

# The City Record

Official Municipal Bulletin - Shelby Ohio

Legislative Update 2019



## Current Council

[Mayor Steven Schag](#), President of Council, (419) 347-5131

[Finance Director Steven Lifer](#), Clerk of Council, (419) 342-5885

[Law Director Gordon Eyster](#) (419) 342-4261

## Councilmembers:

**At-Large:** [Steven McLaughlin](#), (419) 566-8528 - [stevemclaughlin@shelbycity.oh.gov](mailto:stevemclaughlin@shelbycity.oh.gov)

**First Ward:** [Charles Roub Jr.](#), (419)347-6676 - [charlesroub@shelbycity.oh.gov](mailto:charlesroub@shelbycity.oh.gov)

**Second Ward:** [Derrin Roberts](#), (419) 961-3116 - [derrinroberts@shelbycity.oh.gov](mailto:derrinroberts@shelbycity.oh.gov)

**Third Ward:** [Garland John Gates](#), (419) 347-3337 - [garlandgates@shelbycity.oh.gov](mailto:garlandgates@shelbycity.oh.gov)

**Fourth Ward:** [Nathan Martin](#), (567) 275-2525 - [nathanmartin@shelbycity.oh.gov](mailto:nathanmartin@shelbycity.oh.gov)

**ORDINANCE NO. 26-2018**  
**(Sponsor: Councilmember Gates)**

**CORRECTING AN ERROR ON THE SHELBY ZONING DISTRICTS MAP.**

WHEREAS, the official Zoning Districts Map of the City of Shelby contains an error in that it places the property at 100 North Gamble Street in the R-2 Residential District; however, said property has been used for commercial purposes since circa 1960; 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 said error be corrected.

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

Section 1: That the official Zoning Districts Map of the City of Shelby be corrected to place the property located at 100 North Gamble Street (Richland County Parcel Numbers: 046-08-104-13-000 and 046-08-104-12-000) in the B-3 Highway Service Business District.

Section 2: 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 3: 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.

1st Reading  
10/15/2018

2nd Reading  
11/5/2018

Referred to  
Planning Comm  
11/19/2018

passed  
1-7-19

12/3/2018

AMENDED ORDINANCE NO. 31-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, and Roberts)

**ENACTING CHAPTER 625 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)**

**WHEREAS**, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

**WHEREAS**, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

**WHEREAS**, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

**WHEREAS**, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

**WHEREAS**, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

**WHEREAS**, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

**WHEREAS**, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

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

Section 1: That Chapter 625 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**"625.01 DEFINITIONS.**

- (a) "Academic medical center" has the same meaning as in section 4731.297 of the Ohio Revised Code.
- (b) "Marijuana" has the same meaning as defined in section 3719.01 of the Ohio Revised Code.
- (c) Medical marijuana has the same meaning as found in 3796.01 of the Ohio Revised Code.
- (d) "State university" has the same means as in section 3345.011 of the Ohio Revised Code.
- (e) Manufacture has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (f) Cultivate has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (g) Dispense has the same meaning as found in 2925.01 of the Ohio Revised Code.

*Passed  
1-7-19*

**625.02 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.**

(a) The cultivation, manufacture, or retail dispensing of medical marijuana within the City of Shelby is prohibited.

(b) This section does not prohibit research related to marijuana at a state university, academic medical center, or private research and development organizations as part of a research protocol as approved by an institutional review board or equivalent entity, if otherwise permitted by State law or rule, or local ordinance.

(c) Whoever violates section (a) is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense.”

Section 2: 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 3: 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.

AMENDED ORDINANCE NO. 32-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, and Roberts)

ENACTING SECTION 1296.17 OF THE ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

WHEREAS, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

WHEREAS, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

WHEREAS, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

*Passed  
1-7-19*

WHEREAS, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

WHEREAS, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

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

Section 1: That Section 1296.17 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**\* 1296.17 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA IS PROHIBITED IN ALL ZONING DISTRICTS.**

- (a) The cultivation, manufacture, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts of the City of Shelby.
- (b) Use of property in violation of this section shall constitute a nuisance.
- (c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any award, judgment, or fine in contempt levied in relation to a violation of this Section."
- (d) Cultivate, manufacture, and dispense have the same meaning as found in 2925.01 of the Ohio Revised Code.

Section 2: 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 3: 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. 2 -2019**  
**(Sponsor – Councilmembers Martin and Gates)**

**AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2492, AND DECLARING AN EMERGENCY.**

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Association of Firefighters, Local 2492, as the bargaining representatives for certain employees of the Fire Department; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement(s).

