

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

**Shelby City Council Agenda**  
**Monday, April 16, 2018**  
**COUNCIL CHAMBERS**  
**29 MACK AVENUE**  
**Shelby, Ohio**  
**7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from April 2, 2018**

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

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Garland John Gates

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

**Reports of City Officials**

Steven L. Schag—Mayor

**Proclamation**

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**

Future Use of Present Fire Station

**Legislation**

**ORDINANCE NO 5-2018**

**AMENDING SECTION 238.01 OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**2ND READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**ORDINANCE NO 6-2018**

**AUTHORIZING THE CLERK OF COUNCIL TO PUBLISH  
ORDINANCES, RESOLUTIONS OR SUCCINT SUMMARIES  
THEREOF, IN ACCORDANCE WITH THE LANGUAGE IN  
SECTION 17 OF THE CHARTER OF THE CITY OF  
SHELBY, OHIO AND ORC SECTION 731.21**

**1ST READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**RESOLUTION NO 20-2018**

**AUTHORIZING AND PROVIDING FOR THE INCURRENCE  
OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING  
A PORTION OF THE COST OF ACQUIRING,  
CONSTRUCTING, ENLARGING, IMPROVING, AND/OR  
EXTENDING ITS FIRE DEPARTMENT EQUIPMENT  
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS  
JURISDICTION TO SERVE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

RESOLUTION NO 22-2018

**DECLARING THE INTENT TO VACATE RAILROAD  
STREET AND SANDUSKY STREET IN THE CITY OF  
SHELBY, OHIO**

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

**Miscellaneous Business**

**MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:**

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

**TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE,  
PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR  
OFFICIAL, OR THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A  
PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL, UNLESS THE  
PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL REQUESTS A  
PUBLIC HEARING**

**Adjournment at \_\_\_\_\_ p.m.**

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

1st Reading  
4/2/2018

ORDINANCE NO. 5 -2018  
(Sponsor: Councilmembers Roub and Roberts)

**AMENDING SECTION 238.01 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS: Shelby Ordinance 238.01 establishes three (3) captains and two (2) sergeants within the city of Shelby Police Department; 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 238.01 to provide two (2) captains and three (3) sergeants.

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

Section 1: That Section 238.01.04 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**238.01 ESTABLISHMENT; MEMBERSHIP.**

There is hereby established a Police Department for the City, to consist of the following officers and personnel and such other officers and personnel as Council shall from time to time determine:

- (1) One (1) Chief of Police;
- (2) Two (2) police captains;
- (3) Three (3) police sergeants;
- (4) Eleven (11) police patrol officers, two (2) of which shall be school resource officers. The hiring and continued employment of said resource officers shall be contingent upon active contracts in partnership with the Board of Education of the Shelby City School District and the Board of Education of the Pioneer Career & Technology Center, wherein each board will immediately pay or reimburse the City 75% of all cost, expense, pension, retirement, health benefit, insurance, or any other cost or expense associated with said school resource officer as well as 100% of all training cost or expense associated with said school resource officer. If a board fail for any reason whatsoever to pay or reimburse the City as contemplated herein, the School Resource Officer's position for that district shall be immediately terminated, unless otherwise modified by Council. Further, said positions are contingent upon any collective bargaining agreement between the City and Fraternal Order of Police Lodge No. 180 acknowledging and approving the terms contained herein as well as with any contract or agreement with each board; and
- (5) Four (4) police dispatchers.

Section 2: That all other sections of Chapter 238 shall remain in full force and effect;

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby; and

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

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

\_\_\_\_\_  
Steven Lifer  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 6-2018**  
**(Sponsor: Councilmember McLaughlin)**

**AUTHORIZING THE CLERK OF COUNCIL TO PUBLISH ORDINANCES, RESOLUTIONS OR SUCCINCT SUMMARIES THEREOF, IN ACCORDANCE WITH THE LANGUAGE IN SECTION 17 OF THE CHARTER OF THE CITY OF SHELBY, OHIO AND ORC SECTION 731.21.**

WHEREAS, Section 17 of the Charter of the City of Shelby, Ohio states, "Every ordinance or resolution of a general and permanent nature upon its final passage shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and clerk of the council. Every ordinance or resolution of a general or permanent nature shall be published once in a newspaper of general circulation in the city or published in an official municipal bulletin within 10 days after its final passage."; and

WHEREAS, Section 17 of the Charter of the City of Shelby, Ohio authorizes two methodologies for the publication of legislation, namely, a newspaper of general circulation in the city or an official municipal bulletin; and

WHEREAS, ORC Section 731.21 (A) requires a "succinct summary of each municipal ordinance or resolution and all statements, orders, proclamations, notices, and reports required by law or ordinance to be published shall be published in a newspaper of General circulation in the municipal corporation; and

WHEREAS, ORC 731.21 (C) gives further guidance - "Upon publication of a summary of an ordinance or resolution in accordance with this section, the clerk of the legislative authority shall supply a copy of the complete text of each such ordinance or resolution to any person upon request. The clerk shall post a copy of the text at the clerk's office and at every other location designated by the legislative authority."; and

WHEREAS, Technology has advanced to the point where it is possible to disseminate public information worldwide, via the internet; and

WHEREAS, there is always a need for considering cost-cutting measures within the city budget while maintaining quality services and transparency; 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 Clerk of Council be authorized to use both publication methodologies outlined in Section 17 of the Charter of the City of Shelby.

