

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

**Shelby City Council Agenda**  
**Monday, July 17, 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 3, 2017**

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

**Public Comment**

AMP Scholarship Presentation to Jenna Lybarger

**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

**MOTION TO CONFIRM THE APPOINTMENT OF BETH CONRAD AS ENVIRONMENTAL  
HEALTH DIRECTOR/SANITARIAN EFFECTIVE AUGUST 1, 2017**

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

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

Dr. Greg Timberlake—CIC President—Montrose Group Report Review/Recommendations

**Unfinished Business**

**Legislation**

**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**

**2ND READING**

Moved        2<sup>ND</sup>       

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

**ORDINANCE NO 19-2017**

**ENACTING SECTION 608.20 (ESCAPE) OF CHAPTER 608 (ORDINANCES AND RESOLUTIONS) 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 20-2017**

**ENACTING SECTION 608.21 (ILLEGAL CONVEYANCE OF WEAPONS, DRUGS, OR OTHER 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 \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_ Mr. Roub \_\_\_\_\_  
Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_

**RESOLUTION NO 18-2017**

**AUTHORIZING THE COUNCIL OF THE CITY OF SHELBY TO ADOPT A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

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

**RESOLUTION NO 19-2017**

**AUTHORIZING THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT WITH R. CHANDAT, LLC FOR A GAS STATION AND CONVENIENCE STORE, PURSUANT TO OHIO REVISED CODE SECTIONS 3735.65 TO 3735.70**

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

**Miscellaneous Business**

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

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

1st Reading  
7/3/2017

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. Eyster  
Director of Law

1st Reading  
7/3/2017

**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 is 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. Eyster  
Director of Law

1st reading  
7/3/2017

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

**ENACTING SECTION 608.21 (ILLEGAL CONVEYANCE OF WEAPONS, DRUGS, OR OTHER 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 weapons, drugs, or other 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 WEAPONS, DRUGS, OR OTHER PROHIBITED ITEMS ONTO GROUNDS OF DETENTION FACILITY.**

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.

Illegal conveyance of weapons, drugs or other prohibited items onto grounds of detention facility or institution.

(A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

- (1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;
- (2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;
- (3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place.

(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the department of mental health and addiction services or the department of developmental disabilities any item listed in division (A)(1), (2), or (3) of this section.

(D) No person shall knowingly deliver, or attempt to deliver, cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment.

(E) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communications device.

(F)(1) It is an affirmative defense to a charge under division (A)(1) of this section that the weapon or dangerous ordnance in question was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and, if the weapon or dangerous ordnance in question was a firearm, that it was unloaded and was being carried in a closed package, box, or case or in a compartment that can be reached only by leaving the vehicle.

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

(a) 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.

(b) 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.

(G)(1) Whoever violates division (A)(1) of this section or commits a violation of division (C) of this section involving an item listed in division (A)(1) of this section is guilty of illegal conveyance of weapons onto the grounds of a specified governmental facility, a felony of the third degree. If the offender is an officer or employee of the department of rehabilitation and correction, the court shall impose a mandatory prison term.

(2) Whoever violates division (A)(2) of this section or commits a violation of division (C) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility, a felony of the third degree. If the offender is an officer or employee of the department of rehabilitation and correction or of the department of youth services, the court shall impose a mandatory prison term.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section, illegal conveyance of cash onto the grounds of a detention facility is a felony of the fifth degree.

(5) Whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree, or if the offender previously has been convicted of or pleaded guilty to a violation of division (E) of this section, a felony of the fifth 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

AMENDED 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

**RESOLUTION NO. 18-2017**  
**(Sponsor: Councilmember Roberts)**

**AUTHORIZING THE COUNCIL OF THE CITY OF SHELBY TO ADOPT A MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.**

WHEREAS, the Richland County Emergency Management Agency has developed a Federally Approved Multi-Jurisdictional Hazard Mitigation Plan that includes all hazards to which Richland County and its municipalities are susceptible as per Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, the City of Shelby has been assessed for its susceptibility to all hazards; and

WHEREAS, a list of all critical facilities and other assets in the City of Shelby that could be affected by hazardous events has been generated; and

WHEREAS, the estimated potential losses that the City of Shelby's assets could incur during a hazardous event have been calculated; and

WHEREAS, goals, objectives, and strategies to mitigate against the hazards that have been identified in the County, including the City of Shelby, have been developed; and

WHEREAS, mitigation measures for the City of Shelby and surrounding areas have been analyzed; and

WHEREAS, mitigation strategies for the City of Shelby and surrounding areas have been prioritized; and

WHEREAS, Richland County's stakeholders have agreed to periodically review and update the Multi-Jurisdictional Hazard Mitigation Plan.

