

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

**Shelby City Council Agenda  
Tuesday, July 5, 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 \_\_\_\_\_

**Motion to excuse Councilmember McLaughlin**

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

**Dispense with Reading of Journal from June 21, 2022**

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Councilmember McLaughlin—No Meeting

Public Works & General Operation Committee—Councilmember Roub

**Reports of City Officials**

Steven L. Schag—Mayor

**MOTION TO REQUEST A LIQUOR HEARING FOR ON THE ROCKS TAPAS LLC AT 44  
EAST MAIN STREET**

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

**MOTION TO REQUEST A LIQUOR HEARING FOR MY TY MANAGEMENT LLC DBA  
LEGENDS SPORTS GRILL & PUB AT 63 WEST MAIN STREET**

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

**MOTION TO CONFIRM THE APPOINTMENT OF MS. JEANNE COOVERT TO THE  
POSITION OF DIRECTOR OF COMMUNITY HEALTH/NURSE**

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

**MOTION TO CONFIRM THE APPOINTMENT OF MR. BOB DEANE TO THE POSITION OF  
CODE ENFORCEMENT OFFICER**

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**  
Former Ice Plant Property

**Legislation**

**AMENDED ORDINANCE NO 8-2022      AMENDING CHAPTER 1486 (STORMWATER  
MANAGEMENT) SECTION 1486.16 (MAINTENANCE  
OF STORMWATER DRAINAGE FACILITIES AND  
CONTROL STRUCTURES) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY, OHIO**

**3RD READING**

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 13-2022**

**VACATING AN ALLEY THAT RUNS  
PERPENDICULAR OF EAST MAIN STREET  
BETWEEN LOTS 565, 567, AND 85 WITHIN THE  
CITY OF SHELBY, RICHLAND COUNTY, OHIO**

**2ND READING**

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

**ORDINANCE NO 14-2022**

**PROPOSING AN AMENDMENT TO SECTION 46 OF THE  
CHARTER OF THE CITY OF SHELBY AND SUBMITTING  
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

**1ST READING**

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

RESOLUTION NO 41-2022

**RECOGNIZING MARVIN MEMORIAL LIBRARY ON THE  
OCCASION OF ITS ONE HUNDRED TWENTY-FIFTH  
ANNIVERSARY**

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

**Miscellaneous Business**

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

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

1st Reading

6/16/2022

2nd Reading

6/21/2022

**AMENDED ORDINANCE NO. 8-2022**  
**(Sponsors: Councilmembers Roberts and Roub)**

**AMENDING CHAPTER 1486 (STORMWATER MANAGEMENT) SECTION 1486.16 (MAINTENANCE OF STORMWATER DRAINAGE FACILITIES AND CONTROL STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, construction of and maintenance of stormwater drainage facilities is important to maintain the City stormwater system; and

WHEREAS, it has become necessary to further regulate the construction and maintenance of said drainage facilities; 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 1486 (Stormwater Management) be amended.

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

Section 1: That Chapter 1486 (Stormwater Management), Section 1486.16 (Maintenance of Stormwater Drainage Facilities and Control Structures) be amended to read as follows:

**1486.16 MAINTENANCE OF STORMWATER DRAINAGE FACILITIES AND CONTROL STRUCTURES.**

- (a) For new stormwater drainage facilities and control structures (e.g. detention basins, bioretention cells, underground detention, or any other stormwater control measure that provides stormwater runoff control of peak discharge and/or EPA mandates such as Water Quality Volume) that are of a permanent nature and constructed after September 3, 2022, the property owner shall assume full responsibility for the stormwater drainage facilities and control structures located within the corporation limits during construction and once they have been constructed and accepted by the City. Long-term maintenance planning shall be incorporated into the design of the stormwater facility and shall include unobstructed access to the stormwater facility as well as 20' minimum (or as approved by the City Engineer) being unobstructed and reserved around the entire stormwater facility for long-term maintenance operations.

Prior to obtaining approval to begin construction, an Inspection and Maintenance Agreement for Stormwater Control Measures shall be executed between the property owner and City. Said agreement template shall be provided by the Director of Public Service. Prior to obtaining final project acceptance from the City, the property owner shall provide a certified as-built survey (by a registered surveyor) in accordance with the Inspection and Maintenance Agreement for Stormwater Control Measures.

Funding for the maintenance of these stormwater facilities shall be by the property owner(s). When stormwater facilities are shared between multiple property owners (e.g. subdivision), facilities shall be located on a dedicated parcel that is owned by an association of homeowners whom shall be responsible for the maintenance and associated funding for the stormwater facility. Long-term maintenance planning shall be incorporated into the design of the stormwater facility and shall include a 20' minimum width unobstructed access route to the stormwater facility with 20' minimum (or as approved by the City Engineer) being unobstructed and reserved around the entire stormwater facility for long-term maintenance operations within the dedicated parcel.

The maintenance of drainage features, such as swales and the like, on individual parcels or lots in new subdivisions, shall be the responsibility of the individual parcel or lot owners. The City will require all of these stormwater drainage facilities and control structures to be designed to minimize maintenance costs.

