

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

**Shelby City Council Agenda
Monday, July 3, 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 _____

Motion to excuse Councilmember Roub

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

Dispense with the Reading of the Journal from June 20, 2023

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub—Did not meet

Ad Hoc Sidewalk Committee—Councilmember Martin

Ad Hoc Parking Committee—Councilmember Roberts—Did not meet

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF MARY MARTIN BANDMAN TO THE
HEALTH DEPARTMENT ADVISORY BOARD**

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business
Black Fork Ditch Petition

Declaration of Independence

Legislation

ORDINANCE NO 17-2023

**DECLARING THE NECESSITY FOR LEVYING AN
ADDITIONAL TWO AND ONE-HALF TENTHS PERCENT
(.25%) INCOME TAX FOR THE PURPOSE OF PROVIDING
FUNDS FOR THE SHELBY FIRE DEPARTMENT**

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 18-2023

AMENDING RULE 4 (PRESIDING OFFICER) OF SECTION 220.01 (RULES OF ORDER; MEETINGS) OF CHAPTER 220 (COUNCIL) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 19-2023

AMENDING CHAPTER 1042 (SEWER REGULATIONS), SECTION 1042.08 (CONSTRUCTION STANDARDS AND SPECIFICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 20-2023

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 21-2023

**REPEALING SECTION 612.11 (PUBLIC CONSUMPTION)
OF CHAPTER 612 (ALCOHOLIC BEVERAGES) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 22-2023

**AMENDING CHAPTER 1040 (WATER), SECTION 1040.04
(RULES, REGULATIONS AND FIXED CHARGES FOR
MUNICIPAL WATER SYSTEM), RULE 41 OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO**

1ST READING

Moved _____ 2ND _____

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

RESOLUTION NO 29-2023

**ADOPTING AN ANNUAL REVENUE BUDGET FOR THE
YEAR 2024**

Moved _____ 2ND _____

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

RESOLUTION NO 30-2023

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO ENTER INTO AN AGREEMENT WITH
SOUTHSIDE EXCAVATING TO REMOVE LIME SLUDGE
FROM THE WATER TREATMENT PLANT SMALL
DRYING LAGOON AND DECLARING AN EMERGENCY**

Moved _____ 2ND _____

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

RESOLUTION NO 31-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY AND DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH BRICKER GRAYDON LLP FOR PROFESSIONAL LEGAL SERVICES RELATING TO HUMAN RESOURCE MANAGEMENT, LABOR RELATIONS/NEGOTIATIONS, AND LABOR AND EMPLOYMENT AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

RESOLUTION NO 32-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH SARVER PAVING COMPANY FOR THE 2023 PAVING PROJECT IN THE AMOUNT OF FORTY-ONE THOUSAND SEVEN HUNDRED FORTY AND 80/100 DOLLARS (\$41,740.80) AS AN INCREASE AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

RESOLUTION NO 33-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

RESOLUTION NO 34-2023

DETERMINING THAT CERTAIN REAL PROPERTY TO BE ACQUIRED BY THE CITY OF SHELBY BE TRANSFERRED AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE DEVELOPMENT OF SAID REAL PROPERTY AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE

Moved _____ 2ND _____

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

TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, THE SALE OF PROPERTY AT COMPETITIVE BIDDING, OR THE SALE OR OTHER DISPOSITION OF UNNEEDED, OBSOLETE, OR UNFIT-FOR-USE PROPERTY IN ACCORDANCE WITH SECTION 505.10 OF THE REVISED CODE, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
6/5/2023
2nd Reading
6/20/2023

ORDINANCE NO. 17-2023

(Sponsors: Councilmembers Gates, Roberts, Roub, Martin, and McLaughlin)

DECLARING THE NECESSITY FOR LEVYING AN ADDITIONAL TWO AND ONE-HALF TENTHS PERCENT (.25%) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SHELBY FIRE DEPARTMENT.

WHEREAS, the costs of providing and maintaining Fire Department staffing, fire apparatus, fire equipment, building needs/upgrades, ambulance provisions, paramedic emergency services, etc. have increased significantly; and

WHEREAS, the expenses connected with operating a high-quality Fire Department have resulted in fiscal challenges in General Fund operations; and

WHEREAS, the Shelby City Council and Administration have thoroughly discussed long-term solutions to the increased general operational expenses of the Shelby Fire Department; and

WHEREAS, the Council of the City of Shelby proposes to submit to the electors of this city at the election to be held on November 7, 2023, the question of levying an additional two and one-half tenths percent (.25%) income tax to be used for providing funds for the operations of the Shelby Fire Department; and

WHEREAS, said two and one-half tenths percent (.25%) income tax would be collected for a period of five years; 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 an additional two and one-half tenths percent (.25%) income tax be levied for the purpose of providing funds for the operations of the Shelby Fire Department.

