858 entitled "Sale of Cannabis" of the Business Regulations of the Codified Ordinances of the City of Shelby to maintain the public peace, health, and safety; and

WHEREAS, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, morals, comfort, public peace, prosperity, and general welfare of the City of Shelby because Chapter 3780 went into effect on December 7, 2023.

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

Section 1: That new Chapter 858 entitled "Sale of Cannabis" of "Part Eight: Title Two – Business Regulation" of the Codified Ordinances of the City of Shelby, Ohio is hereby enacted and shall read as set forth in the attached Exhibit A which is fully incorporated by reference herein.

Section 2: That all other sections of "Part Eight: Title Two – Business Regulation" 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 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: February 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

3/4/2024
nd Reading
3/18/2024

ORDINANCE NO. 2 -2024
(Sponsors: Councilmembers Roberts and Roub)

REPEALING CHAPTER 290 (BUILDINGS AND GROUNDS COMMISSION) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, on February 19, 2008, Shelby City Council passed Ordinance 1-2008, creating a Building and Grounds 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 and the administration meaningful data that will benefit our citizens; 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 290 (Buildings and Grounds Commission) of the Codified Ordinances of the City of Shelby 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 290 (Buildings and Grounds 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: April 1, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST:
Brian Crun
Clerk of Council

Prepared by:

Gordon M. Eyster
Director of Law

1st Reading
3/4/2024
2nd Reading
3/18/2024

ORDINANCE NO. 3 -2024
(Sponsors: Councilmembers Roberts and Roub)

ESTABLISHING A ZONING CLASSIFICATION FOR PROPERTY ANNEXED TO THE CITY OF SHELBY (HUMPHREY ANNEXATION).

WHEREAS, by Resolution No. 43-2022, the Council of the City of Shelby accepted the annexation of certain parcels heretofore referred to as the Humphrey Annexation; and

WHEREAS, the Council of the City of Shelby requested that the Shelby Planning Commission recommend appropriate zoning for the Humphrey Annexation in accordance with Codified Ordinance Section 1266.06; and

WHEREAS, the Shelby Planning Commission met on February 27, 2024 and recommended the R-1 (Residential District) for the Humphrey Annexation; 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 City Council act upon the Planning Commission's recommendation and establish a zoning classification for the Humphrey Annexation.

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

Section 1: That the zoning map attached to Ordinance No. 1-1991, as passed on March 4, 1991, is hereby revised by establishing the zoning classification of R-1 (Residential District) for the property described as follows (Humphrey Annexation):

SITUATED IN THE COUNTY OF RICHLAND IN THE STATE OF OHIO, AND IN THE TOWNSHIP OF SHARON:

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 22, RANGE 19, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS BEING 7/10 ACRES OF LAND AND COMMENCING FOR THE SAME AT A GIVEN POINT 806.7 FEET NORTH OF THE SOUTH BOUNDARY LINE OF SAID QUARTER IN THE CENTER OF THE SHELBY AND ONTARIO PUBLIC HIGHWAY, POINT MARKED BY AN IRON PIN;

THENCE NORTH 0 DEGREES 51 MINUTES EAST 711 FEET IN THE CENTER OF SAID HIGHWAY TO A POINT KNOWN ON THE COUNTY SURVEYOR'S C.L. BUSHEY "BLUE PRINT";

THENCE ACCORDING TO SAID COUNTY SURVEYOR'S BLUEPRINT, NORTH 73 DEGREES 30 MINUTES EAST 308 FEET TO A STAKE WHERE SAID DITCH INTERSECTS IN THE CENTER OF BLACKFORK CREEK;

THENCE IN A SOUTHERLY DIRECTION, MEANDERING IN THE CENTER OF BLACKFORK CREEK, TO THE NORTH PAGLE LINE;

THENCE NORTH 89 DEGREES 45 MINUTES WEST 502 FEET TO THE CENTER OF THE SHELBY AND ONTARIO PUBLIC HIGHWAY MARKED BY AN IRON PIN TO THE PLACE OF BEGINNING.

ALSO;

SITUATED IN SHARON TOWNSHIP, RICHLAND COUNTY, OHIO AND BEING A PART OF SECTION 17, TOWNSHIP 27, RANGE 19 AND BEING A PARCEL OF LAND DESCRIBED AS BEGINNING AT A POINT WHICH IS IN THE CENTERLINE OF THE SHELBY AND ONTARIO ROAD, SAID POINT BEING 1703 FEET NORTH OF THE SOUTH LINE OF SECTION 17;

THENCE NORTH 73 DEGREES 35 MINUTES EAST 308 FEET TO A STAKE;

THENCE ALONG THE CENTERLINE OF THE BLACKFORK 73 FEET TO A STAKE;

THENCE CONTINUING ALONG SAID CENTERLINE 115 FEET TO A STAKE;

THENCE ALONG SAID CENTERLINE 426 FEET TO A POINT ON THE BANK OF THE NEW CHANNEL OF THE BLACKFORK;

THENCE ALONG THE FOLLOWING OLD CENTERLINE OF OLD CHANNEL 100 FEET TO A STAKE;

THENCE CONTINUING ALONG THE SAID LINE OF OLD CHANNEL 213 FEET TO A STAKE;

THENCE ALONG THE OLD CHANNEL 100 FEET TO A STAKE;

THENCE ALONG THE CENTERLINE OF OLD CHANNEL 75 FEET TO A POINT IN THE CENTERLINE OF THE NEW CHANNEL OF BLACKFORK;

THENCE ALONG THE BANKS OF THE NEW CHANNEL TO A POINT ON THE BANKS OF THE NEW CHANNEL SAID POINT BEING 40 FEET FROM THE CENTERLINE OF THE NEW CHANNEL;

THENCE ALONG THE BANK OF THE CREEK 318 FEET;

THENCE ALONG AND FOLLOWING SAID BANK OF THE NEW CHANNEL 575 FEET TO A STAKE;

THENCE SOUTH 73 DEGREES 35 MINUTES EAST 168 FEET TO A STAKE, SAME BEING 308 FEET FROM THE POINT OF BEGINNING AND CONTAINING 1 AND 93/100 ACRES OF LAND.