(b) For existing stormwater drainage facilities and control structures (e.g. detention basins, bioretention cells, underground detention, or any other stormwater control measure that provides stormwater runoff control of peak discharge and/or EPA mandates such as Water Quality Volume) that are of a permanent nature and constructed before September 3, 2022, the city may assume responsibility for the structures located within the corporation limits once they have been constructed and accepted by the city. Funding for the maintenance of these major facilities may be by assessment of property owners in accordance with the Charter of the City of Shelby. Alternatively, the property owners may address the necessary maintenance with their own funds and/or means. The maintenance of minor detention areas, such as swales and the like, on individual parcels or lots in new subdivisions, shall be the responsibility of the individual parcel or lot owners. Special provisions shall be written into the deeds for the individual parcels, or lots in new subdivisions, so that the owners are aware that the parcels or lots are used for temporary stormwater storage. The City will require all of these stormwater drainage facilities and control structures to be designed to minimize maintenance costs. The property owner or owners shall provide all necessary easements and rights-of-way to the city in order to permit the maintenance and repair of the required stormwater drainage facilities and control structures.

Section 2: That all other language in Chapter 1486 Stormwater Management), shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of the 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. Byster  
Director of Law

1st Reading  
6/17/2022

ORDINANCE NO. 13 -2022  
(Sponsors: Councilmembers Roberts, Martin, Roub and Gates)

**VACATING AN ALLEY THAT RUNS PERPENDICULAR OF EAST MAIN STREET BETWEEN LOTS 565, 567, AND 85 WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO.**

WHEREAS, on the 18<sup>th</sup> day of April, 2022, the Council of the City of Shelby adopted Resolution No. 25-2022 declaring its intent to vacate an alley that runs perpendicular of East Main Street between lots 565, 567, and 85; and

WHEREAS, notice of adoption of the above resolution has been given to the owners of property abutting said roadways effected by said resolution, notifying said property owners of the time and place at which objections could be presented to the Board of Revision of Assessments (pursuant to Section 105 of the Charter of the City of Shelby); and

WHEREAS, the Board of Revision of Assessments met on May 17, 2022 and voted to approve and recommend the vacation of an alley that runs perpendicular of East Main Street between lots 565, 567, and 85 said hearing and procedure being in accordance with the provisions of Section 105 of the Charter of the City of Shelby, Ohio; and

WHEREAS, this Council is satisfied that there is good cause for vacating said roadways hereinafter described and that said vacation will not be detrimental to the general interest and public welfare.

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

Section 1: That an alley that runs perpendicular of East Main Street between lots 565, 567, and 85 as set forth in the plat and legal description as prepared by Seiler & Craig Surveying, Inc.- Chad Craig, Registered Surveyor on January 25, 2022 is hereby vacated.

Section 2: That in accordance with Section 105 of the Charter of the City of Shelby, Ohio, the City shall retain any and all easements necessary for the maintenance of utilities currently located within said roadway.

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

ORDINANCE NO. 14 -2022  
(Sponsor: Councilmember Gates)

**PROPOSING AN AMENDMENT TO SECTION 46 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.**

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922; and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City; 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 a proposed amendment to Charter Section 46 be passed and submitted to the electors of the City of Shelby.

**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 there be submitted to the electors of the City at the election to be held on Tuesday, November 8, 2022, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 46 as noted herein below with language to be deleted shown with strikethroughs:

Section 46. No contract, agreement or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council or by any officer of the city, unless the director of finance and public record shall first certify to the council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and recorded in the records of the council. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales or services, products or by-products, or from any city undertakings, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds, or notes sold and in process of delivery, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification. ~~No contract shall be let which exceeds the estimate for the improvement contemplated.~~

Section 2: That the ballots on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

**PROPOSED CHARTER AMENDMENT  
CITY OF SHELBY**

**A Majority Affirmative Vote Is Necessary For Passage**

The proposed amendment to Section 46 of the Shelby Charter removes the requirement that no contract shall be let which exceeds the estimate.



SHALL SECTION 46 OF THE SHELBY CHARTER BE AMENDED? YES  
NO

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all actions necessary to submit the above question to the electors of the City at the election held on November 8, 2022.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 PM of the seventy-fifth day prior to the election.

Section 5: That the Clerk of Council shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2023.

Section 7: 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 8: 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. 41 -2022  
(Sponsors – Councilmembers Gates and Roub)

**RECOGNIZING MARVIN MEMORIAL LIBRARY ON THE OCCASION OF ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY.**

WHEREAS, Marvin Memorial Library began as a reading room on June 4, 1897, in a small, rented room at the Sutter-Higgins block on East Main Street with a collection of three hundred books and Miss Carrie Marvin as the first librarian; and

WHEREAS, over the many decades since its humble start, said library has evolved into a modern institution whose mission is “to offer high-quality, relevant and innovative programs and services that strengthen the community and enrich the lives of all who live here”; and

WHEREAS, Council desires to recognize the trustees, staff, patrons, and greater Shelby community as together we celebrate the one hundred twenty-fifth anniversary of said library’s founding.

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

Section 1: That Marvin Memorial Library shall be and is hereby recognized on the occasion of the one hundred twenty-fifth anniversary of its founding.

Section 2: That the Clerk of Council present Marvin Memorial Library an authenticated copy of this Resolution.

Section 3: That the Clerk of Council cause this Resolution to be published once in a newspaper of general circulation published within the city limits.

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.

Section 5: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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


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

APPROVED:

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

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

Prepared by:

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