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

Section 1: That it is necessary to levy a two and one-half tenths percent (.25%) income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby and for the specific purpose of providing funds for the Shelby Fire Department.

Section 2: That such two and one-half tenths percent (.25%) income tax for providing funds for the Shelby Fire Department shall be imposed upon all income taxable by the City of Shelby only if approved by the majority of electors of the City of Shelby pursuant to Section 718.01 of the Ohio Revised Code.

Section 3: That if the two and one-half tenths percent (.25%) income tax is approved by the electors of the City of Shelby, said two and one-half tenths percent (.25%) shall be levied upon income taxable by the City of Shelby for a period of five (5) years from January 1, 2024 through December 31, 2028.

Section 4: That the question to levy a two and one-half tenths percent (.25%) income tax shall be submitted to the electors of the City of Shelby at the general election to be held at the designated voting places within said City of Shelby on the 7th day of November, 2023.

Section 5: That if the two and one-half tenths percent (.25%) income tax is approved by the electors of the City of Shelby, then and in that event, said two and one-half tenths percent (.25%) tax shall not be subject to the credit provisions as contained within Section 881.06 of the Codified Ordinances of the City of Shelby.

Section 6: That the Clerk of this Council be and is hereby directed to certify a true copy of the Ordinance to the Board of Elections, Richland County, Ohio as provided by the Ohio Revised Code Section 718.01 and that he shall do so at least 90 days before the general election herein mentioned.

Section 7: That the ballot shall be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

PROPOSED MUNICIPAL INCOME TAX

CITY OF SHELBY

A Majority Affirmative Voted is Necessary for Passage

Shall the Ordinance for providing a two and one-half tenths percent (.25%) additional income tax for a period of five (5) years, commencing on January 1, 2024 and ending on December 31, 2028, for the benefit of the City of Shelby for providing and maintaining fire apparatus, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the payment of permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department, or for the payment of other related costs, be passed?

FOR THE INCOME TAX

AGAINST THE INCOME TAX

Section 8: 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 9: 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 action necessary to submit the above question to the electors of the City at the election held on November 7, 2023.

Section 10: 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 p.m. on the ninetieth day prior to the date of election.

Section 11: That said Ordinance, if approved by the electors, shall become effective on January 1, 2024.

Section 12: 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

4/5/2023

2nd Reading

6/20/2023

ORDINANCE NO. 18 -2023
(Sponsor – Councilmember Gates)

AMENDING RULE 4 (PRESIDING OFFICER) OF SECTION 220.01 (RULES OF ORDER; MEETINGS) OF CHAPTER 220 (COUNCIL) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, it has long been the custom and practice of a member of Council to read aloud the Declaration of Independence at the regular meeting prior to Independence Day; 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 said custom and practice become enacted into the rules of Council.

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

Section 1: That Rule 4 of Section 220.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

Rule 4. Presiding officer. The presiding officer shall preserve order and decorum and confine members in debate to the question.

(1) The presiding officer shall order all people who become disorderly, other than Council members, to leave the Council Chambers.

(2) No person shall be allowed to address Council without receiving permission from the presiding officer. The presiding officer may recognize any nonmember for the purpose of addressing Council on any question pending or on any matter on which Council action is desired. In such cases, the person recognized shall address the presiding officer and state his or her name and address and the subject matter he or she desires to discuss. His or her remarks must be confined to the merits of the subject at issue. Speakers must be courteous and avoid discussion of personalities. No person who has had the floor shall again be recognized until all others have been given an opportunity to do so. This rule shall not apply to any person specifically invited by Council to a meeting as an advisor or consultant. Persons permitted to address Council shall not be allowed to use disrespectful, profane, threatening, or discourteous language; to do so shall be considered an act of disorder. Council shall have the authority to close discussions debated and instruct the presiding officer to proceed to the next order of business.

(3) Except for a bona fide religious or medical reason, no person shall wear a hat or other headgear during meetings of Council. No person shall bring an animal, except a service or law enforcement animal, into the Council Chambers. No person shall use a cellular telephone or other telecommunication device during meetings of Council; exceptions shall be made for police officers, firefighters, and other like personnel. The presiding officer shall order any person who violates the provisions of this division to leave Council Chambers.