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

Section 1: That the City Council of the City of Shelby hereby adopts the plan to implement the actions prescribed in the Federally Approved Multi-Jurisdictional Hazard Mitigation Plan.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with 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: \_\_\_\_\_

\_\_\_\_\_  
Steven 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. 19-2017**  
**(Sponsor: Councilmember Gates)**

**AUTHORIZING THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT WITH R. CHANDAT, LLC FOR A GAS STATION AND CONVENIENCE STORE, PURSUANT TO OHIO REVISED CODE SECTIONS 3735.65 TO 3735.70.**

WHEREAS, the City of Shelby has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

WHEREAS, Shelby City Council by Ordinance No. 66-98 on November 16, 1998, and amended by Ordinance No. 9-2008 on May 19, 2008, designated an area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the City of Shelby has complied with the notice requirements set forth in Ohio Revised Code Sections 3735.67 and 5709.83 regarding the provision of notice to any and all Board(s) of Education of any school district located within the territory of which the Property upon which R. Chandat, LLC is to be to be constructed and/or said board(s) of education have waived any and all necessary notice requirements; and

WHEREAS, R. Chandat, LLC has submitted an application regarding the project to the City pursuant to Chapter 3537.67 of the Ohio Revised Code; and

WHEREAS, the City is desirous of providing R. Chandat, LLC with the incentive available for development in the Community Reinvestment Area pursuant to Ohio Revised Code Sections 3735.65 to 3735.70 and desirous of entering into an agreement with R. Chandat, LLC granting tax exemptions for real property comprising the project.

**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, after receipt and review of the application, finds and determines that R. Chandat, LLC is qualified by financial responsibility and business experience to create employment opportunities in the Community Reinvestment Area and improve the economic climate of the City.

Section 2: That based on the aforesaid facts, data, and information materials and reports, City Council hereby finds and determines that R. Chandat, LLC is a "property owner" and the Project is a "project" within the meaning of the Community Reinvestment Program and that all conditions required by the program to be satisfied prior to the City entering into an agreement with R. Chandat, LLC under Chapter 3735.61 of the Ohio Revised Code have been satisfied.

Section 3: That the Mayor of the City of Shelby is hereby authorized and directed to enter into an agreement (the "Agreement") with R. Chandat, LLC upon substantially the same terms and conditions and in substantially the same form as set forth in the agreement which is attached hereto and incorporated by reference as Exhibit A, and which is presently on file with the Clerk of the City of Shelby Council, with such thereto as the person and person executing the Agreement may approve, such execution thereof being conclusive of such approval.

Section 4: That the Mayor of the City of Shelby, Ohio and/or designee is hereby authorized and directed to execute and deliver all instruments and to take all other actions necessary to satisfy the obligations of the City under the Agreement and to cause the City to obtain the benefits to which it is entitled under the Agreement, all on behalf of the City of Shelby.

Section 5: That the Boards of Education of both the Shelby City School District and the Pioneer Career and Technology Center have approved Revenue Sharing Agreements and have been provided and/or waived the necessary notices as required by Ohio Revised Code Sections 3735.67 and 5709.83.

Section 6: That the Council of the City of Shelby waives the fee as described in Section 3735.671(D) of the Ohio Revised Code. This waiver does not affect the obligations of the legislative authority or the tax incentive review council to comply with Sections 3735.672 or 5709.85 of the Ohio Revised Code.

Section 7: That the Council of the City of Shelby will forward the copy of the Agreement to the Director of Ohio Development Services Agency and to the Richland County Auditor within fifteen (15) days after the Agreement is entered into as well as forward the required state application fee of \$750.00 from R. Chandat, LLC to the Ohio Development Services Agency.

Section 8: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Ordinance No. 9-2008, Ohio Revised Code Section 3735.66 and the Charter of the City of Shelby, Ohio.

Section 9: 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 T. Lifer  
Clerk of Council

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

Prepared by:

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