

3:30 Community & Economic Development Committee
6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda
Monday, August 7, 2017
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 July 17, 2017

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Safety Committee—Derrin Roberts

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO REQUEST A LIQUOR HEARING FOR R CHANDAT LLC DBA 24 STORE
SHELBY 172 NORTH GAMBLE**

Moved _____ 2ND _____

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

**MOTION TO REQUEST A LIQUOR HEARING FOR LAUREL SHELBY LLC 147 1/2
MANSFIELD AVENUE**

Moved _____ 2ND _____

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

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

ORDINANCE NO 16-2017

AUTHORIZING THE SALE OF REAL ESTATE THAT IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE

1ST READING

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

ORDINANCE NO 18-2017

AMENDING SECTION 278.04 (DESIGNATION OF PARKS AND PARKWAYS) OF CHAPTER 278 (BOARD OF PARK COMMISSIONERS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 19-2017

**ENACTING SECTION 608.20 (ESCAPE) OF CHAPTER 608
(ORDINANCES AND RESOLUTIONS) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

3RD READING

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

PASSAGE OF ORDINANCE

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

SUBSTITUTE ORDINANCE NO 20-2017

**ENACTING SECTION 608.21 (ILLEGAL
CONVEYANCE OF PROHIBITED ITEMS
ONTO GROUNDS OF DETENTION FACILITY)
OF CHAPTER 608 (ORDINANCES AND
RESOLUTIONS) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

2ND READING

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

ORDINANCE NO 21-2017

**AMENDING ORDINANCE NO 8-2017 (ANNUAL
APPROPRIATIONS), AND DECLARING AN EMERGENCY**

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

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 22-2017

**AMENDING SECTION 238.01 (ESTABLISHMENT;
MEMBERSHIP) OF CHAPTER 238 (POLICE
DEPARTMENT) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

1ST READING

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

RESOLUTION NO 20-2017 **AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE SHELBY CITY SCHOOLS AND PIONEER CAREER AND TECHNOLOGY CENTER FOR THE EMPLOYMENT OF SCHOOL RESOURCE OFFICERS**

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

RESOLUTION NO 21-2017 **AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PARTICIPATE IN THE STATE COOPERATIVE PURCHASING PLAN FOR THE PURCHASE OF A ZOLL X SERIES MANUAL MONITOR/DEFIBRILLATOR WITH ACCESSORIES**

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

RESOLUTION NO 22-2017 **AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR THE SAFETY INTERVENTION GRANT FOR FIREFIGHTERS EXPOSURE TO ENVIRONMENTAL ELEMENTS FOR THE PURCHASE OF FIREFIGHTING HOODS AND GLOVES AND DECLARING AN EMERGENCY**

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

Miscellaneous Business

Adjournment at p.m.

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

Referred
to Public
works &
General Op
Comm

ORDINANCE NO: 16-2017
(Sponsor: Councilmember Gates)

AUTHORIZING THE SALE OF REAL ESTATE THAT IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.

WHEREAS, the City of Shelby by and through its Council has the special power to sell its real estate when such real estate is no longer needed for any municipal purpose; and

WHEREAS, the Mayor as Director of Public Service has determined that the site reflected by the attached Exhibit A is no longer needed for any municipal purpose; and

WHEREAS, the property reflected in the attached Exhibit A has a certain value and the Council of the City of Shelby and/or the Mayor as Director of Public Service desire to review bids of no less than Two Hundred Thousand One Hundred Eighty (\$200,180.00); 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 parcel of real estate be sold by the City of Shelby.

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 the real estate belonging to the City of Shelby reflected in the Attached Exhibit A is no longer needed for any municipal purpose

Section 2: That the Mayor as Director of Public Service be and is hereby authorized to sell said real estate to the highest bidder(s) according to law, with a minimum bid of Two Hundred Thousand One Hundred Eighty (\$200,180.00) Dollars, and further authorized to convey said real estate by quitclaim deed to such highest bidder(s) according to law, and subject to any and all lease agreements.

Section 3: That the City of Shelby shall reserve unto itself sufficient utility easements as may be required.

Section 4: That the Director of Finance and Public Record shall deposit the proceeds of the sale of real estate described in Section 1 to the credit of the General Fund.

