

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

**Shelby City Council Agenda  
Monday, December 6, 2021  
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 November 15, 2021**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Councilman McLaughlin

Public Works & General Operation Committee—Councilmember Roub

Safety Committee—Councilmember Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**  
2020 State Audit

**Unfinished Business**  
Future Use of Main Street Fire Station—ORC Section 721.01—Future letter in regard to real estate as needed or not needed for any municipal purpose

Ward Boundaries from 2020 Census

Shelby Historic Preservation Appeal

**Legislation**

**ORDINANCE NO 29-2021**

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

**3RD READING**

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

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

**PASSAGE OF ORDINANCE**

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

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

**ORDINANCE 30-2021**

**ENACTING SECTION 234.12 (PROPERTY TAX  
VALUATIONS) OF CHAPTER 234 (DIRECTOR OF  
FINANCE AND PUBLIC RECORD) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

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

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

**PASSAGE OF ORDINANCE**

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

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

**ORDINANCE NO 32-2021**

**ESTABLISHING A ZONING CLASSIFICATION FOR  
PROPERTY ANNEXED TO THE CITY OF SHELBY  
(SHULER/MOORE ANNEXATION)**

**2ND READING**

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

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

**ORDINANCE NO 33-2021**

**ENACTING SECTION 260.28 (OFFICE HOURS) OF  
CHAPTER 260 (EMPLOYEES GENERALLY) 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 34-2021**

**ENACTING SECTION 1040.12 (CONNECTIONS  
REQUIRED) INTO CHAPTER 1040 (WATER) OF THE  
CODIFIED ORDINANCES OF THE CITY OF SHELBY,  
OHIO**

**1ST READING**

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

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

**ORDINANCE NO 35-2021**

**AMENDING ORDINANCE NO 8-2021 (ANNUAL  
APPROPRIATIONS) AND DECLARING AN EMERGENCY**

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

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

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

**PASSAGE OF ORDINANCE**

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

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

**ORDINANCE NO 36-2021**

**AMENDING ORDINANCE NO 8-2021 (ANNUAL  
APPROPRIATIONS) AND DECLARING AN EMERGENCY**

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

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

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

**PASSAGE OF ORDINANCE**

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

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

**ORDINANCE NO 37-2021                      TRANSFERRING APPROPRIATIONS FOR THE YEAR 2021  
AND DECLARING AN EMERGENCY**

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

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 38-2021                      CREATING TEMPORARY APPROPRIATIONS FOR THE  
YEAR 2022 AND DECLARING AN EMERGENCY**

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

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 39-2021                      AUTHORIZING THE MAYOR OF THE CITY OF SHELBY  
TO ENTER INTO CONTRACT WITH THE  
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS,  
LOCAL 2492, AND DECLARING AN EMERGENCY**

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

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 40-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18-S UNIT A, AND DECLARING AN EMERGENCY**

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

Moved        2<sup>ND</sup>       

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

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

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

**ORDINANCE NO 41-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18-S UNIT B, AND DECLARING AN EMERGENCY**

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

Moved        2<sup>ND</sup>       

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

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

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

**ORDINANCE NO 42-2021**

**AMENDING SUBSTITUTE ORDINANCE NO 1-2020 (ESTABLISHING WAGES FOR DEPARTMENT HEADS AND OTHER NON-CERTIFIED EMPLOYEES)**

**1ST READING**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 71-2021**

**AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO SIGN MEMORANDA OF UNDERSTANDING WITH THE FRATERNAL ORDER OF POLICE #180 – SERGEANTS, CAPTAINS, PATROL OFFICERS, AND DISPATCHERS REGARDING A RE-OPENER FOR WAGES AND A MODIFICATION OF ARTICLE 19 HOLIDAYS AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 72-2021**

**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 BLACK FORK COMMONS PHASE 2 PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
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  
11/1/2021  
2nd Reading  
11/15/2021

