

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

**Shelby City Council Agenda**  
**Monday, March 20, 2023**  
**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 the Reading of the Journal from March 6, 2023**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilmember Gates

**MOTION THAT THE COMBINED FINANCIAL STATEMENT AND THE  
CASH/INVESTMENT RECONCILIATION STATEMENT BOTH DATED FEBRUARY 28, 2023,  
BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

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

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

Utilities & Streets Committee—Councilmember Martin

**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**

Future Use of Main Street Fire Station

Labor Consultants

**Legislation**

**ORDINANCE NO 8-2023**

**AMENDING SECTION 204.03 (COMMEMORATIVE DATES)  
OF CHAPTER 204 (OFFICIAL STANDARDS) 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 \_\_\_\_\_

**ORDINANCE NO 9-2023                      CREATING APPROPRIATIONS FOR THE YEAR 2023 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. 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 10-2023                      AMENDING SECTIONS 1490.10 (GENERAL EXTERIOR  
MAINTENANCE REQUIREMENTS) AND 1490.14 (YARD  
AREA MAINTENANCE) OF CHAPTER 1490 (EXTERIOR  
PROPERTY MAINTENANCE) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**1ST READING**

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

**RESOLUTION NO 9-2023                      DECLARING THE INTENT TO VACATE AN ALLEY  
RUNNING PERPENDICULAR OF WEST MAIN STREET  
BETWEEN LOTS 578, 576, 575, AND 27 IN THE CITY OF  
SHELBY, OHIO**

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

**RESOLUTION NO 10-2023                      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 11-2023**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE MATERIAL TERMS OF THE NEW NATIONAL OPIOID SETTLEMENTS PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE APRIL 18, 2023, NEW NATIONAL OPIOID SETTLEMENTS AGREEMENT AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 12-2023**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LETTER OF INTENT WITH AEP ONSITE PARTNERS, LLC, FOR A BATTERY ENERGY STORAGE SYSTEM FEASIBILITY ANALYSIS**

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  
2/21/2023

2nd Reading  
3/6/2023

**ORDINANCE NO. 8-2023**  
**(Sponsors – Councilmembers Gates, Martin and Roub)**

**AMENDING SECTION 204.03 (COMMEMORATIVE DATES) OF CHAPTER 204 (OFFICIAL STANDARDS) 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 citizens of the City of Shelby that the late Charles W. Follis be honored by the addition of his birthdate to the list of official commemorative dates.

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

Section 1: That Section 204.03 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**204.03            COMMEMORATIVE DATES.**

(a) The following dates are hereby established for the commemoration of significant events in the history of the City and State:

- (1) February 3 shall be known as "Charles W. Follis Day" to honor the memory and 1880 birthdate of this former Shelby Blues team member who is recognized as the first African American professional football player.
- (2) March 1 shall be known as "Ohio Statehood Day" to recognize the entrance of the seventeenth state into the Union.
- (3) June 3 shall be known as "James E. Henkel Day" to honor the memory of the late mayor of the City of Shelby who was born on this day in 1945.
- (4) June 26 shall be known as "Founding Day" in commemoration of James Gamble's signing of his plat of the Town of Shelby in 1834.
- (5) July 18 shall be known as "Tuby Day" in recognition of the incorporation of the Ohio Seamless Tube Company in 1908.
- (6) August 9 shall be known as "Charter Day" to honor the adoption of the Charter of the City by the voters in 1921.
- (7) October 14 shall be known as "Incorporation Day" in recognition of the establishment of the Incorporated Village of Shelby in 1853.
- (8) November 28 shall be known as "Dawn Powell Day" to celebrate the 1896 birth of this distinguished author and former resident.

(b) Nothing herein shall be interpreted as creating additional paid holidays for employees of the City.