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 Mayor is hereby authorized and directed to enter into agreement(s) with the International Association of Firefighters, Local 2492 on behalf of certain employees of the Fire Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as though fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

Section 4: 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 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  
1-7-19*

**RESOLUTION NO. 1-2019**  
**(Sponsor: Councilmembers Gates and Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2019 MOSQUITO CONTROL GRANT FOR THE CONTROL OF MOSQUITOES AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for the controlling of mosquitoes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program for controlling of mosquitoes; 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 of City of Shelby apply for a Mosquito Control Grant.

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 City of Shelby Council approves an application for financial assistance for the controlling of mosquitoes.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency 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  
1-7-19*

**RESOLUTION NO. 2 -2019**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE NORTH BROADWAY STORM SEWER PROJECT.**

WHEREAS, it has become necessary to install storm sewer lines on the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; 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 Service be authorized to acquire rights of easement for the installation of a storm sewer line.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is hereby authorized to acquire rights of easement for the installation of a storm sewer line for the North Broadway Storm Sewer Project as prepared by Nathan Sautter, Ohio Registered Surveyor No. 8252 on December 5, 2018.

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 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  
1-7-19*



RESOLUTION NO. 3 -2019  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF THIRTY-THREE THOUSAND NINE HUNDRED FIFTY-TWO AND 04/100 DOLLARS (\$33,952.04) AS AN INCREASE.**

WHEREAS, the City of Shelby has entered into a contract with North Bay Construction, Inc. for the Waste Water Treatment Plant Improvement Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #26; 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 change order be approved.

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 shall be and is hereby authorized to enter into Contract Change Order with North Bay Construction, Inc. for the total amount of Thirty-Three Thousand Nine Hundred Fifty-Two and 04/100 Dollars (\$33,952.04) as an increase.

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  
1-7-19*

RESOLUTION NO. 4 -2019  
(Sponsor- Councilmember Martin)

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2019 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO.**

WHEREAS, plans and specifications have been completed for the 2019 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said improvements be made to said streets within the City of Shelby.

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

Section 1: That the plans and specifications for the 2019 Paving Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said paving project.

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  
1-22-19*

RESOLUTION NO. 5 -2019  
(Sponsor: Councilmember Martin)

**APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE NORTH BROADWAY STORM SEWER PROJECT.**

WHEREAS, it has become necessary to install a new storm sewer line in the City's system; and

WHEREAS, plans and specifications have been prepared for said project; 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 Service be authorized to advertise for bids and enter into a contract for the improvements herein above described.

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

Section 1: That the plans and specifications are approved and that the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the North Broadway Storm Sewer Project.

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  
1-22-19*

2nd Reading  
1/17/2019

ORDINANCE NO. 35 -2018  
(Sponsor - Councilmember Gates)

**AMENDING SECTION 1028.01 (PETITION REQUIRED; FILING FEE) OF CHAPTER 1028 (VACATION OF STREETS AND ALLEYS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, at present, the expense of a plat and description regarding the vacation of a street or alley is borne by the City of Shelby's General Fund; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that said expense be borne by the petitioner(s) requesting said vacation.

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

Section 1: That Section 1028.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**1028.01 PETITION REQUIRED; FILING FEE.**

(a) Any adjoining property owner who desires the vacation of a street or alley shall file with the Clerk of Council a petition requesting the same. This petition shall read substantially as follows:

**PETITION TO VACATE STREET OR ALLEY**

To the Council of the City of Shelby, Ohio:

We, the undersigned owners of lots in the City of Shelby, Richland County, Ohio, abutting on the street or alley hereinafter described, to wit: *(insert an adequate description of the street or alley proposed to be vacated and attach a plat and description prepared by a registered surveyor showing the street or alley)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

respectfully petition that the street or alley be vacated between the points aforesaid for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

We state that the vacation will not be detrimental to the general interests of the citizens of the City of Shelby. We acknowledge that the vacation will be subject to the provisions of Ohio R.C. Section 723.041, wherein a permanent easement in the vacated street or alley will be retained by and for the benefit of the city and other public utilities.

**WARNING!**

*Sign only your own name upon this petition. Signing another person's name constitutes a violation of law and may invalidate this petition. If you have the legal authority to sign on behalf of another, such as a guardianship or a power of attorney, attach a copy of your legal authority to this petition.*

NAME ADDRESS PHONE LOT NUMBER(S)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CIRCULATOR'S STATEMENT**

I, \_\_\_\_\_, declare under penalty of law that I reside at the address appearing below my signature hereto; that I am the circulator of the foregoing petition containing \_\_\_\_\_ (number) signatures; that I witnessed the affixing of every signature; that all signers are to the best of my knowledge qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

\_\_\_\_\_  
(signature of circulator)

\_\_\_\_\_  
(residence address of circulator)

CERTIFICATE OF VALIDITY

*Patrol  
1-22-19*

I, the undersigned, being the duly elected and qualified Director of Finance and Public Record, and ex officio Clerk of Council, do hereby certify to the Council of the City of Shelby that I have reviewed and examined the foregoing petition and find the same to be sufficient and valid.