**ORDINANCE NO. 29- 2021**  
**(Sponsors: Councilmembers Gates and Roberts)**

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

WHEREAS, Codified Ordinance Section 238.01 currently establishes two captains and three 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 be amended to provide for one captain and four 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 Chief of Police;
- (2) One police captain;
- (3) Four police sergeants;
- (4) Eleven police patrol officers, two of which shall be school resource officers. The hiring and continued employment of said resource officers shall be contingent upon active contracts in partnership with the Board of Education of the Shelby City School District and the Board of Education of the Pioneer Career & Technology Center, wherein each board will immediately pay or reimburse the City 75% of all cost, expense, pension, retirement, health benefit, insurance, or any other cost or expense associated with said school resource officer as well as 100% of all training cost or expense associated with said school resource officer. If a board fail for any reason whatsoever to pay or reimburse the City as contemplated herein, the School Resource Officer's position for that district shall be immediately terminated, unless otherwise modified by Council. Further, said positions are contingent upon any collective bargaining agreement between the City and Fraternal Order of Police Lodge No. 180 acknowledging and approving the terms contained herein as well as with any contract or agreement with each board; and
- (5) Four police dispatchers.

Section 2: That all other sections of Chapter 238 shall remain in full force and effect.

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

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: \_\_\_\_\_  
Brian A. Crum  
Clerk of Council

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

Prepared by:

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Gordon M. Eyster  
Director of Law

1st Reading

11/1/2021

2nd Reading

11/15/2021

ORDINANCE NO. 30 -2021  
(Sponsor – Councilmember Gates)

**ENACTING SECTION 234.12 (PROPERTY TAX VALUATIONS) OF CHAPTER 234 (DIRECTOR OF FINANCE AND PUBLIC RECORD) 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 city officials be aware of hearings held by the Board of Revision of Richland County regarding the reduction of the valuation of property within the city limits.

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

Section 1: That Section 234.12 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**234.12 PROPERTY TAX VALUATIONS.**

Annually on or about the fifteenth day of January, the Director of Finance and Public Record shall request the Board of Revision of Richland County to furnish to the City notice of any and all hearings to be held during that calendar year on complaints and requests for reduction as to the valuation of any property within the corporate limits of the City of Shelby.

Section 2: That all other sections of Chapter 234 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 Section 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 McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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

1st Reading  
11/15/2021

ORDINANCE NO. 32-2021  
(Sponsor: Councilmember Gates)

**ESTABLISHING A ZONING CLASSIFICATION FOR PROPERTY ANNEXED TO THE CITY OF SHELBY (SHULER/MOORE ANNEXATION).**

WHEREAS, by Resolution No. 54-2021, the Council of the City of Shelby accepted the annexation of certain parcels heretofore referred to as the Shuler/Moore Annexation; and

WHEREAS, the Council of the City of Shelby requested that the Shelby Planning Commission recommend appropriate zoning for the Shuler/Moore Annexation in accordance with Codified Ordinance Section 1266.06; 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 City Council act upon the Planning Commission's recommendation and establish a zoning classification for the Shuler/Moore Annexation.

**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 No. 1-1991, as passed on March 4, 1991, is hereby revised by establishing the zoning classification of R-1 (Residential District) for the property described as follows (Shuler/Moore Annexation)

PARCEL 1: SITUATED IN THE STATE OF OHIO, COUNTY OF RICHLAND, JACKSON TOWNSHIP, BEING PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22, RANGE 19, AND BEING 4.936 ACRES CONVEYED TO JEFFREY A. AND MICHELLE M. SHULER OF RECORD IN OFFICIAL RECORD 1446, PAGE 409, RECORDS REFER TO THE RECORDER'S OFFICE RICHLAND COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A MAG SPIKE SET AT THE CENTERLINE OF SMILEY AVENUE EAST - TOWNSHIP ROAD 57 (WIDTH VARIES) AND THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;