BEING 9 3/5 ACRES IN THE AGGREGATE, MORE OR LESS, AND SUBJECT TO ALL LEGAL HIGHWAYS.

RICHLAND COUNTY PERMANENT PARCEL # 046-08-223-48-000

Section 2: That the Clerk of Council and the Chairman of the Shelby Planning Commission are directed to make the necessary changes on the original zoning map of the City of Shelby, Ohio.

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: April 1, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

3/4/2024
2nd Reading
3/18/2024
Postponed until
4/1/2024

AMENDED ORDINANCE NO. 4-2024
(Sponsor: Councilmember Martin)

ENACTING CHAPTER 217: IMPERMISSIBLE EXPENDITURES OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, discriminatory activities are antithetical to the American experience and the ideals set forth by our founding documents; and

WHEREAS, it is Council's responsibility to ensure that the money spent does not go against the ideals of the State or Federal Constitutions; 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 217: Impermissible Expenditures be enacted to ensure that no money be utilized for trainings that do not live up to the ideals of the American Experiment.

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

Section 1: That, effective at the earliest time allowed by law, the following be enacted:

Chapter 217: Impermissible Expenditures

217.01 Discriminatory Activities

(1) Purpose. The purpose of this section is to implement the following expenditure prohibitions.
(2) Definitions. For the purposes of this rule, the following terms mean:

(a) "Discriminatory Activities" or "DA" is any program, activity, training, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.

(b) "Federal funds" are those funds provided to the institution or a direct-support organization for an institution directly or indirectly by an appropriation by Congress.

(c) "State funds" are those funds provided to an institution or a direct-support organization for an institution directly or indirectly by an appropriation by the Ohio Legislature. This includes any grants provided.

(d) "City funds" are those funds that derived from taxpayers or fees that are able to be expended by different departments within the City of Shelby to include donations or grants given to the City.

(3) No entity or individual within the City may expend any city, state, or federal funds to promote, support, or maintain any programs or activities that advocate for DA as defined in this rule;
(4) A City entity or individual advocates for DA when it engages in a program, policy, training or activity that:

(a) Advantages or disadvantages, or attempts to advantage or disadvantage, an individual or group on the basis of race, color, sex, national origin, gender identity, or sexual orientation, to equalize or increase outcomes, participation, or representation as compared to other individuals or groups; or

(b) Promotes the position that a group or an individual's action is inherently, unconsciously, or implicitly biased on the basis of race, color, sex, national origin, gender identity, or sexual orientation.

(5) Subsections (3) and (4) of this ordinance do not prohibit programs, policies, trainings or activities required for compliance with local, state or federal laws or regulations, contract compliance, or for obtaining or retaining institutional or discipline-specific accreditation by the City, its Council, or its employees with the approval of City Council.
(6) Failure of any city official, employee, whether employed at will, or working pursuant to a contract, to abide by this ordinance may result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

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, 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: April 15, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A. Crum
Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO. 5 - 2024
(Sponsors: Councilmembers Cutlip, Roub, Roberts, McLaughlin & Martin)

CREATING APPROPRIATIONS FOR THE YEAR 2024 AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code §5705.38 requires that "the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure.... no later than the first day of April of the current year"; and

WHEREAS, the Director of Finance and Public Record, in cooperation with the Finance Committee of City Council, and the Administration and Department Heads have prepared the "Annual Appropriation Ordinance" as attached hereto and made a part hereof; 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 said Annual Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and so as to comply with the provisions of the Ohio Revised Code.

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

Section 1: That an appropriation is hereby made and authorized for the year 2024, the same to be in full force and effect from and after approval, as and for the general appropriations for the City of Shelby for the year 2024.

Section 2: That City Council does hereby appropriate as an appropriation for the year 2024 the following sums, to wit:

2024	Fund	Personal	Other	Total
GENERAL FUND	**101**			
Building and Zoning		$23,500.00	$11,350.00	$34,850.00
City Administration & Buildings		$21,400.00	$30,300.00	$51,700.00
Civil Service		$75.00	$0.00	$75.00
Council		$51,800.00	$12,300.00	$64,100.00
Court		$342,350.00	$149,850.00	$492,200.00
Finance		$243,050.00	$25,600.00	$268,650.00
Law		$119,700.00	$33,650.00	$153,350.00
Economic Development		$0.00	$94,300.00	$94,300.00
Engineering		$115,350.00	$24,950.00	$140,300.00
Fire		$1,487,000.00	$98,500.00	$1,585,500.00
Mayor		$174,000.00	$8,700.00	$182,700.00
Misc.		$0.00	$101,500.00	$101,500.00
Police		$3,176,250.00	$486,350.00	$3,662,600.00
Transportation		$0.00	$53,100.00	$53,100.00
Transfers		$0.00	$510,000.00	$510,000.00
TOTAL		**$5,754,475.00**	**$1,640,450.00**	**$7,394,925.00**
SPECIAL FUNDS	**Fund**			
Street	200	$391,150.00	$270,925.00	$662,075.00
State Highway	205	$64,450.00	$0.00	$64,450.00
Street Sales Tax	210	$0.00	$105,000.00	$105,000.00
Fire Income Tax Fund	215	$379,500.00	$20,000.00	$399,500.00
Income Tax	220	$157,800.00	$5,324,200.00	$5,482,000.00
Health	225	$310,600.00	$218,350.00	$528,950.00
Park	230	$37,750.00	$390,150.00	$427,900.00
Rehab Escrow CDBG	232	$0.00	$25,000.00	$25,000.00
Court Probation	233	$19,750.00	$8,650.00	$28,400.00
BMV Reimbursement	234	$0.00	$1,500.00	$1,500.00