Director of Finance and Public Record

(b) The petition shall contain the signatures of not less than 51% of the adjoining property owners. A filing fee of \$150 to cover the costs of notification, publication, recording and other direct costs shall accompany the petition and shall be deposited into the General Fund. The Clerk of Council shall determine the validity and sufficiency of the petition and shall certify the same to City Council in writing no later than the second regular Council meeting after its filing.

Section 2: That all other sections of Chapter 1028 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.

1/22/2019

ORDINANCE NO. 1 -2019  
(Sponsor – Councilmembers Gates, Martin and Roub)

AMENDING SECTIONS 258.01 (SALARIES OF MEMBERS OF COUNCIL), 258.02 (SALARY OF THE MAYOR), 258.03 (SALARY OF THE DIRECTOR OF LAW), AND 258.04 (SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, currently, Chapter 258 (Elected Officials' Salaries) contains no provision for compensation for elected officials whose terms begin in 2020; 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 Chapter 258 be amended so as to provide compensation for elected officials whose terms begin in 2020.

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**258.01 SALARIES OF MEMBERS OF COUNCIL.**

- (a) Effective January 1, 2018, through January 6, 2020, the salary for each member of City Council shall be \$7,415 annually, to be paid biweekly.
- (b) Effective January 6, 2020, through January 3, 2022, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.

**258.02 SALARY OF THE MAYOR.**

- (a) Effective January 1, 2019, through December 31, 2019, the salary for the Mayor shall be \$59,624 annually, to be paid biweekly.
- (b) Effective January 1, 2020, through December 31, 2020, the salary for the Mayor shall be \$67,169 annually, to be paid biweekly.
- (c) Effective January 1, 2021, through December 31, 2021, the salary for the Mayor shall be \$68,512 annually, to be paid biweekly.
- (d) Effective January 1, 2022, through December 31, 2022, the salary for the Mayor shall be \$69,882 annually, to be paid biweekly.
- (e) Effective January 1, 2023, through December 31, 2023, the salary for the Mayor shall be \$70,581 annually, to be paid biweekly.

**258.03 SALARY OF THE DIRECTOR OF LAW.**

- (a) Effective January 1, 2019, through December 31, 2019, the salary for the Director of Law shall be \$46,462 annually, to be paid biweekly.
- (b) Effective January 1, 2020, through December 31, 2020, the salary for the Director of Law shall be \$47,856 annually, to be paid biweekly.
- (c) Effective January 1, 2021, through December 31, 2021, the salary for the Director of Law shall be \$48,813 annually, to be paid biweekly.
- (d) Effective January 1, 2022, through December 31, 2022, the salary for the Director of Law shall be \$49,789 annually, to be paid biweekly.
- (e) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Law shall be \$50,287 annually, to be paid biweekly.

*Passed  
2-4-19*

**258.04 SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD.**

(a) Effective January 1, 2019, through December 31, 2019, the salary for the Director of Finance and Public Record shall be \$56,707 annually, to be paid biweekly.

(b) Effective January 1, 2020, through December 31, 2020, the salary for the Director of Finance and Public Record shall be \$58,408 annually, to be paid biweekly.

(c) Effective January 1, 2021, through December 31, 2021, the salary for the Director of Finance and Public Record shall be \$59,576 annually, to be paid biweekly.

(d) Effective January 1, 2022, through December 31, 2022, the salary for the Director of Finance and Public Record shall be \$60,768 annually, to be paid biweekly.

(e) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Finance and Public Record shall be \$61,376 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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.

ORDINANCE NO: 4-2019  
(Sponsors: Councilmembers Gates and Roberts)

**DETERMINING THAT CERTAIN REAL PROPERTY AND BUILDING OWNED BY THE CITY OF SHELBY BE LEASED AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE LEASE AGREEMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby owns a parcel of land with a building within the City available for lease, 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 of Shelby, Ohio, Inc., as its agent for the sale or lease of lands which have been determined not to be required by the political subdivision for its purposes; and

WHEREAS, the lease of the property and building described in the attached Exhibit 1 will promote the welfare of the people of the City of Shelby; and

WHEREAS, Ohio Revised Code Section 1724.10 allows for the sale or lease 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 property and building be leased and that the Community Improvement Corporation of Shelby, Inc., be designated the agent for the City for the lease of the property.