THENCE NORTH 89°56'33" EAST, A DISTANCE OF 644.68 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, TO AN IRON PIN SET AT THE NORTHWEST CORNER OF SAID SHULER TRACT, THE SOUTH LINE OF A TRACT CONVEYED TO LEONARD N. AND KATHY A. FOX OF RECORD IN OFFICIAL RECORD 902, PAGE 908, AND ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°56'33" EAST, A DISTANCE OF 323.42 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, THE NORTH LINE OF SAID SHULER TRACT, THE SOUTH LINE OF SAID FOX TRACT, AND A SOUTH LINE OF A TRACT CONVEYED TO GARY L. AND JOYCE A. ADKINS OF RECORD IN OFFICIAL RECORD 564, PAGE 837, PASSING AN IRON PIPE FOUND AT 283.95 FEET, TO AN IRON PIN SET AT A NORTHEAST CORNER OF SAID SHULER TRACT AND A NORTHWEST CORNER OF A TRACT CONVEYED TO DIANE T. MOORE OF RECORD IN OFFICIAL RECORD 1878, PAGE 704;

THENCE SOUTH 00°19'08" EAST, A DISTANCE OF 674.57 FEET WITH AN EAST LINE OF SAID SHULER TRACT AND A WEST LINE OF SAID MOORE TRACT, PASSING A MAG SPIKE SET AT 23.50 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST AND AN IRON PIN SET AT 53.50 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST, TO AN IRON PIN SET AT THE SOUTHEAST CORNER OF SAID SHULER TRACT, A SOUTHWEST CORNER OF SAID MOORE TRACT, AND A NORTH LINE OF A TRACT CONVEYED TO ADENA CORPORATION OF RECORD IN OFFICIAL RECORD 2565, PAGE 665;

THENCE NORTH 89°57'39" WEST, A DISTANCE OF 314.30 FEET WITH A SOUTH LINE OF SAID SHULER TRACT AND A NORTH LINE OF SAID ADENA CORPORATION

TRACT, TO AN IRON PIPE FOUND AT A SOUTHWEST CORNER OF SAID SHULER TRACT AND A SOUTHEAST CORNER OF A TRACT CONVEYED TO DAVID H. AND NANJI E. KEINATH OF RECORD IN OFFICIAL RECORD 1913, PAGE 338;

THENCE NORTH 01°05'41" WEST, A DISTANCE OF 674.14 FEET WITH THE WEST LINE OF SAID SHULER TRACT AND THE EAST LINE OF SAID KEINATH TRACT, PASSING AN IRON PIN SET AT 618.85 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST AND A MAG SPIKE SET AT 648.90 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST, TO THE IRON PIN SET AT THE POINT OF BEGINNING, CONTAINING 4.936 ACRES OF LAND, OF WHICH 0.412 ACRES ARE IN THE RIGHT-OF-WAY, MORE OR LESS.

THE ABOVE DESCRIPTION WAS BASED ON A SURVEY PREPARED BY MAKEEVER AND ASSOCIATES, INC. UNDER THE DIRECT SUPERVISION OF ISAAC L. KING, P.S. PROFESSIONAL SURVEYOR NUMBER 8318, IN JANUARY 2021, AND IS SUBJECT TO ALL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

ALL BEARINGS SHOWN HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, (NAD83).

PRIOR DEED REFERENCE: OFFICIAL RECORD 1446, PAGE 409.

PARCEL 2: SITUATED IN THE STATE OF OHIO, COUNTY OF RICHLAND, JACKSON TOWNSHIP, BEING PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22, RANGE 19, AND BEING 2.044 ACRES CONVEYED TO DIANE T. MOORE OF RECORD IN OFFICIAL RECORD 1878, PAGE 704, RECORDS REFER TO THE RECORDER'S OFFICE RICHLAND COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE AT A MAG SPIKE SET AT THE CENTERLINE OF SMILEY AVENUE EAST - TOWNSHIP ROAD 57 (WIDTH VARIES) AND THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER;