Law Enforcement Trust	235	$0.00	$8,750.00	$8,750.00
Court IDAT	236	$0.00	$12,000.00	$12,000.00
Court Enforce. & Education	237	$0.00	$700.00	$700.00
Dare	238	$0.00	$8,500.00	$8,500.00
Unclaimed Monies	240	$0.00	$3,000.00	$3,000.00
Court IDAM	242	$0.00	$5,500.00	$5,500.00
CDBG General	250	$0.00	$190,000.00	$190,000.00
Home Program	251	$0.00	$353,000.00	$353,000.00
Local Coronavirus Relief	283	$0.00	$0.00	$0.00
Local Fiscal Recovery	284	$0.00	$0.00	$0.00
City Admin. & Bldg.	650	$0.00	$0.00	$0.00
Police Pension	700	$286,000.00	$950.00	$286,950.00
Fire Pension	701	$360,000.00	$1,100.00	$361,100.00
Shade Tree Trust	705	$0.00	$12,000.00	$12,000.00
FEMA	815	$0.00	$0.00	$0.00
TOTAL		**$2,007,000.00**	**$6,959,275.00**	**$8,966,275.00**
Debt Service Funds				
Special Bond	275	$0.00	$1,000.00	$1,000.00
General Bond SSE	281	$0.00	$0.00	$0.00
USDA	282	$0.00	$0.00	$0.00
Light Debt Reserve	602	$0.00	$0.00	$0.00
TOTAL		**$0.00**	**$1,000.00**	**$1,000.00**
Capital Project Funds				
Court Computer	239	$0.00	$20,000.00	$20,000.00
Police Computer	241	$0.00	$12,000.00	$12,000.00
Capital Improvement	300	$0.00	$385,100.00	$385,100.00
Shelby Reservoir	301	$0.00	$0.00	$0.00
Sewer Construction	302	$0.00	$0.00	$0.00
San./Storm/Sewer - Equipment	303	$0.00	$0.00	$0.00
Court Capital Improvement	304	$0.00	$13,000.00	$13,000.00
Fox Run Six	322	$0.00	$0.00	$0.00
Fox Run Seven	324	$0.00	$0.00	$0.00
Water Facilities 69%	350	$0.00	$0.00	$0.00
Bridges & Sidewalks 29%	351	$0.00	$0.00	$0.00
Sidewalks 2%	352	$0.00	$26,200.00	$26,200.00
Streets, Alleys, Catch Basin Fund	353	$0.00	$795,000.00	$795,000.00
Police/Court	354	$0.00	$528,600.00	$528,600.00
Police Equipment	702	$0.00	$60,000.00	$60,000.00
Fire Equipment	703	$0.00	$243,200.00	$243,200.00
TOTAL		**$0.00**	**$2,083,100.00**	**$2,083,100.00**
Permanent Fund	**Fund**			
Mini Park Trust	710	$0.00	$5,000.00	$5,000.00
TOTAL		**$0.00**	**$5,000.00**	**$5,000.00**
Special Assessment Fund				
Fire Damage Fund	253	$0.00	$59,431.00	$59,431.00
TOTAL		**$0.00**	**$59,431.00**	**$59,431.00**
Enterprise Funds				
Sewer	400	$904,175.00	$675,545.00	$1,579,720.00
San. Sewer Capital Improvements	401	$0.00	$640,500.00	$640,500.00
Waste Water Capital Improvements	402	$75,100.00	$599,550.00	$674,650.00
Water	500	$1,221,220.00	$936,270.00	$2,157,490.00
Water Facilities	501	$0.00	$267,000.00	$267,000.00

Water Capital Improvements	502	$0.00	$892,300.00	$892,300.00
Electric	600	$1,347,100.00	$11,415,870.00	$12,762,970.00
TOTAL		**$3,547,595.00**	**$15,427,035.00**	**$18,974,630.00**
Internal Service Fund				
Sharing Fund	706	$0.00	$25,000.00	$25,000.00
Hospitalization	715	$0.00	$2,765,000.00	$2,765,000.00
TOTAL		**$0.00**	**$2,790,000.00**	**$2,790,000.00**
Agency Fund				
Playscape Trust	231	$0.00	$0.00	$0.00
Light Customer Deposit	601	$0.00	$123,000.00	$123,000.00
Bicentennial Trust	800	$0.00	$0.00	$0.00
Total Agency Funds		**$0.00**	**$123,000.00**	**$123,000.00**
		Personal	**Other**	**Total**
TOTAL		**$11,309,070.00**	**$29,088,291.00**	**$40,397,361.00**

Section 3: That the Director of Finance and Public Record is hereby authorized to draw warrants on the City Treasury for the amounts appropriated in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

Section 4: That transfers may be made from line item to line item within the Financial Department without specific Council authorization provided, however, that no line item may be increased during 2024 by a sum greater than 10% of the original appropriation or $5,000.00 whichever is greater. Said transfer shall be certified by the Director of Finance and Public Record, signed by the Mayor, and by the elected official or board or commission responsible for each financial department.