(4) At the regular meeting of Council prior to Independence Day, the presiding officer shall read or cause to be read aloud the Declaration of Independence.

Section 2: That all other sections of Chapter 220 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

1st Reading

6/15/2023

2nd Reading

6/20/2023

ORDINANCE NO. 19-2023
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1042 (SEWER REGULATIONS), SECTION 1042.08 (CONSTRUCTION STANDARDS AND SPECIFICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, Chapter 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) needs to be amended to list the most current installation standards and specifications for sewer laterals and specify the responsible parties for permitting and overseeing the sewer lateral installation; and

WHEREAS, the Service Department, Division of Sewer Maintenance has provided the updated information for the most current method and materials required for the proper installation of sewer laterals; 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 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) be amended to list the most current installation standards and specifications for sewer laterals.

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

Section 1: That Chapter 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) be amended to read as follows:

- (a) Sewer laterals shall not be less than six inches in diameter. All joints shall be watertight.
 - (1) Sewer laterals from the main to the owner's residence shall be of the following material:
 - A. PVC sewer pipe manufactured in accordance with the most current revision of ASTM Designation D 3034 (SDR 35)
 - (2) The appropriate Fernco flexible coupling or approved equivalent adaptor shall be used to connect different pipe materials.
 - (b) Whenever possible, the house sewer lateral shall be brought to the building at an elevation below the basement floor. For each building there shall be a separate sewer connection constructed of a six-inch minimum SDR 35 bell and spigot pipe with a gasket, which shall extend from the main sewer to within five feet of the building, at which point a Fernco (or equal) transition fitting shall be installed and connected to Schedule 40 pipe. Glued fittings are not permitted. A cleanout shall be installed on the sewer lateral next to the outside wall or installed inside the structure flush with the finished floor.
 - (c) No building sewer lateral laid parallel to any bearing wall shall be installed within three feet of the wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The house sewer lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
 - (d) Sewer laterals shall have a minimum slope of one-eighth inch per foot laid to a straight line and grade. Connections to the public sewer main shall be made at wye (or tee used if drop in from top only) fittings installed for this purpose. If a wye or tee fitting is not available, connection into the public sewer shall be made by using an approved flexible watertight coupling (Fernco or approved equal). The contractor is responsible for the installation of the sewer lateral and shall make arrangements with the City Building Inspector, the Superintendent of Streets and Sewers, or his or her designee to inspect the sewer tap upon the completion of the installation. Long radius bends shall be used, as required, at the wye or tee fittings. The pipe shall be laid on six inches of crushed stone bedding material conforming to size No. 57 or 67 of Table 703-1 of the State of Ohio Department of Transportation *Construction and Material Specifications*.
 - (e) After the bedding material is placed in the bottom of the trench, the pipe shall be laid in the bedding material with care being taken to ensure that the bottom of the pipe is resting on the bedding material for its full length. The pipe shall then be adjusted to the proper elevation by adding or removing bedding material as required.
 - (f) No backfilling over completed work shall be done without the permission of the Superintendent of Streets and Sewers or his or her designee.

(g) After the piping installation is approved by the Superintendent of Streets and Sewers or his or her designee, it shall be backfilled to a depth of at least six inches above the top of the pipe with 57 or 67 size limestone conforming to that specified for bedding material. This initial backfill shall be thoroughly tamped to the satisfaction of the Superintendent of Streets and Sewers or his or her designee with precaution taken so that no misalignment and no change in grade will occur during the backfilling operation. The balance of the trench located outside of pavement limits shall be backfilled with the excavated materials free of large stones or lumps of soil.

(h) All excavations within the limits of street pavement, alleys, parking areas or public drives shall be backfilled with gravel consisting of two feet of 57 size limestone, followed by a top coat of compacted 304 limestone to subgrade. Gravel backfill shall meet with the approval of the Superintendent of Streets and Sewers or his or her designee prior to its installation. Pavement shall be replaced in accordance with Standard Drawing No. 2 on file in the office of the Director of Finance and Public Record. The contractor shall be responsible for all the expenses accrued for the pavement replacement.

(i) All excavations shall be adequately guarded with barricades and lights to protect the public from hazard.

(j) Whenever possible, sewer laterals shall be installed ten feet apart from any other utility infrastructure; including water service lines, underground electric lines, natural gas lines, cable, fiber, and telecommunication lines.