THENCE NORTH 89°56'33" EAST, A DISTANCE OF 968.10 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, PASSING AN IRON PIN SET AT 644.68 FEET AND AN IRON PIN FOUND AT 928.63 FEET, TO AN IRON PIN SET AT THE NORTHWEST CORNER OF SAID MOORE TRACT, A NORTHEAST CORNER OF A TRACT CONVEYED TO JEFFREY A. AND MICHELLE M. SHULER OF RECORD IN OFFICIAL RECORD 1446, PAGE 409, THE SOUTH LINE OF A TRACT CONVEYED TO GARY L. AND JOYCE A. ADKINS OF RECORD IN OFFICIAL RECORD 564, PAGE 837, AND ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°56'33" EAST, A DISTANCE OF 132.00 FEET WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, THE NORTH LINE OF SAID MOORE TRACT, THE SOUTH LINE OF SAID ADKINS TRACT, AND A SOUTH LINE OF A TRACT CONVEYED TO LEONARD N. KATHY A. FOX OF RECORD IN OFFICIAL RECORD 92, PAGE 903, TO AN IRON PIN SET AT A NORTHEAST CORNER OF SAID MOORE TRACT AND THE NORTHWEST CORNER OF A TRACT CONVEYED TO MARY ANN MILLER AND MICHELLE A. STEPHENS OF RECORD IN OFFICIAL RECORD 1899, PAGE 669;

THENCE SOUTH 00°19'08" EAST, A DISTANCE OF 674.79 FEET WITH AN EAST LINE OF SAID MOORE TRACT AND A WEST LINE OF SAID MILLER TRACT, PASSING A MAG SPIKE SET AT 21.59 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST AND AN IRON PIN SET AT 51.59 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST, TO AN IRON PIN SET AT THE SOUTHEAST CORNER OF SAID MOORE TRACT, A SOUTHWEST CORNER OF SAID MILLER TRACT, AND A NORTH LINE OF A TRACT CONVEYED TO RANDY PAYNE OF RECORD IN OFFICIAL RECORD 2565, PAGE 665;

THENCE NORTH 89°57'39" WEST, A DISTANCE OF 132.00 FEET WITH A SOUTH LINE OF SAID MOORE TRACT AND A NORTH LINE OF SAID PAYNE TRACT, TO AN IRON PIN SET AT A SOUTHWEST CORNER OF SAID MOORE TRACT AND A SOUTHEAST CORNER OF SAID SHULER TRACT;

THENCE NORTH 00°19'08" WEST, A DISTANCE OF 674.57 FEET WITH THE WEST LINE OF SAID MOORE TRACT AND THE EAST LINE OF SAID SHULER TRACT, PASSING AN IRON PIN SET AT 621.07 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SMILEY AVENUE EAST AND A MAG SPIKE SET AT 651.07 FEET ON THE CENTERLINE OF SAID SMILEY AVENUE EAST, TO THE IRON PIN SET AT THE POINT OF BEGINNING, CONTAINING 2.044 ACRES OF LAND, OF WHICH 0.159 ACRES ARE IN THE RIGHT-OF-WAY, MORE OR LESS.

THE ABOVE DESCRIPTION WAS BASED ON A SURVEY PREPARED BY MAKEEVER AND ASSOCIATES, INC. UNDER THE DIRECT SUPERVISION OF ISAAC L. KING, P.S. PROFESSIONAL SURVEYOR NUMBER 8318, IN FEBRUARY 2021, AND IS SUBJECT TO ALL HIGHWAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

ALL BEARINGS SHOWN HEREIN ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, (NAD83).

PRIOR DEED REFERENCE: OFFICIAL RECORD 1878, PAGE 704.

Section 2: 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 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: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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

1st Reading  
11/15/2021

ORDINANCE NO. 33 -2021  
(Sponsor - Councilmember Gates)

**ENACTING SECTION 260.28 (OFFICE HOURS) OF CHAPTER 260 (EMPLOYEES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, in the not too distant past, the hours during which City Hall and the Municipal Utilities Office are open to serve the public have twice been reduced by a total of five (5) hours per week; and

WHEREAS, said reduction in hours was done unilaterally without any consultation or input by City Council; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that the hours of operation at City Hall and the Municipal Utilities Office be fixed in law so that the public can know with confidence when it may transact business at these locations.