Section 5: 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 6: That this Ordinance is hereby deemed to be an emergency so as to provide for the usual daily operations of municipal government 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: March 18, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO. 6 - 2024
(Sponsors – Councilmembers Martin & McLaughlin)

AMENDING ORDINANCE NO.: 5-2024 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 18, 2024, 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 a line item within the 2024 budget and to fund said line item 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 2024 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.: 5-2024 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

225-HEA-625	**NUISANCE ABATEMENT**	**50,000.00**

Section 2: That all other portions of Ordinance No.: 5-2024, 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: April 1, 2024

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian A. Crum
Clerk of Council

Steven L Schag
Steven L. Schag
Mayor

Prepared by:

Gordon M. Fyster
Director of Law

ORDINANCE NO. 7 - 2024
(Sponsor: Councilmember Martin)

AMENDING ORDINANCE NO.: 5-2024 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 18, 2024, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, the Sharing Fund was incorrectly classified as an internal service fund within the 2024 budget; and

WHEREAS, the Sharing Fund should have been classified as an agency fund within the 2024 budget; and

WHEREAS, it is necessary to reclassify the sharing fund line items within the 2024 budget; 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 reclassification be made.

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.: 5-2024 (Annual Appropriations) is hereby amended as follows:

Internal Service Fund				
Hospitalization	715	$0.00	$2,765,000.00	$2,765,000.00
TOTAL		**$0.00**	**$2,765,000.00**	**$2,765,000.00**
Agency Fund				
Playscape Trust	231	$0.00	$0.00	$0.00
Light Customer Deposit	601	$0.00	$123,000.00	$123,000.00
Sharing Fund	706	$0.00	$25,000.00	$25,000.00
Bicentennial Trust	800	$0.00	$0.00	$0.00
Total Agency Funds		**$0.00**	**$148,000.00**	**$148,000.00**

Section 2: That all other portions of Ordinance No.: 5-2024, 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: April 15, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

2nd Reading
5/20/2024

AMENDED ORDINANCE NO. 8-2024
(Sponsors: Councilmembers Martin and McLaughlin)

AMENDING SECTION 260.10 (VACATIONS) OF CHAPTER 260 (EMPLOYEES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby must position itself to effectually attract prime potential employees in a very competitive workforce environment; and

WHEREAS, the City of Shelby would be given a competitive edge by possessing the statutory authority to offer a vacation accrual schedule at an advanced accrual rate to qualified new employees; 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 260.10 of the Codified Ordinances be amended to provide advantage in the modern hiring process.

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

Section 1: That Section 260.10 of the Codified Ordinances of the City of Shelby be amended by enacting paragraph (g) and to read as follows:

§ 260.10 VACATIONS.

(g) The Mayor, as Director of Public Service, has the right to place qualified new hire employees with completed full time years of prior applicable/comparable work experience on the vacation accrual schedule at an advanced accrual rate based on their prior applicable/comparable work experience.

Section 2: That all other sections of Chapter 260 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 make available the aforementioned advanced accrual rate to qualified new hire employees commencing this month of June 2024 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: June 3, 2024

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

ORDINANCE NO. 14 - 2024
(Sponsor: Councilmember Martin)

AMENDING SECTIONS 216.02 (CARD TYPE, LIMITS, AND ELIGIBILITY), 216.03 (CARD USAGE LIMITATIONS AND PROCEDURES), AND 216.11 (CARD SECURITY AND TRACKING) OF CHAPTER 216 (CREDIT CARD POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY AND DECLARING AN EMERGENCY.

WHEREAS, on February 1, 2021, the Council of the City of Shelby passed its Credit Card Policy Ordinance; and

WHEREAS, additional credit card options have been presented to the City from the credit card provider; and

WHEREAS, during the implementation of the original ordinance, the City has reevaluated the effectiveness of the original policy and considered various changes in controls to increase card security and accountability; 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 Sections 216.02, 216.03, and 216.11 of the Codified Ordinances be amended to provide greater credit card security and accountability.

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.: 2-2021 (Credit Card Policy) is hereby amended as follows:

§ 216.02 CARD TYPE, LIMITS AND ELIGIBILITY.

(a) Card type.

(1) The issued card will be a bank-issued credit card that will be administered by the Finance Director's office and in the name of City of Shelby.

§ 216.03 CARD USAGE LIMITATIONS AND PROCEDURES.

(e) Credit cards issued to a department or individual shall be kept in the possession of the department head or individual. City employees not assigned a card must come to the applicable department head to sign out a credit card. A sign out sheet must be filled out including employee signature, vendor, and time of sign out of card. Card is to be returned by end of business day unless the card is being used during travel or other reason approved by the department head. The employee and department head will note time of return and initial off.

§ 216.11 CARD SECURITY AND TRACKING.

(a) The credit card must always be stored in a secure place once assigned.

Section 2: That all other portions of Chapter 216 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 immediately implement these security and accountability controls 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: June 3, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L Schag
Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 1-2024
(Sponsors: Councilmembers Roberts and Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE OHIO ENVIRONMENTAL PROTECTION AGENCY MOSQUITO CONTROL GRANT AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for health department purposes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program to control the mosquito population; 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 a Mosquito Control 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 the control of Mosquitos through the Ohio Environmental Protection Agency Mosquito Control Grant.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding 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 is hereby deemed to be an emergency so as to meet the January 31, 2024 deadline 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: January 16, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST:
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 2 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO WAIVE THE LATE PAYMENT CHARGE (PENALTY) FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UTILITY ACCOUNT HOLDERS FOR THE JANUARY 2024 BILLING PERIOD AND DECLARING AN EMERGENCY.

WHEREAS, the readiness of the new utilities billing software system has delayed the mailing date for the January utilities bill which may cause utility account holders to incur a late penalty charge on their utility bill; 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 waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the January 2024 billing period.

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 waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the January 2024 billing period.