(k) Whenever possible, any sewer lateral that crosses over other underground infrastructure shall be placed eighteen inches above the other infrastructure.

(l) Wherever a force sanitary sewer main is installed, the property owner connecting to the force main shall be responsible for their mechanical pump and sewer lateral up to and including the connection to the municipally owned sewer main.

Section 2: 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 3: 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

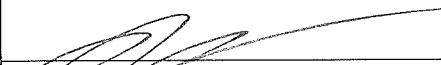
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

ORDINANCE NO. 20 -2023
(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 (January 3, 2022) 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>
1-2022	2-7-2022	1050.02
2-2022	2-7-2022	206.02
4-2022	4-18-2022	248.06
5-2022	4-4-2022	1466.24
7-2022	5-16-2022	1480.04
8-2022	7-5-2022	1486.16
9-2022	6-6-2022	230.08
13-2022	7-18-2022	TSO III
14-2022	11-8-2022	
	By voters	Charter
16-2022	8-22-2022	1044.02
17-2022	9-19-2022	642.15
20-2022	10-3-2022	618.12
22-2022	10-3-2022	240.01,240.04,240.06
24-2022	11-21-2022	1026.03
25-2022	5-2-2023	
	By voters	Ed. Note, Ch.880
26-2022	12-5-2022	1044.02
27-2022	12-5-2022	1040.04
28-2022	11-21-2022	TSO V
30-2022	12-19-2022	TSO V

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, therefore. 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 December 19, 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 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. 21 -2023
(Sponsor: Councilmember McLaughlin)

REPEALING SECTION 612.11 (PUBLIC CONSUMPTION) OF CHAPTER 612 (ALCOHOLIC BEVERAGES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Codified Ordinances of the City of Shelby and the Ohio Revised Code already contain laws regulating the use of alcoholic beverages; and

WHEREAS, the repealing of this section would allow the City of Shelby to responsibly explore opportunities for events and promotions that would otherwise be excluded; 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 612.11 (Public Consumption) of the Codified Ordinances of the City of Shelby be repealed.

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

Section 1: That Section 612.11 (Public Consumption) of Chapter 612 (Alcoholic Beverages) of the Codified Ordinances of the City of Shelby shall be and is hereby repealed.

Section 2: That all other sections of Chapter 612 (Alcoholic Beverages) shall remain in full force and effect.

Section 3: That all meetings 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: _____

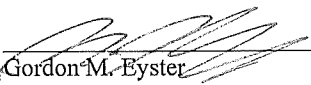
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 22 -2023
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM), RULE 41 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System), Rule 41; and

WHEREAS, Rule 41 establishes the cost for water taps; and

WHEREAS, the current charge for a water tap does not recover the actual cost for the materials required for the Service Department, Division of Water Distribution to make a water tap; and

WHEREAS, the current water tap fee is adjusted annually per the Consumer Price Index (CPI) as stated in Rule 43 in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System); and

WHEREAS, the Consumer Price Index (CPI) adjustment has not kept up with the rising cost for the materials to recover the actual cost to make a water tap; 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 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 41, be amended to adjust the cost for a water tap by recovering the tap in fee and the actual cost for the materials for the Service Department, Division of Water Distribution to make the tap.

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

Section 1: That Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System), Rule 41 be amended to read as follows:

Rule 41

That all utility customers requesting a water tap into the city water supply shall have a tap in fee of \$664.44 and be financially responsible for the current market costs for the materials required to install and connect the water service line to the water main. The tap in fee shall be adjusted annually per the required Consumer Price Index (CPI) adjustment as stated in Rule 43 in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System). Additional charges shall be assessed for the actual cost to restore any lawn or road surface that was disturbed during the installation of the water service line tap in. The restoration costs shall be paid by the customer, owner or developer and shall be paid before permanent water service is received. All taps will be brought to the curb or road side and the water shut-off valve will be placed at the curb or road side. The water service line from the shut off valve to the structure shall be the responsibility of the customer. The property owner is responsible for placing their water service line to within three feet of the curb or street. If a two-inch tap is to be made with a corporation stop, the line to be tapped must be at least a six-inch line. All other two-inch and larger size taps will be made with a tapping sleeve and valve.