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

Section 1: That Section 260.28 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**260.28 OFFICE HOURS.**

The normal daily hours of operation at City Hall and the Municipal Utilities Office shall be from 8:00 a.m. to 4:00 p.m. from Monday through Friday, provided, however, that these offices shall be closed on recognized holidays and may be closed for weather emergencies or other natural disasters.

Section 2: That all other sections of Chapter 260 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 Section 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 McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Brian A. Crum  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 34 -2021**  
**(Sponsor: Councilmember Martin)**

**ENACTING SECTION 1040.12 (CONNECTIONS REQUIRED) INTO CHAPTER 1040 (WATER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, it is necessary to enact section 1040.12 (Connections Required) into Chapter 1040 (Water) to provide language for the required water source connections for newly constructed or existing homes, buildings and structures; and

WHEREAS, all newly constructed homes, buildings, and structures shall connect to the public water source when the public water source is available; and

WHEREAS, an owner of an existing home, building or structure within the corporation limits shall be able to choose between the public water source or a private water source (water well) if the said real property is currently supplied by a private water source; 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 1040.12 (Connections Required) be enacted into Chapter 1040 (Water) to establish the permitted water source connection for newly constructed or existing homes, buildings and structures.

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

Section 1: That Section 1040.12 (Connections Required) be enacted into Chapter 1040 (Water) to establish language that specifies the permitted water source connection for newly constructed or existing homes, buildings and structures.

Section 2: That Section 1040.12 Connections Required shall read as follows:

Section 1040.12 Connections Required

Each newly constructed home, building or structure, if on real property located within reasonable distance of an existing public water source, as determined by the City Engineer, shall connect to the public water source.

Each existing home, building or structure, if on real property within the limits of the corporation that has an established private water source (water well) from within and on the real property before the public water source was available may choose from the public water source or the private water source. The private water source shall comply with the laws and rules set forth by the Ohio Environmental Protection Agency, the County Health Department, or the City Division of Health, whichever has jurisdiction for private water systems.

Each existing home, building or structure that has a private water source (water well) and is connected to the public sanitary sewer system shall install a municipally owned water meter on the water supply line within the home, building or structure so as to meter the amount of wastewater discharge from the premise to the public sanitary sewer collection system. The monthly water consumption registered by the water meter shall be used to calculate the monthly sewer bill.

Each new subdivision shall follow the language for water service as established in Chapter 1246 (Design Standards).

Section 3: That all other provisions in Chapter 1040 (Water) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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: \_\_\_\_\_

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

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

  
\_\_\_\_\_  
Gordon Eyster  
Director of Law

**ORDINANCE NO. 35 - 2021**  
(Sponsors – Councilmembers Gates & Martin)

**AMENDING ORDINANCE NO.: 8-2021 (ANNUAL APPROPRIATIONS) AND  
DECLARING AN EMERGENCY.**

WHEREAS, on March 15, 2021, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, it is necessary to increase a line item within the 2021 budget and to fund said line item with previously unappropriated monies; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these additional appropriations be made effective so as to balance the books for the calendar year 2021 and so as to fund necessary expenditure and/or projects.

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

Section 1: The Ordinance No.: 8-2021 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES**

200-STR-418	HOSPITALIZATION	\$ 15,000.00
200-STR-500	ENGINEERING	\$ 30,000.00
220-TRS-446	TRANS-GENERAL FUND	\$ 400,000.00
220-TRS-447	TRANS-CAPITAL IMPROVEMENT	\$ 20,000.00
220-TRS-465	TRANS-SIDEWALKS	\$ 3,000.00
220-TRS-466	TRANS-STREETS, ALLEYS, BASINS	\$ 75,000.00
220-TRS-467	TRANS-POLICE/COURT CONST	\$ 120,000.00
230-CAP-647	BLACKFORK PARK	\$ 70,000.00
352-SWF-536	CONSTRUCTION	\$ 15,000.00
600-CAP-500	ENGINEERING	\$ 10,000.00

Section 2: That all other portions of Ordinance No.: 8-2021, not modified expressly herein, shall remain in full force and effect.