NOW, THEREFORE, be it ordained by the Council of the City of Shelby, Ohio, a majority elected thereto concurring:

Section 1: That the Director of Finance and Public Record, in his/her capacity as Clerk of Council, is hereby authorized to publish newly-passed ordinances and resolutions in an official municipal bulletin. The Shelby Municipal Bulletin shall bear the title: The City Record - Official Municipal Bulletin. The municipal bulletin shall be posted on the city website under the heading Council Meetings. The official municipal bulletin shall be available to any person, upon request at the city hall building and the Shelby utilities building.

Section 2: That the Clerk of Council shall publish a succinct summary of each municipal ordinance or resolution within 10 days of its final passage once in a newspaper of general circulation in the City of Shelby. The publication shall contain notice that the complete text of each ordinance or resolution may be obtained at the office of the Clerk and/or viewed on the City website.

Section 3: That the Director of Law shall review the summary of an ordinance or resolution to be published under O.R.C. Section 731.21 prior to forwarding it to the clerk for publication, to ensure that the summary is legally accurate and sufficient.

Section 4: That the Clerk of Council shall publish in a newspaper of General circulation in the City of Shelby the Annual Appropriations Ordinance in its entirety within 10 days of its final passage.

Section 5: That the Clerk of Council, at his/her discretion, may, in lieu of a summary, publish ordinances or resolutions in their entirety in a newspaper of general circulation in the City of Shelby, if he/she deems the contents warrant such publication.

Section 6: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby; and

Section 7: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED:

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council


APPROVED:

ATTEST:

\_\_\_\_\_  
Steven Lifer  
Director of Finance

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

Prepared by:

  
\_\_\_\_\_  
Gordon Eyster  
Director of Law

RESOLUTION NO. 20-2018  
(Sponsor: Councilmember Roberts)

Position 5

USDA  
Form RD 1942-47  
(Rev. 12-97)

LOAN RESOLUTION  
(Public Bodies)

FORM APPROVED  
OMB NO. 0575-0015

A RESOLUTION OF THE Council of City of Shelby

OF THE City of Shelby, Richland County, Ohio

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING  
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Fire Department Equipment

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Shelby, Richland County, Ohio

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Forty-eight thousand and 00/100 (\$48,000.00)

pursuant to the provisions of Ohio Revised Code (ORC) Section 505.262 ; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
  - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
  - (b) Repairing or replacing short-lived assets.
  - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 50,000

under the terms offered by the Government; that the Mayor  
and Director of Finance of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was:                      Yeas \_\_\_\_\_      Nays \_\_\_\_\_      Absent \_\_\_\_\_

IN WITNESS WHEREOF, the Council of City of Shelby of the  
City of Shelby, Richland County, Ohio has duly adopted this resolution and caused it  
to be executed by the officers below in duplicate on this \_\_\_\_\_ day of \_\_\_\_\_,

(SEAL)

\_\_\_\_\_  
By Steven Schag  
\_\_\_\_\_  
Title Mayor

\_\_\_\_\_  
Director of Finance/Clerk of Council  
Title

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council



CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as \_\_\_\_\_ of the City of Shelby, Richland County, Ohio  
hereby certify that the Council of City of Shelby \_\_\_\_\_ of such Association is composed of  
\_\_\_\_\_ members, of whom \_\_\_\_\_, constituting a quorum, were present at a meeting thereof duly called and  
held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; and that the foregoing resolution was adopted at such meeting  
by the vote shown above. I further certify that as of \_\_\_\_\_, the date of closing of the loan from the Government, said resolution  
remains in effect and has not been rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Title Director of Financee/Clerk of Council

**RESOLUTION NO. 22-2018**  
**(Sponsor: Councilmember Gates)**

**DECLARING THE INTENT TO VACATE RAILROAD STREET AND SANDUSKY STREET IN THE CITY OF SHELBY, OHIO.**

WHEREAS, the plats of the City of Shelby, Ohio, indicate that Railroad Street and Sandusky Street are dedicated streets in the City of Shelby; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate streets and sets forth the procedure for doing so; and

WHEREAS, the owners of the property contiguous to and abutting Railroad Street and a portion of Sandusky Street have submitted a "Petition to Vacate Street or Alley" to the Council of the City of Shelby asking that said street be vacated; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby, Ohio, that Railroad Street and Sandusky Street be vacated as shown and described on Exhibit A; and

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

Section 1: That it is the intent of the Council of the City of Shelby that Railroad Street and Sandusky Street as shown and described on Exhibit A within the City of Shelby be vacated.

Section 2: That, in accordance with Codified Ordinance Section 1028.02, the Clerk of Council of the City of Shelby is hereby instructed to cause notice of Council's intent to vacate Railroad Street and Sandusky Street as shown and described on Exhibit A to be served upon those persons mandated by the terms of the Charter of the City of Shelby, Ohio.

Section 3: That, in accordance with Codified Ordinance Section 1028.02, the Board of Revision of Assessments shall hold a meeting to consider Council's intent to vacate as well as any objections which may be lodged concerning said intent and that said Board of Revision of Assessment submit a report to the Council of the City of Shelby following said meeting.

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

Section 5: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

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

\_\_\_\_\_  
Steven Lifer  
Director of Finance

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

Prepared by:

\_\_\_\_\_  
Gordon Byster  
Director of Law