

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

**Shelby City Council Agenda**  
**Monday, February 7, 2022**  
**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 January 18, 2022**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub

Safety Committee—Councilmember Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

**MOTION TO REQUEST A LIQUOR PERMIT HEARING FOR VAULT WINE BAR LLC DBA  
THE VAULT WINE BAR & PATIO 29 WEST MAIN STREET**

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

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

**STATE OF THE CITY – ANNUAL REPORT TO COUNCIL**

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

Shelby Historic Preservation Commission—Christina Drain

**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

**Legislation**

**ORDINANCE NO 1-2022**

**AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (d) (BALANCE LEVELIZATION RATE RIDER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO**

**3RD READING**

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

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

**PASSAGE OF ORDINANCE**

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

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

**ORDINANCE NO 2-2022**

**AMENDING SECTION 206.02 (BOUNDARIES OF WARDS)  
OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE  
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

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

**PASSAGE OF ORDINANCE**

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

**RESOLUTION NO 3-2022**

**APPROVING WEED ASSESSMENTS AS ISSUED BY THE  
DIRECTOR OF PUBLIC SERVICE**

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

**RESOLUTION NO 4-2022**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE OF THE CITY OF SHELBY TO APPLY FOR A  
CERTIFIED LOCAL GOVERNMENT GRANT FOR  
CREATION OF LOCAL DESIGN GUIDELINES AND  
DECLARING AN EMERGENCY**

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

**RESOLUTION NO 5-2022**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SAFETY TO APPLY FOR THE SMALL RURAL TRIBAL  
BODY WORN CAMERA PROGRAM GRANT AND  
DECLARING AN EMERGENCY**

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

Miscellaneous Business

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

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

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

1st Reading  
1/3/2022

2nd Reading  
1/18/2022

**ORDINANCE NO: 1 -2022**  
**(Sponsor: Councilmember Martin)**

**AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (d) (BALANCE LEVELIZATION RATE RIDER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, the Balance Levelization was established to help reduce the electric fund balance; and

WHEREAS, the fund balance has been reduced to the proposed electric cash reserve policy level; and

WHEREAS, it is necessary at this time to modify Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) to amend the negative rate rider from \$0.0022/kWh to \$0.0000/kWh to help retain the available cash balance at the desired level; 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 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) be amended and/or modified.

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

Section 1: That Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) be amended to read as follows:

*(d) Balance Levelization Rate Rider*

(1) Service Schedules A, A-D, B, C, and D shall have a negative rate *rider* in the amount of \$0.0000 / kWh. The negative rate *rider* shall cease from all service schedules and be removed from the utility bill.

Section 2: That all other language in Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

\_\_\_\_\_  
Steven 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

1st Reading  
1/3/2022

2nd Reading  
1/18/2022

ORDINANCE NO. 2 -2022  
(Sponsor – Councilmember Gates)

**AMENDING SECTION 206.02 (BOUNDARIES OF WARDS) OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, Section 206.01 of the Codified Ordinances of the City of Shelby requires that each of the City's four wards "shall contain as nearly as practicable an equal number of inhabitants"; and

WHEREAS, Council met on Wednesday, December 15, 2021, as the Committee of the Whole to consider adjusting ward boundaries in light of the results of the Twenty-fourth Decennial United States Census; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the boundaries of wards – specifically the boundaries of the Third and Fourth Wards – be adjusted to comply with the requirements of Codified Ordinance 206.01;

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

Section 1: That Section 206.02 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**206.02 BOUNDARIES OF WARDS.**

The boundaries of the wards of the city are as follows:

(a) *First Ward.* The first ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of the Black Fork of the Mohican River and West Main Street; from there westerly along the centerline of West Main Street to the west corporation line; from there generally northerly and easterly along the corporation line to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West State Street; from there westerly along the centerline of West State Street to the centerline of Leslie Lane; from there southerly along the centerline of Leslie Lane to the centerline of Maple Street; from there easterly along the centerline of Maple Street to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West Smiley Avenue; from there easterly along the centerline of West Smiley Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the point of beginning.

(b) *Second Ward.* The second ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of East Main Street and Mansfield Avenue; from there southerly along the centerline of Mansfield Avenue to the centerline of Monroe Avenue; from there southwestly along the centerline and the extension of the centerline of Monroe Avenue to the centerline of the Ashland Railway right-of-way; from there southerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Simeon Avenue; from there westerly along the extension of the centerline and the centerline of Simeon Avenue to the centerline of Park Avenue; from there northerly along the centerline of Park Avenue to the centerline of East Tucker Avenue; from there westerly along the centerline of East Tucker Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the south corporation line; from there generally westerly and northerly along the corporation line to the centerline of West Main Street; from there easterly along the centerlines of West and East Main Streets to the point of beginning.