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

PASSED: _____


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

SUBSTITUTE ORDINANCE NO: 16-2017
(Sponsor: Councilmembers Roberts and Roub)

DETERMINING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY BE SOLD AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, The City of Shelby owns a parcel of land within said City which should be sold, and which is more particularly described in the attached Exhibit 1; and

WHEREAS, The Charter of the City of Shelby provides, in Section 1, that the City may acquire property in fee simple or lesser interest and may sell, convey, lease, hold, manage, and control such property; and

WHEREAS, Ohio Revised Code Section 1724.10 authorizes the Council to designate the Community Improvement Corporation as its agent for the sale of lands which have been determined not to be required by the political subdivision for its purposes; and

WHEREAS, The sale or transfer of the property described in the attached Exhibit 1 will promote the welfare of the people of the political subdivision; and

WHEREAS, Ohio Revised Code Section 1724:10 allows for the sale of real property that will promote the welfare of the people of 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 this parcel be sold and that the Community Improvement Corporation of Shelby, Inc. be designated the agent of the City for the sale of the parcel of land reflected in the attached Exhibit 1.

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

Section 1: That the real estate attached hereto as Exhibit 1 shall be sold.

Section 2: That the City designates the Community Improvement Corporation of Shelby, Ohio, Inc. (CIC) as its agent in the sale of the above described real property in accordance with Ohio Revised Code 1724.10 (B), subject to the following conditions:

- a. The property may be sold in its entirety (lots 1 & 2 as shown on exhibit 1) or separately as lots 1 & 2, whichever provides for the greatest sum.
- b. Said real property shall be in contract to sell within six (6) months of the effective date of this Ordinance.
- c. The CIC shall have the exclusive right to sell said real property within six (6) months of the effective date of this Ordinance.
- d. The CIC may retain a sum not greater than six percent (6%) of the sale price, after the deduction of all appraisal fees and all costs related to the sale of the property.
- e. A quit-claim deed shall be used to transfer said real property.
- f. Said real property shall be sold "as is - where is" with no warranties whatsoever, either expressed or implied.
- g. That the City of Shelby shall reserve unto itself sufficient utility easements as may be required.

Section 3: That the Director of Finance and Public Record shall deposit the net proceeds from the sale of said real property into the Electric Fund.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