Section 2: That all other provisions in Chapter 1040 (Water) and Section 1040.04 (Rule, Regulations, and Fixed Charges for Municipal Water System) 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: _____

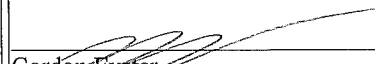
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

RESOLUTION NO. 29-2023
(Sponsors – Councilmembers Gates & Martin)

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2024.

WHEREAS, the Director of Finance and Public Record has submitted a revenue budget for the year 2024, to the Council of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, and general welfare of the citizens of the City of Shelby that the revenue budget for the year 2024 be adopted.

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

Section 1: That the revenue budget for the year 2024 has been submitted to City Council by the Director of Finance and Public Record, and the same is hereby adopted.

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 Eyster
Director of Law

RESOLUTION NO. 30 -2023
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH SOUTHSIDE EXCAVATING TO REMOVE LIME SLUDGE FROM THE WATER TREATMENT PLANT SMALL DRYING LAGOON AND DECLARING AN EMERGENCY.

WHEREAS, the Water Treatment Plant needs to excavate and remove lime sludge from the drying lagoons located at the treatment facility; and

WHEREAS, the three lime sludge drying lagoons are full and the treatment facility needs ample space to store lime sludge for the daily operation and maintenance; and

WHEREAS, the contractor will be working with area farmers to utilize and apply the lime sludge on agricultural fields; 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 an agreement with Southside Excavating to remove the lime sludge from the small drying lagoon at the Water Treatment Plant.

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 Service is hereby authorized to enter into an agreement with Southside Excavating to remove the lime sludge from the small drying lagoon.

Section 2: That Southside Excavating has provided a price of \$39,950 for the removal of the lime sludge.

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 to meet the timing of the agricultural land application and the upcoming maintenance of the clarifiers at the treatment facility, 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. 31 -2023
(Sponsor- Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY AND DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH BRICKER GRAYDON LLP FOR PROFESSIONAL LEGAL SERVICES RELATING TO HUMAN RESOURCE MANAGEMENT, LABOR RELATIONS/NEGOTIATIONS, AND LABOR AND EMPLOYMENT AND DECLARING AN EMERGENCY.

WHEREAS, earlier this year, the City of Shelby terminated its contract with Clemans, Nelson & Associates, Inc.; and

WHEREAS, subsequent to said termination, the City has received numerous responses to its Request for Qualifications, including one from Bricker Graydon LLP; and

WHEREAS, the Mayor has recommended that the City enter into a contract with Bricker Graydon LLP for professional legal services relating to human resource management, labor relations/negotiations, and labor and employment; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the City enter into a contract with Bricker Graydon LLP.

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 and Director of Public Service shall be and is hereby authorized to enter into a contract with Bricker Graydon LLP for professional legal services relating to human resource management, labor relations/negotiations, and labor and employment.

Section 2: That a copy of said contract be attached to this Resolution and incorporated by reference as if completely rewritten herein.

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

RESOLUTION NO. 32 -2023
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH SARVER PAVING COMPANY FOR THE 2023 PAVING PROJECT IN THE AMOUNT OF FORTY-ONE THOUSAND SEVEN HUNDRED FORTY AND 80/100 DOLLARS (\$41,740.80) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with Sarver Paving Company for the 2023 Paving Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the 2023 Paving Project and adjust the contract as detailed in the attached Change Order #1; 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 this change order be approved.

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 Service shall be and is hereby authorized to enter into Contract Change Order with Sarver Paving Company for the total amount of Forty-One Thousand Seven Hundred Forty and 80/100 Dollars (\$41,740.80) as an increase.

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 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. 33 -2023
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE ACQUISITION OF REAL PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, Section 1 of the Charter of the City of Shelby, Ohio grants to the City the power to acquire property in fee simple or lesser interest, as well as, purchase options on property for any municipal purpose; and

WHEREAS, the Board of Education of the Shelby City School District authorized and approved the sale of certain real property located in Richland County, Ohio, known as tax parcel numbers 0460850029000, 0460850047000, 0460850025000, 0460850024000, 0460850051000, 0460850026000, 0460808002000, 0460808003000, 0460850050000, containing approximately 15 acres (the "Property"); to the City of Shelby on June 26, 2023; and

WHEREAS, the City of Shelby is desirous to purchase said Property for economic development reasons; 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 contract for the acquisition of real property from the Board of Education of the Shelby City School District.

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 of the City of Shelby authorizes and approves the purchase of Property on terms and conditions set forth in the Purchase and Sale Agreement attached hereto as Schedule 1, including such other reasonable terms and conditions as may be imposed prior to the sale and transfer of the Property. The Property is being sold via a General Warranty Deed on an "AS IS, WHERE IS, WITH ALL FAULTS" basis.