Section 2: That this authorization shall be for these utilities as stated in the codified ordinances: Chapter 1040 (Water), Chapter 1044 (Sewer Charges), and Chapter 1050 (Electricity).

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: January 16, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST:
Brian Crum
Clerk of Council

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 3 -2024
(Sponsor: Councilmember McLaughlin)

APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE NORTHSIDE SUBSTATION NORTH EXPRESS CIRCUIT VOLTAGE REGULATOR PURCHASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby and AEP OnSite Partners have entered into an agreement for the installation of a 10 megawatt battery energy storage system; and

WHEREAS, a Load Flow Study completed by GPD engineers for the battery energy storage system determined the voltage regulators on the North Express circuit located at the Northside Substation would need to be upgraded to accept the flow of energy from the 10 megawatt battery energy storage system, the 1,800 kilowatt solar array, and the two 1,800 kilowatt diesel generators; and

WHEREAS, the plans and specifications have been completed for the required circuit voltage regulators to allow the uninterrupted flow of energy from the aforementioned resources to the Northside Substation, North Express circuit; 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 equipment improvements be made to the Northside Substation, North Express circuit voltage regulators.

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 accept the plans and bid specifications for the Northside Substation, North Express circuit voltage regulator purchase.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the Northside Substation, North Express circuit voltage regulator purchase.

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 due to the anticipated lead time for the said equipment purchase 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: January 16, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 4 -2024
(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 NINE THOUSAND NINE HUNDRED NINETY-EIGHT AND 77/100 DOLLARS ($9,998.77) 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 #5; 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 Nine Thousand Nine Hundred Ninety-Eight and 77/100 Dollars ($9,998.77) 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: February 5, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 5 -2024
(Sponsors: Councilmembers Cutlip, Martin, McLaughlin, Roberts and Roub)

ACCEPTING THE GIFT OF AN ORIGINAL COPY OF THE "PROPOSED CHARTER FOR SHELBY, OHIO" FROM GARLAND JOHN GATES TO THE CITY OF SHELBY.

WHEREAS, in 1921, the voters of the City of Shelby elected a Charter Commission, which performed its required duties and recommended to the electorate a Charter; and

WHEREAS, however, the records and files of said Charter Commission have long since disappeared; and

WHEREAS, Garland John Gates as a private citizen acquired back in the 1980s an original copy of the "Proposed Charter for Shelby, Ohio" which he now wishes to give 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 Mr. Gates' gift of said copy be accepted in order to guarantee its 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 an original copy of the "Proposed Charter for Shelby, Ohio" from Garland John Gates to the City of Shelby shall be and is hereby accepted.

Section 2: That the Council, on behalf of the City and its residents, express both its thanks and its gratitude to Mr. Gates for his thoughtful and historically valuable 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: February 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 6 -2024
(Sponsors: Councilmembers McLaughlin & Martin)

APPROVING WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE.

WHEREAS, Codified Ordinance 662.04 requires the Director of Public Service to notify owners of an assessment for the cutting and removal of offensive and noxious weeds, vines, and grass by the City of Shelby; and

WHEREAS, the Director of Public Service has served said notices on multiple properties within the City of Shelby, Ohio; and

WHEREAS, before the Clerk of Council can certify these assessments to the County Auditor for inclusion on the tax duplicate, Codified Ordinance 662.04 requires that City Council approve said assessment; 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 Council of the City of Shelby approve the assessments as prepared by the Director of Public Service so that the Clerk of Council can certify said assessments to the County Auditor for inclusion on the tax duplicate.

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

Section 1: That the Council of the City of Shelby hereby approves the list of assessments as prepared by the Director of Public Service and attached hereto as "Exhibit A".

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

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: February 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L Schag
Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 7 - 2024
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE SAFE ROUTES TO SCHOOL PROGRAM THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby, hereinafter referred to as the Local Public Agency (LPA), is interested in applying for funding to improve transportation for children traveling to school; and

WHEREAS, the United States Congress has set aside monies for Safe Routes to School Projects through the State of Ohio Department of Transportation; and

WHEREAS, LPAs can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the School Travel Plan, hereinafter referred to as the Project, is a transportation activity eligible to receive federal funding.

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 prepare and execute an application for Safe Routes to School (SRTS) funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

Section 2: If awarded the project, no funding will be reimbursed to applicants for School Travel Plan Development. Applicants will be asked to provide information, develop a team, and work with ODOT on plan development. The LPA further agrees to pay One Hundred Percent (100%) of the cost over and above the work provided by the State of Ohio, Department of Transportation.

Section 3: Upon completion of the described Project, the Applicant shall provide completed School Travel Plan with adequate community endorsements.

Section 4: If the application is approved for the funding, the Mayor as Director of Public Service is hereby authorized on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above-described project.

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 is hereby deemed to be an emergency and therefor, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed

PASSED: February 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L Schag
Steven L. Schag
Mayor

RESOLUTION NO. 8 - 2024
(Sponsors: Councilmembers Martin & Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE TRAINING AND EQUIPMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Public Safety provides financial assistance for emergency medical services through the Training and Equipment Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Training and Equipment Grant to purchase emergency medical service supplies; 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 a Training and Equipment 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 emergency medical service supplies through the Training and Equipment Grant.

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 Public Safety 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 Priority One 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: March 4, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L Schag
Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 9 -2024
(Sponsor: Councilmember McLaughlin)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2024 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, plans and specifications have been completed for the 2024 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; 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 said improvements be made to said streets within the City of Shelby.

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 plans and specifications for the 2024 Paving Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said paving project.

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 therefor, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 4, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 10 -2024
(Sponsor: Councilmember McLaughlin)

APPROVING THE RICHLAND COUNTY FINAL 9-1-1 PLAN.

