

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

**Shelby City Council Agenda
Tuesday, September 6, 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 August 15, 2022

Moved _____ 2ND _____
Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub

Parking Committee—Councilmember Roberts-No Meeting

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

Unfinished Business
Former Ice Plant Property

Legislation

ORDINANCE NO 17-2022

**AMENDING SECTION 642.15 (PLACING SIGNS) OF
CHAPTER 642 (OFFENSES RELATING TO PROPERTY) OF
THE CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO**

2ND READING

Moved 2ND

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

ORDINANCE NO 18-2022

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 19-2022

AMENDING ORDINANCE NO 3-2022 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 20-2022

AMENDING SECTION 618.12 (HUNTING PROHIBITED) OF CHAPTER 618 (ANIMALS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved _____ 2ND _____

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

RESOLUTION NO 48-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH JOHNSON'S EMERGENCY VEHICLE SOLUTIONS TO MAKE REPAIRS TO SHELBY FIRE LADDER 37 AND DECLARING AN EMERGENCY

Moved 2ND

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

Miscellaneous Business

Adjournment at p.m.

Moved 2ND

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

1st Reading
8/15/2022

ORDINANCE NO. 17 -2022
(Sponsor: Councilmember Gates)

AMENDING SECTION 642.15 (PLACING SIGNS) OF CHAPTER 642 (OFFENSES RELATING TO PROPERTY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it has become necessary to revise the ordinance concerning the posting of signs on utility poles within 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 Codified Ordinance Section 642.15 be amended.

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

Section 1: That Section 642.15 of the Codified Ordinances of the City of Shelby be amended to read as follows:

§ 642.15 PLACING SIGNS.

- (a) Except for government placed signs, no person shall place a sign or other material upon a city-owned pole, or upon any pole, fixture, apparatus, or tree located within a city right-of-way along a public thoroughfare.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

Section 2: That all other sections of Chapter 642 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 Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 18 -2022
(Sponsor: Councilmember Gates)

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (December 21, 2020) and have been included in the Codified Ordinances of the City.

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

Section 1: That the editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
1-2021	2-1-2021	258.01
2-2021	2-1-2021	216.01-216.14
4-2021	2-16-2021	1466.24
5-2021	3-1-2021	242.08
6-2021	3-15-2021	1050.02
7-2021	3-15-2021	1486.18
10-2021	5-3-2021	1476.01
11-2021	5-3-2021	1050.02
15-2021	7-6-2021	Subdiv. Appx. V; VI
16-2021	7-6-2021	1044.02
19-2021	8-2-2021	260.09
20-2021	8-2-2021	1050.02
29-2021	12-6-2021	238.01
30-2021	12-6-2021	234.12
31-2021	11-1-2021	276.04
32-2021	12-20-2021	TSO IX
33-2021	12-20-2021	260.28
34-2021	1-3-2022	1040.12

Section 2: That pursuant to Section 17 of the City Charter and R.C. §731.23, the Clerk of Council shall cause to be published a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision

shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

- (b) The repeal provided above shall not affect any legislation enacted subsequent to January 3, 2022.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, R.C. §121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and 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. 19 - 2022
(Sponsor – Councilmember Gates)

AMENDING ORDINANCE NO.: 3-2022 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 21, 2022, 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 line items within the 2022 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 2022 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.: 3-2022 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURE

101-CAB-507	MAINTENANCE BUILDING/GROUNDS	\$ 20,000.00
101-MIS-531	MISCELLANEOUS	\$ 25,000.00
200-STR-486	MAINTENANCE EQUIPMENT	\$ 5,000.00
300-FIR-564	SERVICE VEHICLE	\$ 50,000.00
500-MFG-518	LAB SUPPLIES	\$ 5,000.00
600-DCP-531	MISCELLANEOUS	\$ 5,000.00
600-DIS-539	TRAFFIC SIGNALS	\$ 5,000.00

Section 2: That all other portions of Ordinance No.: 3-2022, 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. 20 -2022
(Sponsor – Councilmember Gates)

AMENDING SECTION 618.12 (HUNTING PROHIBITED) OF CHAPTER 618 (ANIMALS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, local law enforcement agencies (LEAs) have received reports about coyotes within the corporate limits of the City of Shelby; and

WHEREAS, the Ohio Department of Natural Resources, Division of Wildlife has designated the coyote as a “nuisance species”; 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 618.12 of the Codified Ordinances of the City of Shelby be amended to provide a way to control the population of nuisance animals.

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

Section 1: That Section 618.12 of the Codified Ordinances of the City of Shelby be amended to read as follows:

§ 618.12 HUNTING PROHIBITED.

(a) The hunting of animals within the municipality is prohibited. No person shall hunt, kill, or attempt to kill any animal by the use of firearms or any other means. However, nothing in this section shall be deemed to prohibit the killing of rats or other nuisance animals (as determined by the Ohio Division of Wildlife) authorized to be killed by the Chief of Police using means for this killing which are also authorized by the Chief.

(b) Whoever violates this section is guilty of a minor misdemeanor.

Section 2: That all other sections of Chapter 618 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 Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 48-2022
(Sponsors – Councilmembers Roberts and Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH JOHNSON'S EMERGENCY VEHICLE SOLUTIONS TO MAKE REPAIRS TO SHELBY FIRE LADDER 37 AND DECLARING AN EMERGENCY.

WHEREAS, appropriations were included in the Capital Improvement Fund to make repairs to the City owned Ladder 37; and

WHEREAS, the repairs are necessary to maintain Ladder 37; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety be authorized to enter into an agreement with Johnson's Emergency Vehicle Solutions to make the repairs to Ladder 37.

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter into an agreement with Johnson's Emergency Vehicle Solutions to make the repairs as stated in their quotation to Shelby Fire Ladder 37.

Section 2: That the repairs are necessary to maintain Ladder 37.

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 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 Eyster
Director of Law