(c) *Third Ward.* The third ward shall contain all the territory bounded as follows: beginning for the same at the intersection of the centerlines of Mansfield Avenue and East Main Streets; from there westerly along the centerline of East Main Street to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of West Smiley Avenue; from there westerly along the

centerline of West Smiley Avenue to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the centerline of Maple Street; from there westerly along the centerline of Maple Street to the centerline of Leslie Lane; from there northerly along the centerline of Leslie Lane to the centerline of West State Street; from there easterly along the centerline of West State Street to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the north corporation line; from there generally easterly and southerly along the corporation line to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the centerline of Technology Parkway; from there southerly along the centerline of Technology Parkway to the centerline of Glenwood Drive; from there westerly along the centerline of Glenwood Drive to the centerline of Samantha Avenue; from there northerly along the centerline of Samantha Drive to the centerline of Parkwood Drive; from there westerly along the centerline of Parkwood Drive to the boundary line between Jackson and Sharon Townships; from there northerly along said boundary line to the centerline of Grand Boulevard; from there westerly along the centerline of Grand Boulevard to the centerline of Wentz Avenue; from there southerly along the centerline of Wentz Avenue to the de facto centerline of Parkwood Drive; from there westerly along the de facto centerline of Parkwood Drive to the centerline of Mansfield Avenue; from there along the centerline of Mansfield Avenue to the point of beginning.

(d) *Fourth Ward.* The fourth ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of Wentz Avenue and Grand Boulevard; from there easterly along the centerline of Grand Boulevard to the boundary line between Sharon and Jackson Townships; from there southerly along said boundary line to the centerline of Parkwood Drive; from there easterly along the centerline of Parkwood Drive to the centerline of Samantha Drive; from there southerly along the centerline of Samantha Drive to the centerline of Glenwood Drive; from there easterly along the centerline of Glenwood Drive to the centerline of Technology Parkway; from there northerly along the centerline of Technology Parkway to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the east corporation line; from there generally southerly and westerly along the corporation line to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of East Tucker Avenue; from there easterly along the centerline of East Tucker Avenue to the centerline of Park Avenue; from there southerly along the centerline of Park Avenue to the centerline of Simeon Avenue; from there easterly along the centerline and the extension of the centerline of Simeon Avenue to the centerline of Ashland Railway right-of-way; from there northerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Monroe Avenue; from there northeasterly along the extension of the centerline and the centerline of Monroe Avenue to the centerline of Mansfield Avenue; from there southeasterly along the centerline of Mansfield Avenue to the de facto centerline of Parkwood Drive; from there easterly along the de facto centerline of Parkwood Drive to the centerline of Wentz Avenue; from there northerly along the centerline of Wentz Avenue to the point of beginning.

Section 2: That there be attached to this Ordinance a map delineating the ward boundaries as defined in Section 1 above.

Section 3: That all other sections of Chapter 206 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.

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 M. Eyster  
Director of Law



RESOLUTION NO. 3 -2022  
(Sponsor: Councilmember Gates)

**APPROVING WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE.**

WHEREAS, Codified Ordinance 662.04 requires the Director of Public Service to notify owners of an assessment for the cutting and removal of offensive and noxious weeds, vines, and grass by the City of Shelby; and

WHEREAS, the Director of Public Service has served said notices on multiple properties within the City of Shelby, Ohio; and

WHEREAS, before the Clerk of Council can certify these assessments to the County Auditor for inclusion on the tax duplicate, Codified Ordinance 662.04 requires that City Council approve said assessment; 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 Council of the City of Shelby approve the assessments as prepared by the Director of Public Service so that the Clerk of Council can certify said assessments to the County Auditor for inclusion on the tax duplicate.

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

Section 1: That the Council of the City of Shelby hereby approves the list of assessments as prepared by the Director of Public Service and attached hereto as "Exhibit A".

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

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

Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

\_\_\_\_\_  
Steven 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. 4 -2022  
(Sponsor: Councilmember McLaughlin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A CERTIFIED LOCAL GOVERNMENT GRANT FOR CREATION OF LOCAL DESIGN GUIDELINES AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio State Historic Preservation Office provides financial assistance for the creation of local design guidelines through the Certified Local Government Grant; and

WHEREAS, the City of Shelby Historic Preservation Commission desires financial assistance under the Certified Local Government Grant Program to create local design guidelines; 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 of City of Shelby apply for a Certified Local Government 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 local design guidelines.

Section 2: That the Mayor as Director of Public Service is hereby authorized and directed to execute and file an application with the Ohio State Historic Preservation Office 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 Certified Local Government 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: \_\_\_\_\_

\_\_\_\_\_  
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. 5-2022**  
**(Sponsors: Councilmembers Gates and Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR THE SMALL RURAL TRIBAL BODY WORN CAMERA PROGRAM GRANT AND DECLARING AN EMERGENCY.**

WHEREAS, the Shelby Police are desirous of obtaining body-worn cameras for use within the department; and

WHEREAS, it is estimated that the cost to purchase said devices is approximately \$28,000.00; 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 apply for funding through the Small Rural Tribal Body Worn Camera Program to assist with said purchases.

**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 Council approve an application for financial assistance to purchase body-worn cameras.

Section 2: That the Mayor as Director of Public Safety shall be and is hereby authorized and directed to execute and file a grant application with the Small Rural Tribal Body Worn Camera Program and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of said 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: \_\_\_\_\_

\_\_\_\_\_  
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