PROPERTY INFORMATION

USE: COMMERCIAL BUILDINGS, SENIOR CENTER, CAR WASH,
& BEER DOCK
ADDRESS: MANSFIELD AVENUE

DATE: APRIL 25, 2000
REVISED: JUNE 12, 2002

P

LEGAL DESCRIPTION: OUTLOT 42 & PTS. OUTLOT 154 & 155

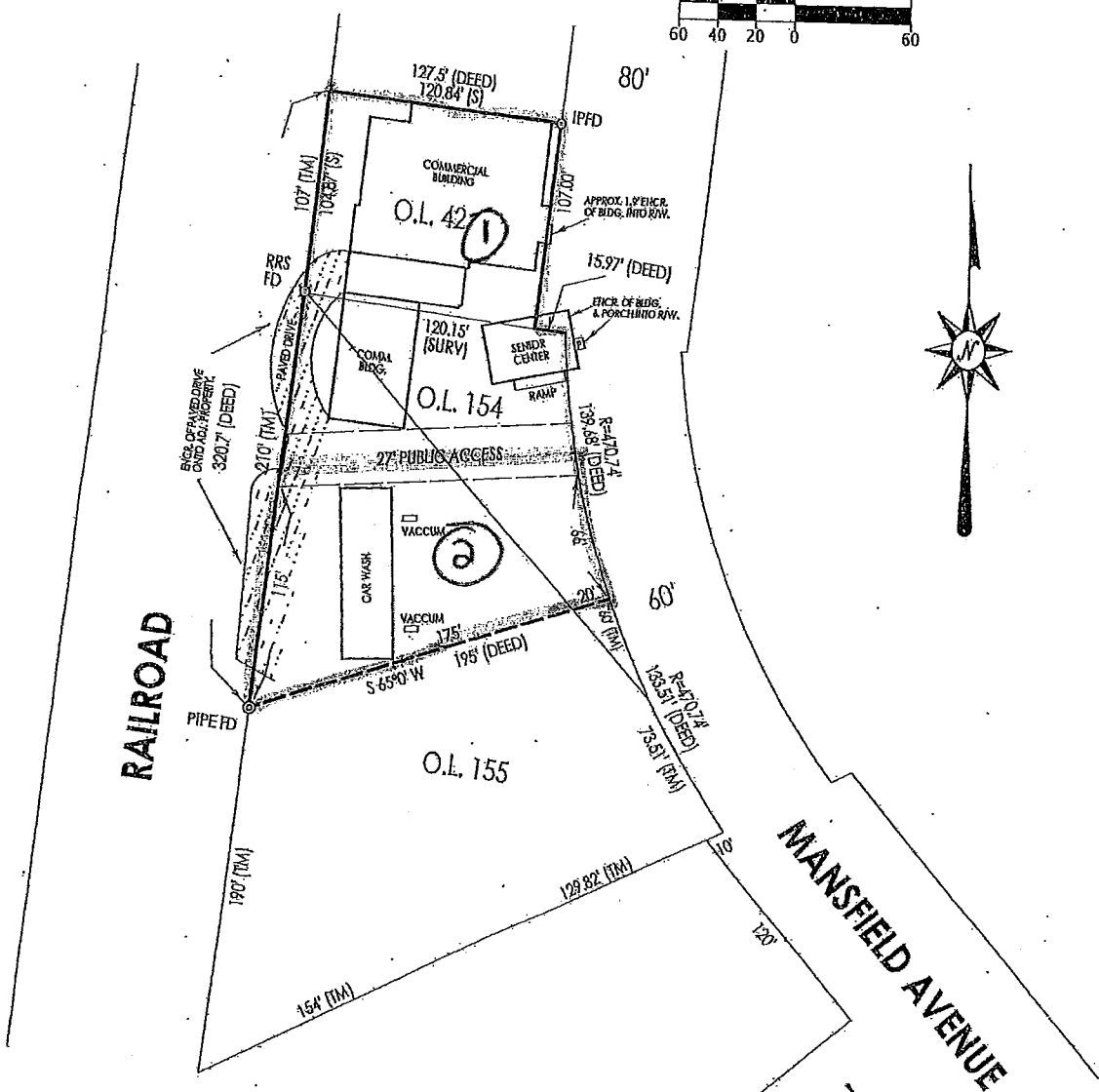
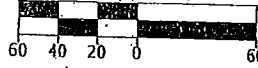
DEED VOLUME 799, PAGE 196

EXHIBIT 1

SUBJECT PROPERTY IS IN ZONE X
AS SHOWN ON THE FEDERAL INSURANCE
AGENCY FLOOD HAZARD BOUNDARY
MAP NO. 3904790004B

KG

SCALE: 1" = 60'



BEGINNING FOR THE SAME AT A POINT WHICH IS THE INTERSECTION OF THE NORTHWEST RIGHT-OF-WAY LINE OF MONROE AVENUE AND THE SOUTHWEST RIGHT-OF-WAY LINE OF MANSFIELD AVENUE; THENCE NORTHWESTERLY ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF MANSFIELD AVENUE A DISTANCE OF 120 FEET TO A POINT; THENCE EASTERLY A DISTANCE OF 10 FEET TO A POINT; THENCE IN A NORTHERLY DIRECTION OF AN ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 470.74 FEET AND ALONG THE WEST RIGHT-OF-WAY LINE OF MANSFIELD AVENUE A DISTANCE OF 133.51 FEET TO A POINT WHICH IS THE REAL POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE S 65° 0' W A DISTANCE OF 195 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF BALTIMORE AND OHIO RAILROAD; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD (WEST LINE OF OUTLOTS 155 AND 42), A DISTANCE OF 320.7 FEET TO A POINT WHICH IS THE NORTHWEST CORNER OF OUTLOT 42; THENCE EASTERLY ALONG THE NORTH LINE OF OUTLOT 42 A DISTANCE OF 127.5 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MANSFIELD AVENUE; THENCE SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF MANSFIELD AVENUE A DISTANCE OF 107 FEET TO A POINT; THENCE EASTERLY A DISTANCE OF 15.97 FEET TO A POINT; THENCE IN A SOUTHERLY DIRECTION ON AN ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 470.74 FEET AND ALONG THE WEST RIGHT-OF-WAY LINE OF MANSFIELD AVENUE A DISTANCE OF 139.68 FEET TO A POINT WHICH IS THE REAL POINT OF BEGINNING BUT SUBJECT TO ALL LEGAL EASEMENTS NOW ON RECORD.