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

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

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

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

APPROVED:

ATTEST: \_\_\_\_\_

Brian A. Crum  
Clerk of Council

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

Prepared by:

  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO. 36 - 2021**  
**(Sponsors- Councilmembers Gates & Martin)**

**AMENDING ORDINANCE NO.: 8-2021 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.**

WHEREAS, on March 15, 2021, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, it is necessary to create line items within the 2021 budget and to fund said line items with previously unappropriated monies; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these additional appropriations be made effective so as to balance the books for the calendar year 2021 and so as to fund necessary expenditure and/or projects.

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

Section 1: The Ordinance No.: 8-2021 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO CREATE EXPENDITURE LINE ITEMS**

<b>101-ECD-647</b>	<b>Blackfork Park</b>	<b>\$ 250,000.00</b>
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Section 2: That all other portions of Ordinance No.: 8-2021, not modified expressly herein, shall remain in full force and effect.

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

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

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

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

APPROVED:

ATTEST: \_\_\_\_\_

Brian A. Crum  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO: 37 -2021**  
**(Sponsors: Councilmembers Gates & Martin)**

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2021 AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2021 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2021 and so as to fund necessary expenditures and/or projects; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these funds be transferred.

**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 Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	283-LCR-472	Supplies	\$ 4,975.03
FROM	283-LCR-507	Maintenance Building/Grounds	\$ 13,736.74
FROM	283-LCR-515	Equipment	\$ 4,150.00
FROM	283-LCR-530	Office Equipment/Furn/Fixtures	\$ 69.05
TO	283-LCR-501	Computer Support	\$ 19,496.00
TO	283-LCR-400	Wages	\$ 3,434.82

Section 2: That all other portions of Ordinance No. 8-2021, not modified herein, shall remain in full force and effect.

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

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

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

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

APPROVED:

ATTEST: \_\_\_\_\_

Brian A. Crum  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO.: 38 -2021**  
**(Sponsors: Councilmembers Gates & Martin)**

**CREATING TEMPORARY APPROPRIATIONS FOR THE YEAR 2022 AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code §5705.38 requires that “the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure ... no later than the first day of April of the current year”; and

WHEREAS, so as to provide funding for the operation of the city government prior to the passage of the final appropriations, it is necessary to create temporary appropriations; 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 Temporary Appropriations Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and in anticipation of the creation and passage of the Final Appropriations Ordinance no later than the first day of April, 2022.

**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 temporary appropriations are hereby made and authorized for the year 2022, the same to be in full force and effect from and after approval, as and for the temporary general appropriations for the City of Shelby for the year 2022.

Section 2: That City Council does hereby temporarily appropriate, for the year 2022 the following sums, to wit:

	ACCT. <u>NO.</u>	<u>APPROPRIATION</u> <u>EXPENSE</u>
<b>GENERAL FUND</b>	101	<b>\$2,500,000.00</b>
 <b><u>SPECIAL FUNDS</u></b>		
Street	200	\$300,000.00
State Highway	205	\$20,000.00
Street Sales Tax	210	\$50,000.00
Income Tax	220	\$2,500,000.00
Health	225	\$250,000.00
Park	230	\$300,000.00
Rehab Escrow CDBG	232	\$30,000.00
Court Probation	233	\$30,000.00
BMV Reimbursement	234	\$5,000.00
Law Enforcement Trust	235	\$4,000.00
Court IDAT	236	\$15,000.00
Court Enforce. & Education	237	\$2,000.00
Dare	238	\$5,000.00
Unclaimed Monies	240	\$2,000.00
Court IDAM	242	\$10,000.00
CDBG General	250	\$200,000.00
Home Program	251	\$200,000.00
Fire Damage	253	\$5,000.00
Local Fiscal Recovery Fund	284	\$400,000.00
Police Pension	700	\$100,000.00
Fire Pension	701	\$100,000.00
Shade Tree Trust	705	\$2,000.00
<b>Total Special Revenue Funds</b>		<b>\$4,530,000.00</b>