Section 2: That all other sections of Chapter 204 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:



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Gordon Eyster  
Director of Law

**ORDINANCE NO. 9 - 2023**

(Sponsors- Councilmembers Gates, Roub, Roberts, McLaughlin & Martin)

**CREATING APPROPRIATIONS FOR THE YEAR 2023 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, the Director of Finance and Public Record, in cooperation with the Finance Committee of City Council, and the Administration and Department Heads have prepared the “Annual Appropriation Ordinance” as attached hereto and made a part hereof; 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 Annual Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and so as to comply with the provisions of the Ohio Revised Code.

**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 an appropriation is hereby made and authorized for the year 2023, the same to be in full force and effect from and after approval, as and for the general appropriations for the City of Shelby for the year 2023.

Section 2: That City Council does hereby appropriate as an appropriation for the year 2023 the following sums, to wit:

2023				
	Fund	Personal	Other	Total
<b>GENERAL FUND</b>	<b>101</b>			
Building and Zoning		\$0.00	\$38,950.00	\$38,950.00
City Administration & Buildings		\$0.00	\$47,800.00	\$47,800.00
Civil Service		\$75.00	\$300.00	\$375.00
Council		\$47,425.00	\$12,900.00	\$60,325.00
Court		\$358,050.00	\$140,250.00	\$498,300.00
Finance		\$244,600.00	\$16,700.00	\$261,300.00
Law		\$114,500.00	\$33,300.00	\$147,800.00
Economic Development		\$0.00	\$450,450.00	\$450,450.00
Engineering		\$109,300.00	\$21,750.00	\$131,050.00
Fire		\$1,835,100.00	\$88,900.00	\$1,924,000.00
Mayor		\$165,600.00	\$6,200.00	\$171,800.00
Misc.		\$0.00	\$96,600.00	\$96,600.00
Police		\$2,869,700.00	\$442,400.00	\$3,312,100.00
Transportation		\$0.00	\$52,850.00	\$52,850.00
Transfers		\$0.00	\$430,000.00	\$430,000.00
<b>TOTAL</b>		<b>\$5,744,350.00</b>	<b>\$1,879,350.00</b>	<b>\$7,623,700.00</b>
<b>SPECIAL FUNDS</b>	<b>Fund</b>			
Street	200	\$379,900.00	\$500,650.00	\$880,550.00
State Highway	205	\$61,550.00	\$0.00	\$61,550.00
Street Sales Tax	210	\$0.00	\$125,000.00	\$125,000.00
Income Tax	220	\$202,200.00	\$4,799,800.00	\$5,002,000.00
Health	225	\$338,250.00	\$204,750.00	\$543,000.00
Park	230	\$36,550.00	\$1,695,900.00	\$1,732,450.00
Rehab Escrow CDBG	232	\$0.00	\$25,000.00	\$25,000.00
Court Probation	233	\$18,800.00	\$7,200.00	\$26,000.00
BMV Reimbursement	234	\$0.00	\$1,500.00	\$1,500.00
Law Enforcement Trust	235	\$0.00	\$8,730.00	\$8,730.00

Court IDAT	236	\$0.00	\$17,000.00	\$17,000.00
Court Enforce. & Education	237	\$0.00	\$700.00	\$700.00
Dare	238	\$0.00	\$4,400.00	\$4,400.00
Unclaimed Monies	240	\$0.00	\$500.00	\$500.00
Court IDAM	242	\$0.00	\$5,500.00	\$5,500.00
CDBG General	250	\$0.00	\$229,000.00	\$229,000.00
Home Program	251	\$0.00	\$446,000.00	\$446,000.00
Local Coronavirus Relief	283	\$0.00	\$0.00	\$0.00
Local Fiscal Recovery	284	\$0.00	\$0.00	\$0.00
City Admin. & Bldg.	650	\$0.00	\$0.00	\$0.00
Police Pension	700	\$325,000.00	\$900.00	\$325,900.00
Fire Pension	701	\$341,000.00	\$1,150.00	\$342,150.00
Shade Tree Trust	705	\$0.00	\$8,700.00	\$8,700.00
FEMA	815	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		<b>\$1,703,250.00</b>	<b>\$8,082,380.00</b>	<b>\$9,785,630.00</b>