Section 2: That the Mayor as Director of Public Service is hereby authorized and directed to do all things necessary and consistent with this Resolution to close the transfer of the Property as contemplated under the Agreement, including but not limited to executing any documents necessary to effectuate the closing of the transfer of the Property.

Section 3: That this Resolution and any subsequent contracts are contingent upon the Director of Finance and Public Record's issuance of a certificate in accordance with Section 47 of the Charter of the City of Shelby.

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 whose effectiveness is immediately necessary for the public welfare, 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:

A handwritten signature in dark ink, appearing to read 'Gordon M. Eyster', is written over a horizontal line.

Gordon M. Eyster
Director of Law

RESOLUTION NO. 34 - 2023
(Sponsor: Councilmember Gates)

DETERMINING THAT CERTAIN REAL PROPERTY TO BE ACQUIRED BY THE CITY OF SHELBY BE TRANSFERRED AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE DEVELOPMENT OF SAID REAL PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby (the "City") has authorized and approved the purchase of certain real property located in Richland County, Ohio, known as tax parcel numbers 0460850029000, 0460850047000, 0460850025000, 0460850024000, 0460850051000, 0460850026000, 0460808002000, 0460808003000, 0460850050000, containing approximately 15 acres (the "Property") for economic development purposes; and

WHEREAS, Ohio Revised Code Section 1724.10 (the "Act") authorizes the Council to designate the Community Improvement Corporation of Shelby, Ohio, Inc. (the "CIC") as its agent for the development of lands which have been determined not to be required by the City for its purposes and allows for the sale of real property that will promote the welfare of the people of the City of Shelby; and

WHEREAS, the CIC is designated by the City as the community improvement corporation for the City pursuant to Chapter 856 of the Codified Ordinances of the City, and pursuant to the Act, including specifically §1724.10(B)(3); and

WHEREAS, upon acquisition of the Property by the City, Council desires to transfer the Property to the CIC on the terms set out in the Real Estate Transfer Agreement in substantially the form attached as Schedule A attached (the "Transfer Agreement"), to facilitate certain redevelopment and improvement of the Property to promote the welfare of the people of the City, stabilize the economy, provide employment, and assist in the development of industrial, commercial, distribution, and research activities to the benefit of the people of the City and will provide additional opportunities for their gainful employment (collectively, the "Objectives"); and

WHEREAS, the transfer of the property to the CIC, and the contribution of certain top soil and other in-kind support to the CIC by the City, all as described in the Transfer Agreement attached as Schedule A will promote the welfare of the people of the political subdivision and advance the Objectives; 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, upon its acquisition by the City, the Property be transferred to the CIC and that the CIC be designated the agent of the City for the development of the parcel of land reflected in the attached Schedule A.

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

Section 1: That the Council of the City of Shelby authorizes and approves the transfer of the Property to the CIC on the terms and conditions set forth in the Transfer Agreement attached hereto as Schedule A, including such other reasonable terms and conditions as may be imposed prior to the sale and transfer of the Property that are not in conflict with this Resolution. The Property is being transferred via a General Warranty Deed on an "AS IS, WHERE IS, WITH ALL FAULTS" basis. The City shall reserve unto itself sufficient utility easements as may be required.

Section 2: That the Council of the City of Shelby authorizes and approves the contribution by the City of top soil and other in-kind support to the CIC and any contractor engaged by the CIC to perform work in connection with the Property, consistent with the terms set forth in the Transfer Agreement.

Section 3: That the Mayor as Director of Public Service is hereby authorized and directed to do all things necessary and consistent with this Resolution to close the transfer of the Property as contemplated under the Agreement, and to cause the City to undertake and provide top soil and other in-kind support to the CIC and any contractor engaged by the CIC, including but not limited

to executing any documents necessary to effectuate the closing of the transfer of the Property to the CIC, including a General Warranty Deed and related closing documents.

Section 4: The City designates the CIC as its agent in the use, redevelopment, maintenance, sale, lease or other disposition of the above-described Property in accordance with Ohio Revised Code 1724.10(B), subject to the condition that the Property be used in furtherance of the Objectives.

Section 5: 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 6: 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

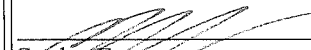
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

SCHEDULE A
REAL ESTATE TRANSFER AGREEMENT