**DEBT SERVICE FUNDS**

Special Bond	275	\$1,000.00
Light Debt Reserve	602	\$65,000.00
<b>Total Debt Service</b>		<b>\$66,000.00</b>

**CAPITAL PROJECT FUNDS**

Court Computer	239	\$10,000.00
Police Computer	241	\$1,000.00
Capital Improvement	300	\$100,000.00
Court Capital	304	\$10,000.00
Sidewalks 2%	352	\$20,000.00
Streets, Alleys Sidewalks	353	\$150,000.00
Police/court construction	354	\$225,000.00
Police Equipment	702	\$60,000.00
Fire Equipment	703	\$100,000.00
<b>Total Capital Projects</b>		<b>\$676,000.00</b>

**ENTERPRISE FUNDS**

Sewer	400	\$600,000.00
San. Sewer Capital Improvements	401	\$500,000.00
Waste Water Capital Improvements	402	\$300,000.00
Water	500	\$800,000.00
Water Facilities	501	\$200,000.00
Water Improvement Fund	502	\$500,000.00
Electric	600	\$5,000,000.00
<b>Total Enterprise Funds</b>		<b>\$7,900,000.00</b>

**INTERNAL SERVICE FUND**

Hospitalization	715	\$700,000.00
		<b>\$700,000.00</b>

**PERMANENT FUND**

Mini Park Trust	710	\$3,000.00
<b>Total Non-Expendable Fund</b>		<b>\$3,000.00</b>

**AGENCY FUNDS**

Customer Deposit Fund	601	\$65,000.00
Sharing Fund	706	\$8,000.00
<b>Total Agency Funds</b>		<b>\$73,000.00</b>

**TOTAL APPROPRIATIONS  
ALL FUNDS****\$16,448,000.00**

Section 3: That the Director of Finance and Public Records is hereby authorized to draw warrants on the City Treasury for the amounts appropriated in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

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 is hereby deemed to be an emergency so as to meet the ongoing contractual obligation of the City of Shelby, Ohio, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

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

APPROVED:

ATTEST: \_\_\_\_\_  
Brian A. Crum  
Clerk of Council

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

Prepared by:

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

ORDINANCE NO. 39 -2021  
(Sponsor – Councilmember Gates)

**AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACT 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 is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

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

APPROVED:

ATTEST: \_\_\_\_\_  
Brian Crum  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 40 -2021**  
**(Sponsor – Councilmember Gates)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18-S UNIT A, AND DECLARING AN EMERGENCY.**

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Union of Operating Engineers, Local 18-S Unit A; 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.

**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 as Director of Public Service is hereby authorized and directed to enter into agreement with the International Union of Operating Engineers, Local 18-S Unit A on behalf of certain service workers, a copy of which is 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 is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

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

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 41 -2021**  
**(Sponsor – Councilmember Gates)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18-S UNIT B, AND DECLARING AN EMERGENCY.**

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Union of Operating Engineers, Local 18-S Unit B; 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.

**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 as Director of Public Service is hereby authorized and directed to enter into agreement with the International Union of Operating Engineers, Local 18-S Unit B on behalf of certain service workers, a copy of which is 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 is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

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

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 42 -2021**  
**(Sponsor: Councilmember Gates)**

**AMENDING SUBSTITUTE ORDINANCE NO. 1-2020 (ESTABLISHING WAGES FOR DEPARTMENT HEADS AND OTHER NON-CERTIFIED EMPLOYEES).**

WHEREAS, on February 20, 2020, Council passed Substitute Ordinance No. 1-2020 in order to establish wages for department heads and other non-certified employees; and

WHEREAS, the Director of Finance and Public Record has requested that the position of Income Tax Clerk be divided into the positions of Income Tax Clerk 1 and Income Tax Clerk 2; 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 Substitute Ordinance No. 1-2020 be amended to grant the Finance Director's request and to make other adjustments.