**Debt Service Funds**

Special Bond	275	\$0.00	\$1,000.00	\$1,000.00
General Bond SSE	281	\$0.00	\$0.00	\$0.00
USDA	282	\$0.00	\$0.00	\$0.00
Light Debt Reserve	602	\$0.00	\$93,213.00	\$93,213.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$94,213.00</b>	<b>\$94,213.00</b>

**Capital Project Funds**

Court Computer	239	\$0.00	\$14,000.00	\$14,000.00
Police Computer	241	\$0.00	\$1,500.00	\$1,500.00
Capital Improvement	300	\$0.00	\$624,900.00	\$624,900.00
Shelby Reservoir	301	\$0.00	\$0.00	\$0.00
Sewer Construction	302	\$0.00	\$0.00	\$0.00
San./Storm/Sewer - Equipment	303	\$0.00	\$0.00	\$0.00
Court Capital Improvement	304	\$0.00	\$13,000.00	\$13,000.00
Fox Run Six	322	\$0.00	\$0.00	\$0.00
Fox Run Seven	324	\$0.00	\$0.00	\$0.00
Water Facilities 69%	350	\$0.00	\$0.00	\$0.00
Bridges & Sidewalks 29%	351	\$0.00	\$0.00	\$0.00
Sidewalks 2%	352	\$0.00	\$26,150.00	\$26,150.00
Streets, Alleys, Catch Basin Fund	353	\$0.00	\$959,500.00	\$959,500.00
Police/Court	354	\$0.00	\$514,652.50	\$514,652.50
Police Equipment	702	\$0.00	\$40,500.00	\$40,500.00
Fire Equipment	703	\$0.00	\$301,500.00	\$301,500.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$2,495,702.50</b>	<b>\$2,495,702.50</b>

**Permanent Fund**

Mini Park Trust	<b>Fund</b> 710	\$0.00	\$3,000.00	\$3,000.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$3,000.00</b>	<b>\$3,000.00</b>

**Special Assessment Fund**

Fire Damage Fund	253	\$0.00	\$77,007.00	\$77,007.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$77,007.00</b>	<b>\$77,007.00</b>

**Enterprise Funds**

Sewer	400	\$871,150.00	\$621,225.00	\$1,492,375.00
San. Sewer Capital Improvements	401	\$0.00	\$591,500.00	\$591,500.00
Waste Water Capital Improvements	402	\$0.00	\$633,150.00	\$633,150.00
Water	500	\$1,289,950.00	\$968,550.00	\$2,258,500.00
Water Facilities	501	\$0.00	\$317,500.00	\$317,500.00



Water Capital Improvements	502	\$0.00	\$382,800.00	\$382,800.00
Electric	600	\$1,163,500.00	\$11,313,900.00	\$12,477,400.00
<b>TOTAL</b>		<b>\$3,324,600.00</b>	<b>\$14,828,625.00</b>	<b>\$18,153,225.00</b>

**Internal Service Fund**

Sharing Fund	706	\$0.00	\$25,000.00	\$25,000.00
Hospitalization	715	\$0.00	\$2,655,000.00	\$2,655,000.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$2,680,000.00</b>	<b>\$2,680,000.00</b>

**Agency Fund**

Playscape Trust	231	\$0.00	\$0.00	\$0.00
Light Customer Deposit	601	\$0.00	\$113,000.00	\$113,000.00
Bicentennial Trust	800	\$0.00	\$0.00	\$0.00
<b>Total Agency Funds</b>		<b>\$0.00</b>	<b>\$113,000.00</b>	<b>\$113,000.00</b>

		<b>Personal</b>	<b>Other</b>	<b>Total</b>
<b>TOTAL</b>		<b>\$10,772,200.00</b>	<b>\$30,253,277.50</b>	<b>\$41,025,477.50</b>

Section 3: That the Director of Finance and Public Record 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 transfers may be made from line item to line item within the Financial Department without specific Council authorization provided, however, that no line item may be increased during 2023 by a sum greater than 10% of the original appropriation or \$5,000.00 whichever is greater. Said transfer shall be certified by the Director of Finance and Public Record, signed by the Mayor, and by the elected official or board or commission responsible for each financial department.

