

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

Shelby City Council Agenda
Monday, July 3, 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 _____

Motion to excuse Charlie Roub

Moved _____ 2ND _____

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

Dispense with Reading of Journal from June 19, 2017

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Derrin Roberts

Reports of City Officials

Steven L. Schag—Mayor

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Declaration of Independence

Legislation

ORDINANCE NO 17-2017

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

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

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

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 19-2017

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

1ST READING

Moved _____ 2ND _____

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

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

1ST READING

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

ORDINANCE NO: 17-2017
(Sponsor: Councilmember Gates)

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 CONCURRING:

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

Section 2: That the City designate 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. Said real property shall be sold for not less than the appraised value as determined by a licensed real estate appraiser, all appraisal fees and all costs related to the sale of the property.
- 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 General 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.

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

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

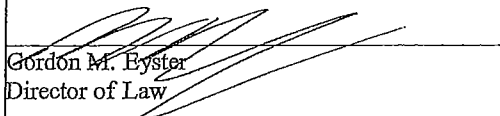
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

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

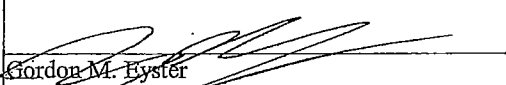
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law