**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 property and building attached hereto as Exhibit 1 shall be leased.

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

- a. Said lease shall terminate on or before October 13, 2019.
- b. The CIC's charge for services pursuant to Ohio Law shall be no greater than 2% of the total leased payments.

*Passed  
2-4-19*



- c. Any Lessee shall obtain a Certificate of Insurance naming the City as an "Additional Insured." Further any Lessee shall, prior to occupancy, provide the City with a copy of an endorsement of insurance which provides the following minimum amounts of insurance: \$1M/\$2M General Liability limits; \$1M Automobile limits; \$1M/\$1M/\$1M Employers Liability limits; and Workers Compensation coverage.
- d. Any Lessee, as part of any lease agreement, shall indemnify, pay, and hold harmless the City from any and all injuries occurring on the leased premises. Further, any Lessee shall waive any rights of subrogation as it relates to the leased premises and the City.
- e. Any lease agreement shall provide the Lessee shall maintain and repair the leased premises for any damage to the property for any amount less than \$2,000.00; and further that should any building leased hereunder be damaged in excess of \$2,000.00, the City, in its sole discretion shall have the right to immediately

terminate any Lease agreement, without compensation to the Lessee, who shall immediately vacate the premises.

- f. Should City elect to sell the leased premises, City may, with 30 days notice to any lessee terminate the lease agreement, whereupon Lessee shall immediately vacate the premises, without compensation.

Section 3: That the Director of Finance and Public Record shall deposit any lease payments into the General Fund.

Section 4: 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 5: That this Ordinance is hereby deemed 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.

Mayor Steven L. Schag

ANNUAL REPORT TO COUNCIL

**State of the City**

February 4, 2019

Today I am delighted to communicate to you that the state of the City is very strong and fiscally sound. The year 2018 was marked by adaptations, additions, and accomplishments. We are entering the new year with a great deal of monetary momentum and justified optimism. Shelby is in this blessed Municipal condition as a result of careful planning, discipline and willing partnerships all across the board.

Once again, it has been my privilege and pleasure to work closely with Finance Director Steven Lifer, Law Director Gordon Eyster, Project Coordinator Joe Gies, Deputy Director of Finance Amber Cutlip, Deputy Director of Public Service John Ensman, City Hall Staff, Police Chief Lance Combs, Fire Chief Mike Thompson and the dedicated members of Shelby City Council, namely: Councilman Charlie Roub, Councilman Derrin Roberts, Councilman Garland John Gates, Councilman Nathan Martin, and Councilman Steve McLaughlin.

President Reagan was wont to say, "There is no limit to the amount of good you can do if you don't care who gets the credit." We have a lot of good things that happened in 2018 and I want to give a good deal of credit to this Shelby City Council. We presently have an experienced Council that knows how to deal with initiatives and pieces of legislation with thoroughness and efficiency. Hence, together, we were able to get things done in a timely manner.

In 2018 we held ribbon-cutting celebrations for: Arby's Restaurant, Pivot Creative, Johnson's Unique Antiques, Ace Hardware, East of Chicago Pizza, Rabold Park Dog Park, Lloyd Rebar, and our brand new, state-of-the-art Fire Station.

After years of patient perseverance, the alternative access drive to and from the Drug Mart Plaza was completed in October.

The City Administration hosted another successful Business First Breakfast in February of last year. These events provide connectivity between Shelby businesses/industries and City government.

Mr. Gies, Mr. Ensmann, and I are working with the leadership team of the Clean the Black Fork Project Phase 2 in order to provide guidance and floodplain management strategies.

It appears, that in the very near future, we will be preparing a presentation in regard to the "infrastructure of the future" – Shelby Municipal Broadband.

Shelby is truly a one of a kind City! We are not only blessed to live and work here, but we are also privileged to be public servants to the families and individuals that call this place home. Let us pledge afresh and anew to serve with creditability, common sense, and compassion.

God bless you. God bless the City of Shelby, God bless the United States of America.

**RESOLUTION NO. 7 -2019**  
**(Sponsor: Councilmember Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO SIGN CONTRACTS FOR THE OHIO ENVIRONMENTAL PROTECTION AGENCY WATER POLLUTION CONTROL LOAN FUND PROGRAM AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for sanitary sewer system replacement purposes through the Water Pollution Control Loan Fund; and

WHEREAS, the City of Shelby Health Department has received funding through this program; 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 of City of Shelby to sign contracts for said grant.