MONROE AVENUE - 60'

1st Reading
7/3/2017
2nd Reading
7/17/2017

ORDINANCE NO: 18-2017
(Sponsor: Councilmember Gates)

AMENDING SECTION 278.04 (DESIGNATION OF PARKS AND PARKWAYS) OF CHAPTER 278 (BOARD OF PARK COMMISSIONERS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Division of Electricity and Communications no longer uses the land designated as Permanent Parcel Number: 046-08-500-14-000; and

WHEREAS, Council wishes to assign responsibility for this land to the Board of Park Commissioners.

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

Section 1: That Section 278.04 of the Codified Ordinances of the City of Shelby be amended to read as follows:

278.04 DESIGNATION OF PARKS AND PARKWAYS.

The following properties are hereby designated as parks and parkways: the properties commonly known as Seltzer Park (Permanent Parcel Numbers 046-08-500-13-000, 046-08-500-23-000, 046-08-500-15-000, 046-08-500-20-000, and 046-05-500-14-000), Rabold Park (Permanent Parcel Numbers 046-08-500-93-000 and 046-08-500-81-000), Veterans Park (Permanent Parcel Number 046-08-500-08-000 and the median of West Park Drive); McBride Park (Permanent Parcel Number 046-08-501-40-000), Easterling Park (Permanent Parcel Number 046-08-500-07-000) Tucker Avenue Park (Permanent Parcel Numbers 046-08-501-20-000 and 046-08-140-02-000); the land on Blackfork Street (Permanent Parcel Numbers 046-08-095-14-000, 046-08-089-17-000, 046-08-201-13-000, 046-08-140-07-000, 046-08-091-02-000, 046-08-012-08-000, 046-08-132-13-000, 046-08-131-20-000, 046-08-033-12-000, 046-08-060-18-000, 046-08-135-18-000, 046-08-153-14-000, 046-08-022-18-000, 046-08-500-03-000, 046-08-018-07-000, 046-08-019-40-000, 046-08-018-08-000, 046-08-500-02-000, 046-08-500-76-000, 046-08-500-75-000, 046-08-501-37-000, and 046-08-185-15-000), the medians on Grand Boulevard and Williams Court; the land on West Main Street (Permanent Parcel Number 0460818609000).

Section 2: That all other sections of Chapter 278 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 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 T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

1st Reading
7/3/2017

2nd Reading
7/17/2017

ORDINANCE NO: 19-2017
(Sponsors: Councilmembers Gates & Roberts)

ENACTING SECTION 608.20 (ESCAPE) OF CHAPTER 608 (ORDINANCES AND RESOLUTIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that the Codified Ordinances of the City of Shelby address and define charges of Escape from the Shelby Police Department holding facility.

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

Section 1: That Section 608.20 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

608.20 ESCAPE.

As used in this section:

“Detention” means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, “detention” includes time spent at an assigned work site and going to and from the work site.

“Detention facility” means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(A) No person, knowing the person is under detention, other than supervised release detention, or being reckless in that regard, shall purposely break or attempt to break the detention, or purposely fail to return to detention, either following temporary leave granted for a specific purpose or limited period, or at the time required when serving a sentence in intermittent confinement.

(1) No person, knowing the person is under supervised release detention or being reckless in that regard, shall purposely break or attempt to break the supervised release detention or purposely fail to return to the supervised release detention, either following temporary leave granted for a specific purpose or limited period, or at the time required when serving a sentence in intermittent confinement.

(B) Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority, is not a defense to a charge under this section if the detention is pursuant to judicial order or in a detention facility. In the case of any other detention, irregularity or lack of jurisdiction is an affirmative defense only if either of the following occurs:

(1) The escape involved no substantial risk of harm to the person or property of another.

(2) The detaining authority knew or should have known there was no legal basis or authority for the detention.

(C) No person shall fail to return to detention at a specified time following temporary leave granted for a specific purpose or limited period or at the time required when serving a sentence in intermittent confinement.

(D) Whoever violates this section of guilty of Escape.

(E) Whoever violates this section is guilty of a misdemeanor of the first degree.

Section 2: That all other sections of Chapter 608 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.

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 D. McLaughlin
Vice President of Council

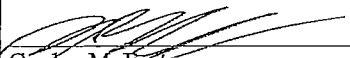
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

7/3/2017

SUBSTITUTE ORDINANCE NO: 20-2017
(Sponsors: Councilmembers Gates & Roberts)

ENACTING SECTION 608.21 (ILLEGAL CONVEYANCE OF PROHIBITED ITEMS ONTO GROUNDS OF DETENTION FACILITY) OF CHAPTER 608 (ORDINANCES AND RESOLUTIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that the Codified Ordinances of the City of Shelby address and define charges of illegal conveyance of prohibited items onto the grounds of a detention facility in the City of Shelby.