WHEREAS, pursuant to R.C. §128.06, Richland County is required to and did establish a 9-1-1 Review Committee (the "Committee") composed of such members as required by R.C. §128.06(A); and

WHEREAS, the Committee did meet and convene at least annually as required by R.C. §128.06(E); and

WHEREAS, the Committee has established and maintains a final plan for implementing and operating a countywide 9-1-1 system (the "Richland County Final 9-1-1 Plan"), and that the Richland County Final 9-1-1 Plan does adequately answer and address the eight (8) subsections so designated in RC. §128".07(A), with a copy of said Richland County Final 9-1-1 Plan attached to and incorporated herein as "Exhibit A"; and

WHEREAS, the Committee has prepared a report for the political subdivisions of Richland County and to the 9-1-1 Program Office with the Ohio Department of Administrative Services that details the sources and amounts of revenue expended to support the countywide 9-1-1 system and Richland County's two Public Safety Answering Points ("PSAPs") that were part of the system for the previous calendar year, a copy of which is attached hereto as "Exhibit B".

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

Section 1: That pursuant to R.C. § 128.08, the Richland County Final 9-1-1 Plan is deemed sufficient for the providing of 9-1-1 services for the population within this legislative authority's territory and is hereby adopted and approved by this legislative authority, with such adoption occurring within sixty (60) days of the finalization of the Richland County Final 9-1-1 Plan by the Committee.

Section 2: That this legislative authority recognizes and agrees that the extent of its jurisdictional territory is included within the Richland County 9-1-1 Final Plan system.

Section 3: That this legislative authority shall immediately notify the Board of County Commissioners for Richland County of its adoption of this Resolution.

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: March 18, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. \\ -2024
(Sponsors: Councilmembers Cutlip and Roberts)

DECLARING THE REMAINS OF A DESIGNATED DWELLING (144 REAR 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, 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 part of Outlot Number Fifteen (#15) as recorded in Plat Book 7, Page 15 of the Richland County Recorder's Records.

Parcel Numbers: 046-08-168-15-000,
Owner: Alice C. Fisk, Unknown Spouse, and Unknown Occupants
Address: 144 Rear Second Street, (AKA 3 Powell 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: April 1, 2024

Vice President of Council

APPROVED:

ATTEST:

Clerk of Council

Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 12 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2025 FREIGHTLINER CAB AND CHASSIS TRUCK FROM CLEVELAND FREIGHTLINER INC. (DBA GREAT LAKES TRUCK CENTER) THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Service Department is desirous of purchasing a cab and chassis truck with specified requirements for the operation of the department; and

WHEREAS, the requirements of advertising and bidding are dispensed due to the desired cab and chassis truck having been publicly solicited and awarded under the Ohio Department of Transportation Cooperative Purchasing Program; and

WHEREAS, Cleveland Freightliner Inc. was awarded the bid proposal from the Ohio Department of Transportation for the cab and chassis bid solicitation; and

WHEREAS, Cleveland Freightliner Inc is the parent company of Mansfield Freightliner Inc., dba Great Lakes Truck Center; 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 purchase a 2025 Freightliner Cab and Chassis Truck from Great Lakes Truck Center.

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 purchase a 2025 Freightliner Cab and Chassis Truck from Great Lakes Truck Center.

Section 2: That the desired cab and chassis truck has been processed and awarded through a publicly solicited cooperative purchasing program through the Ohio Department of Transportation, item number 118-23.

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 due to the current availability of the desired Freightliner cab and chassis truck and the forthcoming contract termination date of May 31, 2024 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: April 15, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST:
Brian Crum
Clerk of Council

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 13 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A DUMP BODY AND EQUIPMENT PACKAGE FOR A FREIGHTLINER CAB AND CHASSIS TRUCK FROM HENDERSON PRODUCTS, INC. THROUGH THE NATIONAL PURCHASING POWER GOVERNMENT PROCUREMENT PROGRAM FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Service Department is desirous of purchasing a dump body and equipment package to compliment a 2025 Freightliner cab and chassis truck for the operation of the department; and

WHEREAS, the requirements of advertising and bidding are dispensed due to the desired dump body and equipment package having been publicly solicited and awarded under the National Purchasing Power Government cooperative program; 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 purchase the dump body and equipment package from Henderson Products, 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 Service is hereby authorized to purchase a dump body and equipment package from Henderson Products, Inc. to compliment a 2025 Freightliner cab and chassis truck.

Section 2: That the desired dump body and equipment has been processed through the publicly solicited National Purchasing Power Government program, NPPGOV Contract # PS22170.

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 due to the current availability of the said desired dump body and equipment 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: April 15, 2024

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 -2024
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2024 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 3, 2024 **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 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

RESOLUTION NO. 15 -2024
Sponsor: Councilmember McLaughlin

ADOPTING THE CITY OF SHELBY DESIGN GUIDELINES PREPARED BY PERSPECTUS HISTORIC ARCHITECTURE AND THE SHELBY HISTORIC PRESERVATION COMMISSION.

WHEREAS, City Council approved an application for a Certified Local Government Grant for the creation of local design guidelines with Resolution No. 4-2022; and

WHEREAS, the Historic Preservation Commission sent out Requests for Proposals, evaluated those received and recommended a consulting firm to the Mayor who signed an agreement with Perspectus Historic Architecture of Akron, Ohio on August 3, 2023; and

WHEREAS, Perspectus Historic Architecture and the State Historic Office have assisted the Commission in following the Secretary of Interior recommended content for the design of historic guidelines; 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 said design guidelines be adopted.

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

Section 1: That the City of Shelby adopts the City of Shelby Historic Guidelines as prepared by Perspectus Historic Architecture and the Shelby Historic Preservation Commission.