**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 Mayor as Director of Public Safety is hereby authorized and directed to execute contracts with the Ohio Environmental Protection Agency and to provide all information and documentation as required per the program guidelines.

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 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  
2-19-19*

RESOLUTION NO. 8-2019  
(Sponsor: Councilmembers Gates and Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FIRE DEPARTMENT INDIVIDUAL EQUIPMENT GRANT FOR THE PURCHASE OF PORTABLE RADIOS AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Department of Commerce provides financial assistance for fire department purposes through the Fire Department Individual Equipment Grant, and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Fire Department Individual Equipment Grant Program to purchase portable radios, 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 of City of Shelby apply for a Fire Department Individual Equipment Grant, and

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 City of Shelby Council approves an application for financial assistance for portable radios.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Commerce 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 and become eligible for reimbursement under the terms of the Fire Department Individual Equipment Grant.

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  
2-19-19*

RESOLUTION NO. 9-2019  
(Sponsor: Councilmember Gates & Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE PRIORITY ONE GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Department of Public Safety provides financial assistance for emergency medical services through the Priority One Grant, and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Priority One Grant to purchase of emergency medical service supplies, 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 of City of Shelby apply for a Priority One Grant, and

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 City of Shelby Council approves an application for financial assistance for emergency medical service supplies.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Public Safety 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 and become eligible for reimbursement under the terms of the Priority One Grant.

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  
2-19-19*

**ORDINANCE NO. 5 -2019**  
**(Sponsor: Councilmember Martin)**

**AMENDING SECTION 2 OF ORDINANCE NO. 19-2018 AND DECLARING AN EMERGENCY.**

WHEREAS, on September 4, 2018, Shelby City Council passed Ordinance 19-2018 determining to proceed with the improvement of a sanitary sewer on West Main Street; and

WHEREAS, section 2 of said Ordinance refers to the approval of plans, specifications, estimates and profiles of said project; and

WHEREAS, certain conditions have created the need to modify the plans and specifications of said project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby, Ohio that the plans and specifications as specified in Section 2 of Ordinance 19-2018 be amended.

**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 plans, specifications, estimates and profiles as referred to in Section 2 of Ordinance 19-2018 shall now refer to the revised plans and specifications that are on file in the Office of the Mayor and are hereby approved.

Section 2: That all other sections of Ordinance 19-2018 remain in full force and effect.

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

Section 4: That this Ordinance is hereby deemed 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  
3-1-19*

**RESOLUTION NO. 10 -2019**  
**(Sponsor – Councilmember: McLaughlin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS AND DECLARING AN EMERGENCY.**

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with serious offenses and loss of liberty offenses in its Municipal Court; and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the City's indigent citizens and others so situated; 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 enter into an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents.

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents for the year beginning January 1, 2019.

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.

*3-1-19 Passed*

RESOLUTION NO. 11 -2019  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF REAL PROPERTY AND DECLARING AN EMERGENCY.**

WHEREAS, Section 1 of the Charter of the City of Shelby, Ohio grants to the City the power to acquire property in fee simple or lesser interest, as well as, purchase options on property for any municipal purpose; and

WHEREAS, it is necessary for the West Main Street Sewer Project that real property be acquired; and

WHEREAS, the administration has engaged in negotiations with Schumacher Farms, Inc., and Al & N Acres, Inc. for the acquisition of a parcel of real property which would meet the needs of the City for the West Main Street Sewer Project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of citizens of the City of Shelby that the Mayor, as Director of Public Service be authorized to enter into a contract for the acquisition of real property for ten thousand dollars (\$10,000.00) from Schumacher Farms, Inc., and Al & N Acres, Inc.

**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 Mayor, as Director of Public Service, is authorized to enter into a contract for the acquisition of 0.143 acre for the West Main Street Sewer Project as described in the "Plat of Boundary Survey" as prepared by Nathan W. Sautter, Ohio Registered Surveyor No. 8252 on January 25, 2019, which is attached as "Exhibit A" to this Resolution.

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 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  
3-1-19*



**RESOLUTION NO. 12 -2019**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE WEST MAIN STREET SEWER PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, it has become necessary to install a sanitary sewer line adding to the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; 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 Service be authorized to acquire rights of easement for the installation of a sanitary sewer line.

**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 Mayor as Director of Public Service is hereby authorized to acquire rights of easement for the installation of a sanitary sewer line for the West Main Street Sanitary Sewer Project as shown on the "Plats of Sanitary Sewer Easement" as prepared by Nathan W. Sautter, Ohio Registered Surveyor No. 8252 on September 12, 2018.

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 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  
3-1-19*