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

Section 1: That Section 608.21 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

608.21 ILLEGAL CONVEYANCE OF PROHIBITED ITEMS ONTO GROUNDS OF DETENTION FACILITY.

(A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility any of the following items:

- (1) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code.
- (2) Any tobacco products, as defined in section 2927.02 of the Revised Code.

(B) It is an affirmative defense to a charge under this section that the actor was not otherwise prohibited by law from delivering the item to the confined person or the prisoner, and that either of the following applies:

- (1) The actor was permitted by the written rules of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.
- (2) The actor was given written authorization by the person in charge of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(C) Whoever violates this section is guilty of illegal conveyance, a misdemeanor of the first degree.

(D) As used in this section:

"Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity pursuant to a contract entered into under division (E) of

section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, "detention" includes time spent at an assigned work site and going to and from the work site.

"Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

Section 2: That all other sections of Chapter 608 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.

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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO: 21-2017
(Sponsor: Councilmember McLaughlin)

AMENDING ORDINANCE NO: 8-2017 (ANNUAL APPROPRIATIONS), AND
DECLARING AN EMERGENCY.

WHEREAS, on March 20, 2017, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase the line item within the 2017 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 2017 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: 8-2017 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

502 - WCI - 536 CONSTRUCTION \$25,000.00

Section 2: That all other portions of Ordinance No.: 8-2017, 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 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby, Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO. 22-2017
(Sponsor: Councilmember Gates)

AMENDING SECTION 238.01 (ESTABLISHMENT; MEMBERSHIP) OF CHAPTER 238 (POLICE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: The Board of Education of the Shelby City School District wishes to contract with the City of Shelby to provide a School Resource Officer; 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 of the Codified Ordinances of the City of Shelby be amended to accomplish this end.

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 Chief of Police;
- (2) Three police captains;
- (3) Two police sergeants;
- (4) Eleven police patrol officers, two 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 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. Eyster
Director of Law

RESOLUTION NO. 21-2017
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PARTICIPATE IN THE STATE COOPERATIVE PURCHASING PLAN FOR THE PURCHASE OF A ZOLL X SERIES MANUAL MONITOR/DEFIBRILLATOR WITH ACCESSORIES.

WHEREAS, The Shelby Fire Department desires to purchase a monitor/defibrillator with accessories for the operation of the department; and

WHEREAS, the requirements of advertising and bidding are dispensed with the event that said monitor/defibrillator with accessories is purchased through the State Cooperative Purchase Plan; 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 be authorized to purchase one monitor/defibrillator with accessories as detailed on the product quotation from Zoll Medical Corporation.

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 Safety shall be and is hereby authorized to purchase a Zoll X Series Manual Monitor/Defibrillator with accessories as outlined on the product quotation from Zoll Medical Corporation through the State Cooperative Purchase Program.

Section 2: That this authorization to purchase is contingent upon the outcome of the Assistance to Firefighters Grant Program as authorized in Resolution No. 70-2016 by Shelby City Council on November 7, 2016.

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

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

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 32-2017
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR THE SAFETY INTERVENTION GRANT FOR FIREFIGHTERS EXPOSURE TO ENVIRONMENTAL ELEMENTS FOR THE PURCHASE OF FIREFIGHTING HOODS AND GLOVES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Bureau of Workers' Compensation provides financial assistance for fire department purposes through the Safety Intervention Grant for Firefighters Exposure to Environmental Elements; and

WHEREAS, the Shelby Fire Department desires financial assistance under the Safety Intervention Grant for Firefighters Exposure to Environmental Elements to purchase firefighting hoods and gloves; 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 apply for a Safety Intervention Grant for Firefighters Exposure to Environmental Elements.

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 Council approve an application for financial assistance for firefighting hoods and gloves through the Safety Intervention Grant for Firefighters Exposure to Environmental Elements.

Section 2: That the Mayor as Director of Public Safety shall be and is hereby authorized and directed to execute and file an application with the Ohio Bureau of Workers' Compensation 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.

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

Section 5: That this Resolution is hereby deemed to be an emergency and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law