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: May 6, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 16 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE SHELBY AVENUE WATERMAIN REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to replace a watermain in the City's system; and

WHEREAS, in order to complete the project, 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 replacement of a watermain.

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 rights of easement for the replacement of a watermain for the Shelby Avenue Watermain Replacement Project as shown on the attached plats and description documents.

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: May 6, 2024

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. 17 -2024
(Sponsor: Councilmember McLaughlin)

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SHELBY AVENUE WATERLINE REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, a portion of the watermain on Shelby Avenue 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 TWO-THIRDS (2/3) 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 Shelby Avenue Waterline 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 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: May 6, 2024

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. 18 -2024
(Sponsor: Councilmember Cutlip)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MARKETING AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. D/B/A SERVICE LINE WARRANTIES OF AMERICA FOR A RESIDENTIAL WATER SERVICE LINE, SEWER LATERAL AND IN-HOME PLUMBING REPAIR WARRANTY PROGRAM.

WHEREAS, the water service lines and sewer laterals between the mainlines and serviced structures are owned by the residential property owners in the City; and

WHEREAS, the City desires to offer residential property owners the opportunity, with no obligation, to purchase a warranty service plan for their external water service line, external sewer lateral, and their in-home plumbing system; and

WHEREAS, Utility Service Partners Private Label, Inc d/b/a/ Service Line Warranties of America, a subsidiary of HomeServe USA Corp., the administrator of the National League of Cities Service Line Warranty Program, desires to make their warranty program available to residential property owners subject to their terms and conditions contained within their marketing agreement; 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 a Marketing Agreement with Utility Service Partners Private Label, Inc d/b/a/ Service Line Warranties of America for a warranty plan for residential external water service lines, external sewer laterals, and in-home plumbing systems.

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 a Marketing Agreement with Utility Service Partners Private Label, Inc d/b/a/ Service Line Warranties of America, a subsidiary of HomeServe USA Corp., the administrator of the National League of Cities Service Line Warranty Program subject to their terms and conditions contained within their Marketing Agreement.

Section 2: That the Marketing Agreement shall be for a three (3) year period with the term commencing on July 1, 2024 and expiring on June 30, 2027.

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: May 6, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 19 - 2024

(Sponsors: Councilmembers Cutlip, Martin, McLaughlin, Roberts, and Roub)

DECLARING SHELBY, OHIO AS A PURPLE HEART CITY.

WHEREAS, the City of Shelby, Ohio and our entire community have a great admiration and the utmost gratitude for all the men and women who have, and are, selflessly serving their country and this community in the Armed Forces; and

WHEREAS, the Purple Heart is the oldest military decoration given to those who are injured or killed protecting the United States in combat, being first awarded by General George Washington in 1782; and

WHEREAS, the mission of the Military Order of the Purple Heart is to foster an environment of goodwill among combat-wounded Veterans and their families, promote patriotism, support legislative initiatives, and most importantly to make certain we never forget; and

WHEREAS, the City of Shelby, Ohio appreciates the sacrifices our Purple Heart recipients made in defending our freedoms and believe it is important that we acknowledge them for their courage and show them the honor and support they have earned; and

WHEREAS, the City of Shelby, Ohio will now be on the Purple Heart Trail that originates in Mount Vernon, Virginia and traverses the United States to California; and

WHEREAS, the City of Shelby, Ohio most reverently acknowledges and welcomes this profound honor.

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 thanks and appreciation to veterans awarded the Purple Heart for their service and sacrifice to the country.

Section 2: That the Clerk of Council present the representative of the Purple Heart Trail, an authenticated copy of this Resolution.

Section 3: That the Clerk of Council cause this Resolution to be published once in a newspaper of general circulation published within the city limits.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with the 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: May 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Prepared by:

Gordon M. Byster
Director of Law

RESOLUTION NO. 20-2024
(Sponsor: Councilmember Cutlip)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PY 2024 COMMUNITY HOUSING IMPACT AND PRESERVATION (CHIP) PROGRAM AND AUTHORIZING THE OHIO REGIONAL DEVELOPMENT CORPORATION TO SUBMIT APPLICATION TO THE PY 2024 CHIP ON BEHALF OF THE CITY OF SHELBY.

WHEREAS, the City of Shelby, as Grantee, intends to enter into a Partnership Agreement with Richland County, the Partner, for the administration of the PY 2024 Community Housing Impact and Preservation Program (CHIP) funded from the State of Ohio, Department of Development, Office of Community Enhancements (OCE) for the purpose of addressing local housing needs; and

WHEREAS, Richland County will be the Partner and the City of Shelby will be the Grantee of the Partnership; and

WHEREAS, the Grantee and the Partner wish to set forth the responsibilities and obligations of each in administering the grant, if funded, utilizing the State's CDBG, HOME and Ohio Housing Trust Fund (OHTF) funds; and

WHEREAS, the City of Shelby, as Grantee understands their authority for the whole CHIP Grant, as well as, sole responsibility for regulatory compliance and the terms of the Grant Agreement, if funded; and

WHEREAS, the City of Shelby and Richland County understand this agreement is contingent on PY 2024 CHIP funding from the State of Ohio, Department of Development, Office of Community Enhancements (OCE); and

WHEREAS, the Grantee has retained an administrative consultant on behalf of the partnership and those services are outlined in an administrative services agreement; and

WHEREAS, this agreement will remain in effect until the CHIP funds are expended and the funded activities are complete and closed out. Neither the Grantee nor the Partner may terminate or withdraw from the partnership agreement while it remains in effect.

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

Section 1: That the Council of the City of Shelby authorizes the Mayor as director of public service to enter into a partnership agreement with the Richland County Commissioners for the City of Shelby for the PY 2024 CHIP Program.