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

Section 1: That, effective January 1, 2022, the salaries, hourly wages, and wage ranges for the positions set forth below shall be as follows:

DEPARTMENT HEADS AND SUPERINTENDENTS HOURLY WAGES

Deputy Director of Public Service	a maximum of \$43.00
Chief of Police	a maximum of \$45.00
Fire Chief	a maximum of \$45.00
Superintendent of Electric Electric Distribution	a maximum of \$40.00
Superintendent of Service Department	a maximum of \$40.00
Superintendent of Water Plant & Distribution	a maximum of \$40.00
Superintendent of Waste Water Treatment Plant & Sewers	a maximum of \$40.00

DEPARTMENT HEADS ANNUAL SALARY RANGE

Health Commissioner	\$10,000.00 - \$72,000.00
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NON-CERTIFIED EMPLOYEE ANNUAL SALARY RANGE

Medical Director	\$5,000.00 - \$25,000.00
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OTHER NON-CERTIFIED EMPLOYEES  
HOURLY WAGES AND RANGES

Deputy Director of Finance	a maximum of \$33.00
Clerk of Courts	a maximum of \$33.00
City Project Coordinator	a maximum of \$35.50
Utility Office Supervisor	\$17.00 - \$28.50

Assistant to Deputy Director of Public Service	\$17.00 - \$27.00
Environmental Health Director/Sanitarian	a maximum of \$33.50
Director of Community Health/Nurse	a maximum of \$28.50
Probation Officer	\$15.00 - \$22.50
Secretary to the Mayor & Finance Director	\$15.00 - \$25.00
Income Tax Clerk 1	\$15.00 - \$23.00
Income Tax Clerk 2	\$17.00 - \$25.00
Secretary to the Law Director (part-time)	\$15.00 - \$23.00

Section 2: That wages and salaries shall not exceed the top values as noted in Section 1.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance 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: \_\_\_\_\_  
Brian A. Crum  
Clerk of Council

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

Prepared by:

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

**RESOLUTION NO. 71 -2021**  
**(Sponsor: Councilmember Gates)**

**AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO SIGN MEMORANDA OF UNDERSTANDING WITH THE FRATERNAL ORDER OF POLICE # 180 - SERGEANTS, CAPTAINS, PATROL OFFICERS, AND DISPATCHERS REGARDING A RE-OPENER FOR WAGES AND A MODIFICATION OF ARTICLE 19 HOLIDAYS AND DECLARING AN EMERGENCY.**

WHEREAS, City Council and the Administration have conducted settlement of re-opener for wages and a modification of Article 19 Holidays negotiations with the Fraternal Order of Police #180 as the bargaining representatives for certain employees of the Police Department; and

WHEREAS, such negotiations have provided tentative agreements between parties; and

WHEREAS, City Council and the Administration have reviewed such proposals and;

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the City of Shelby execute Memoranda of Understanding with the Fraternal Order of Police #180-Sergeants, Captains, Patrol Officers, and Dispatchers regarding the settlement of re-opened negotiations for wages for 2022 and 2023, and the modification of Article 19 Holidays.

**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 shall be and is hereby authorized to sign Memoranda of Understanding, copies of which are attached to and incorporated into this Resolution as if fully written herein, with the Fraternal Order of Police #180 on behalf of certain employees of the Police Department regarding the settlement of re-opened negotiations for wages for 2022 and 2023, and the modification of Article 19 Holidays.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 resolutions in conflict with the express provisions of these Agreements are superseded by these agreements.

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

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

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

APPROVED:

ATTEST: \_\_\_\_\_  
Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 72-2021  
(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 BLACK FORK COMMONS PHASE 2 PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby, the Shelby City Board of Park Commissioners, and the Community Improvement Corporation of Shelby, Ohio have collaborated to create a new park; and

WHEREAS, plans and specifications have been completed for the Black Fork Commons Phase 2 Project; 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 park.

**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 plans and specifications for the Black Fork Commons Phase 2 Project 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 is hereby deemed to be an emergency and therefor, 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: \_\_\_\_\_

Brian Crum  
Clerk of Council

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

Prepared by:

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