Section 5: 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 6: That this Ordinance is hereby deemed to be an emergency so as to provide for the usual daily operations of municipal government 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

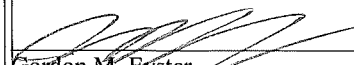
APPROVED:

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

Brian A. Crum  
Clerk of Council

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

Prepared by:

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

ORDINANCE NO. 10 -2023  
(Sponsors- Councilmembers Roberts and Roub)

**AMENDING SECTIONS 1490.10 (GENERAL EXTERIOR MAINTENANCE REQUIREMENTS) AND 1490.14 (YARD AREA MAINTENANCE) OF CHAPTER 1490 (EXTERIOR PROPERTY MAINTENANCE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, Section 1490.10 and 1490.14 contains regulations for Exterior Property Maintenance in the City of Shelby; and

WHEREAS, Shelby City Council is desirous to amend said regulations; 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 1490.10 and 1490.14 of Chapter 1490 of the Codified Ordinances of the City of Shelby 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 1490.10 (General Exterior Maintenance Requirements) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**1490.10 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.**

- (a) The exterior surfaces of all structures within the city, be the same functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which the part or feature was designed.
- (b) The entire yard area contiguous to all structures within the city, extending from the area immediately adjacent to the structure up to and including the lot line in all directions, shall be maintained in a safe, clean, sanitary, and blight free condition.

Section 2: That Section 1490.14 (Yard Area Maintenance) of Chapter 1490 (Exterior Property Maintenance) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**1490.14 YARD AREA MAINTENANCE.**

- (a) Refuse.
  - (1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated automobiles, or automobile parts shall be placed or stored in any area contiguous to any structure within the city over a period in excess of 24 hours; provided, however, that those items set forth herein which are usually and ordinarily placed for refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled refuse hauling date.
  - (2) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Mayor and/or his or her designee, create a health, accident or fire hazard, are a public nuisance or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property.
- (b) Vegetation.
  - (1) Any tree, shrub or part thereof which, as a result of death, decay, breaking, placement or neglect, is a hazard or endangers any person, animal or property, or causes a blighting effect on the neighborhood, shall be trimmed in conformity with Chapter 1026, or removed.
  - (2) Grass and weeds shall be maintained, controlled and cut in conformity with Chapter 662.

(c) Appurtenant structures.

(1) All structures located in the yard area contiguous to any residential and commercial structure within the city, such as sheds, barns, garages, bins and the like, shall be maintained in good repair in conformity with other provisions of this chapter having regard to foundations, roofs and exterior surfaces.

(2) Any broken, deteriorated or decayed fence, yard enclosure or other device or structure located in the yard area contiguous to any residential or commercial structure within the city shall be repaired or removed.

(d) Automobile parking.

(1) No motor vehicle or trailer shall be parked in any part of the yard area contiguous to a residential or commercial structure within the city, other than that area designated by custom and use as the driveway or parking lot, for a cumulative amount of time greater than six hours in any 48-hour period.

(2) Other than as provided in division (d)(1) hereof, the parking and storage of all motor vehicles, trailers and other equipment shall be in accordance with the provisions of the traffic code as set forth in Part Four of these Codified Ordinances and the Ohio Revised Code.

(e) Ground surface hazards. Holes, cracks excavations, breaks, projections and obstructions at any place on the premises which, in the opinion of the Mayor and/or his or her designee, are a hazard using the premises, shall not be permitted.