Section 2: That the City of Shelby, accepts the role, responsibility, and authority for being Grantee of the CHIP Application. The Grantee will be solely responsible for administration, regulatory compliance, fiscal operations, and all terms of the grant agreement. The City of Shelby accepts responsibility for and authority over the entire CHIP Program Grant.

Section 3: That the City of Shelby authorizes ORDC to submit the PY 2024 CHIP application on behalf of the City of Shelby and the partnership with Richland County.

Section 4: That this Resolution must accompany said Application, which must be filed with the Ohio Development Services Agency by June 20, 2024.

Section 5: That this resolution also authorizes the Mayor as Director of Public Service to sign any and all documentation related to the execution of said partnership agreement and CHIP Application.

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 the 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: May 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Prepared by:

Gordon Eyster
Director of Law

RESOLUTION NO. 21 -2024
(Sponsors: Councilmembers Roberts and Martin)

DONATING OF EQUIPMENT AND POLICE CRUISER TO NC STATE POLICE ACADEMY.

WHEREAS, as a result of routine replacement of outdated and/or unserviceable police vehicles, those vehicles are ordinarily either salvaged or sold at auction; and

WHEREAS, due to routine purchase of new vehicles, a 2014 Dodge Charger identified as Shelby Police Cruiser #507 is due to be retired; and

WHEREAS, North Central State College Police Academy has been a faithful community partner in training local law enforcement officers currently working at the Shelby Police Department and throughout Richland County; and

WHEREAS, North Central State College is frequently and currently in need of vehicles to use to train potential police officers; and

WHEREAS, North Central State College relies on available donations of certain equipment in order to properly train police officers.

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

Section 1: That the Council authorizes the Mayor/Director of Public Safety to donate Shelby Police Cruiser #507, a 2014 Dodge Charger to the North Central State Police Academy for use in training police officers.

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: May 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 22 -2024
(Sponsors: Councilmembers Roberts and Martin)

DONATING OF EQUIPMENT AND POLICE CRUISER TO TRI RIVERS CRIMINAL JUSTICE PROGRAM.

WHEREAS, as a result of routine replacement of outdated and/or unserviceable police vehicles, those vehicles are ordinarily either salvaged or sold at auction; and

WHEREAS, due to routine purchase of new vehicles, a 2014 Dodge Charger identified as Shelby Police Cruiser #509 is due to be retired; and

WHEREAS, Tri-Rivers Career Center in Marion OH offers a Criminal Justice Program designed to train high school age youth in the Criminal Justice field; and

WHEREAS, the Tri-Rivers Criminal Justice Program is led by David Mack, a retired Shelby Police Department Captain, current member of the Shelby Police Auxiliary, and longtime North Central State College Police Academy instructor, and has a need for vehicles to use to train criminal justice students; and

WHEREAS, Tri Rivers Career Center relies on available donations of certain equipment in order to properly train police officers.

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

Section 1: That the Council authorizes the Mayor/Director of Public Safety to donate Shelby Police Cruiser #509, a 2014 Dodge Charger to Tri-Rivers Career Center for use in training police officers.

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: May 20, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: Brian A Crum
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 23 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT CHANGE ORDER WITH KELSTIN, INC. FOR THE SENECA\WYANDOT SANITARY SEWER PROJECT IN THE AMOUNT OF FIFTEEN THOUSAND SIX HUNDRED FIFTY-TWO AND 00/100 DOLLARS ($15,652.00) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with Kelstin, Inc. for the Seneca/Wyandot Sanitary Sewer Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Seneca\Wyandot Sanitary Sewer Project and adjust the contract as detailed in the attached Change Order #1; 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 a Contract Change Order with Kelstin, Inc. for the total amount of Fifteen Thousand Six Hundred Fifty-two and 00/100 Dollars ($15,652.00) 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: June 3, 2024

Steven McLaughlin
Vice President of Council

APPROVED:

Steven L. Schag
Mayor

ATTEST:
Brian Crum
Clerk of Council

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 24 -2024
(Sponsor: Councilmember Martin)

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 CITY HEALTH DEPARTMENT IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.26.

WHEREAS, in order for the Shelby City Health Department to maintain a standard of excellence and in order for the department to provide general health services to the community, additional funding (as a renewal levy) 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 City Health Department; and

WHEREAS, the current levy of one (1) mil for operation of the Shelby City Health Department will expire at the end of 2024; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby City Health Department is insufficient and that, therefore, a ballot issue (as a renewal levy) needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF 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 City Department of Health that taxes be levied on the taxable property in said City for a period of five (5) years 2025-2029 (as a renewal levy) at the rate in excess of such maximum rate authorized by Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2025, 2026, 2027, 2028, and 2029 at the rate for each year of one (1) mil on each dollar of tax, valuation of the taxable property with the City of Shelby, Ohio, in excess of the rate authorized by law said excess rate being authorized by said Ohio Revised Code Sections 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 upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certification to the Board of Election 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 5, 2024 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: June 3, 2024

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. 25 -2024
(Sponsor: Councilmember Martin)

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, AND 5705.

WHEREAS, in order for the Shelby Board of Park Commissioners to maintain its standard of excellence and in order for said Board to provide parks and parkways for the community, additional funding (as a renewal levy) 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 necessity 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 the Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby Board of Park Commissioners is insufficient and that, therefore, a ballot issue (as a renewal levy) needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF 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 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 2025-2029 (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, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2025, 2026, 2027, 2028, and 2029, at a rate for each year of 1 mil 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 Code §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 upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certifications to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for submission of such questions to the electors of said City as provided by law, at the November 5, 2024 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: June 3, 2024

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