

Joe

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

**Shelby City Council Agenda**  
**Monday, May 7, 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 16, 2018**

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

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

**Public Comment**

AMP Scholarship Presentation to Hannah Hendrickson

**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

**Proclamations**

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

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

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**

Future Use of Present Fire Station

West Main Street Sewer Project—Board of Revision & Assessments Report

Junk Cruisers

**Legislation**

**AMENDED ORDINANCE NO 5-2018      AMENDING SECTION 238.01 (ESTABLISHMENT  
AND MEMBERSHIP) OF CHAPTER 238 (POLICE  
DEPARTMENT) OF THE CODIFIED ORDINANCES  
OF THE CITY OF SHELBY**

**3RD READING**

Moved            2<sup>ND</sup>

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

**PASSAGE OF ORDINANCE**

Moved            2<sup>ND</sup>

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

**ORDINANCE NO 7-2018**

**AMENDING THE ZONING ORDINANCE (ORDINANCE 1-91, PART 12, TITLE 6) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO TO CHANGE PERMANENT PARCEL NUMBERS ON EAST MAIN STREET WHICH ARE DESIGNATED R-1-A (RESIDENTIAL DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AND CHANGING A PERMANENT PARCEL NUMBER ON WEST MAIN STREET FROM B-2 (CENTRAL BUSINESS DISTRICT) TO CD (CONSERVATION DISTRICT)**

**1ST READING**

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

**RESOLUTION NO 23-2018**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO DEMOLISH THE FORMER CAR WASH ON MANSFIELD AVENUE**

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

**RESOLUTION NO 24-2018**

**DECLARING PROPERTY OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO HIRE TO SELL OBSOLETE PROPERTY**

**Miscellaneous Business**

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

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

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

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

1st Reading  
4/2/2018  
2nd Reading  
4/14/2018

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

**AMENDING SECTION 238.01 (ESTABLISHMENT AND MEMBERSHIP) OF CHAPTER 238 (POLICE DEPARTMENT) 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 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. Eyster  
Director of Law

ORDINANCE NO. 7 -2018  
(Sponsor: Councilmembers Roberts and Roub)

**AMENDING THE ZONING ORDINANCE (ORDINANCE 1-91, PART 12, TITLE 6) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO TO CHANGE PERMANENT PARCEL NUMBERS ON EAST MAIN STREET WHICH ARE DESIGNATED R-1-A (RESIDENTIAL DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AND CHANGING A PERMANENT PARCEL NUMBER ON WEST MAIN STREET FROM B-2 (CENTRAL BUSINESS DISTRICT) TO CD (CONSERVATION DISTRICT)**

WHEREAS, by authority of Codified Ordinances 1260.05, the Council of the City of Shelby has determined that permanent parcel numbers on East Main Street as located in the R-1-A (Residential District) be zoned as B-2 (Central Business District) property, and a permanent parcel number on West Main Street as located in the B-2 (Central Business District) be zoned as CD (Conservation District) property; and

WHEREAS, in accordance with Codified Ordinance 1260.05 the Council of the City of Shelby has determined that said amendment to the Zoning Ordinance is necessary; and

WHEREAS, the Planning Commission of the City of Shelby has reviewed the proposed amendment and has approved of same on April 24, 2018; and

WHEREAS, in accordance with mandates to the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning this proposed amendment; 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 Ordinance number 1-91, Part 12, Title 6 be amended and that certain permanent parcel numbers on East Main Street and West Main Street be rezoned.

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

Section 1: That the zoning map attached to Ordinance Number 1-91 as passed on March 4, 1991 (with amendments) is hereby revised and amended by changing the following Richland County Permanent Parcel Numbers:

0460850012000      10 East Main Street  
0460850144000      10 East Main Street

from R-1-A (Residential District) to B-2 (Central Business District)

Section 2: That the zoning map attached to Ordinance Number 1-91 as passed on March 4, 1991 (with amendments) is hereby revised and amended by changing the following Richland County Permanent Parcel Number:

0460818609000      10 West Main Street

from B-2 (Central Business District) to CD (Conservation District)

Section 3: That the Clerk of Council and the Chairman of the Shelby Planning Commission are directed to make the necessary changes on the original zoning map of the City of Shelby, Ohio.

Section 4: That all other zones and designations currently on said map; not modified herein are to remain in full force and effect.

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: \_\_\_\_\_

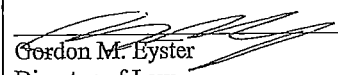
\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 23 -2018  
(Sponsor - Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO DEMOLISH THE FORMER CAR WASH ON MANSFIELD AVENUE.**

WHEREAS, the building and grounds commission has recommended that the City of Shelby should proceed with the demolition of the former Mansfield Avenue Car Wash within the City of Shelby, Ohio, and has determined that there are no statutes, regulations, nor mandates which prohibit such action; and

WHEREAS, the Building and Grounds Commission of the City of Shelby has determined that said building has no value in its present condition, and that any type of repair/rehabilitation would not be in the best interest of the City of Shelby, and further recommended that the building be demolished; 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 former Mansfield Avenue Car Wash within the City of Shelby be demolished and said lot cleared; and

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to proceed with the demolition of the former Mansfield Avenue Car Wash within the City of Shelby, Ohio.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

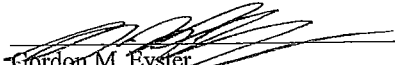
\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Steven Lifer  
Clerk of Council

\_\_\_\_\_  
Steven Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law



RESOLUTION NO. 24 - 2018  
(Sponsor- Councilmember Martin)

**DECLARING PROPERTY OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO HIRE TO SELL OBSOLETE PROPERTY.**

WHEREAS, the City of Shelby owns property which is deemed to be obsolete and no longer needed (see list attached hereto); and

WHEREAS, it is necessary for the obsolete property to be sold, which the value of each item is worth greater than \$1,000.00; and

WHEREAS, Ohio Revised Code Section 721.15 allows such property to be sold to the highest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipal corporation; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service or his designee, sell the property under any terms authorized by the Mayor and in compliance with Ohio Law.

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

Section 1: That the Mayor as Director of Public Service or his designee shall be and is hereby authorized to sell the obsolete property listed on the attached Exhibit A to the highest bidder after advertisement pursuant to Ohio Law.

Section 2: That the Director of Finance and Public Record shall deposit the proceeds from the sale of obsolete property as follows: any proceeds from the two (2) police vehicles into the General Fund; the proceeds from all remaining property into the electric fund.

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