Section 3: That all other Sections of Chapter 1490 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 M. Byster  
Director of Law

RESOLUTION NO. 9 -2023  
(Sponsor: Councilmember Martin)

**DECLARING THE INTENT TO VACATE AN ALLEY RUNNING PERPENDICULAR OF WEST MAIN STREET BETWEEN LOTS 578, 576, 575, AND 27 IN THE CITY OF SHELBY, OHIO.**

WHEREAS, the plats of the City of Shelby, Ohio, indicate that a dedicated alley runs perpendicular of West Main Street between lots 578, 576, 575, and 27; and

WHEREAS, a majority of the owners of property bounding and abutting upon said alley have submitted a "Petition to Vacate Street or Alley" to Council of the City of Shelby, Ohio, asking the alley to be vacated; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate an alley and sets forth the procedure for doing so; 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 alley running perpendicular of West Main Street between lots 578, 576, 575, and 27 within the City of Shelby, Ohio, be vacated.

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

Section 1: That it is the intent of the Council of the City of Shelby that the alley running perpendicular of West Main Street between lots 578, 576, 575, and 27 as shown on Exhibit A within the City of Shelby, Ohio be vacated.

Section 2: That the Clerk of Council is hereby instructed to cause notice of Council's intent to vacate said alley to be served upon those persons mandated by the terms of the Charter of the City of Shelby.

Section 3: That the Board of Revisions of Assessments shall hold a meeting to consider Council's intent to vacate as well as any objections which may be lodged concerning said intent and that said Board of Revisions of Assessments submit a report to the council of the City of Shelby following said meeting.

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

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

Prepared by :

  
Gordon M. Eyster  
Director of Law

**RESOLUTION NO. 10-2023**  
**(Sponsors: Councilmembers Gates & Martin)**

**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. 11 -2023**  
**(Sponsors- Councilmembers Gates & Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE MATERIAL TERMS OF THE NEW NATIONAL OPIOID SETTLEMENTS PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE APRIL 18, 2023, NEW NATIONAL OPIOID SETTLEMENTS AGREEMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby, Ohio (herein "Municipality") is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representative and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the Council of City of Shelby, Ohio has adopted, and hereby reaffirms its adoption of, a One Ohio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council of the City of Shelby, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by distributors Teva, Allergan, CVS, Walgreens, and Walmart (collectively the "Settling Distributors") to resolve governmental entity claims in the State of Ohio using the structure of the One Ohio MOU and consistent with the material terms of the April 18, 2023, proposed New National Opioid Settlements Agreement; and

WHEREAS, the Council of the City of Shelby, Ohio wishes to agree to the material terms of the proposed New National Opioid Settlements Agreement with the Settling Distributors (the "Proposed Settlement").

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

Section 1: That the Mayor as Director of Public Safety is authorized to accept the Proposed Settlement on behalf of the City of Shelby, Ohio, pursuant to the terms of the One Ohio MOU.

Section 2: That council intends that any financial proceeds from the Proposed Settlement be deposited into the DARE Fund.

Section 3: That all meetings and hearings concerning the adoption of the 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 so as to meet the ongoing contractual 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 Crum  
Clerk of Council

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

Prepared by:

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

**RESOLUTION NO. 12-2023**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LETTER OF INTENT WITH AEP ONSITE PARTNERS, LLC, FOR A BATTERY ENERGY STORAGE SYSTEM FEASIBILITY ANALYSIS.**

WHEREAS, the City of Shelby has an interest in the distribution of electricity from a battery energy storage system (BESS) owned and operated by AEP Onsite Partners, LLC; and

WHEREAS, AEP Onsite Partners, LLC, will evaluate the feasibility of a battery energy storage system for the City of Shelby by conducting a feasibility analysis for the aforementioned system; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor, as Director of Public Service be authorized to enter into a Letter of Intent with AEP Onsite Partners, LLC for a Battery Energy Storage System Feasibility Analysis.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into a Letter of Intent with AEP Onsite Partners, LLC, for a Battery Energy Storage System Feasibility Analysis.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

\_\_\_\_\_  
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