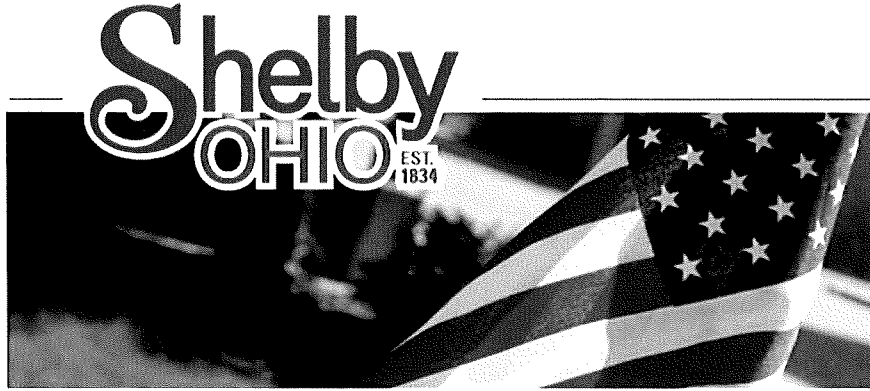


# The City Record

Official Municipal Bulletin - Shelby Ohio

Legislative Update 2023



## Current Council

Mayor Steven Schag, President of Council, (419) 347-5131

Finance Director Brian Crum, Clerk of Council, (419) 347-5131

Law Director Gordon Eyster (419) 342-4261

## Councilmembers:

**At-Large:** Steven McLaughlin, (419) 566-8528 - [stevenmclaughlin@shelbycity.oh.gov](mailto:stevenmclaughlin@shelbycity.oh.gov)

**First Ward:** Charles Roub Jr., (419) 347-6676 - [charlesroub@shelbycity.oh.gov](mailto:charlesroub@shelbycity.oh.gov)

**Second Ward:** Derrin Roberts, (419) 961-3116 - [derrinroberts@shelbycity.oh.gov](mailto:derrinroberts@shelbycity.oh.gov)

**Third Ward:** Garland John Gates, (419) 347-3337 - [garlandgates@shelbycity.oh.gov](mailto:garlandgates@shelbycity.oh.gov)

**Fourth Ward:** Nathan Martin, (567) 275-2525 - [nathanmartin@shelbycity.oh.gov](mailto:nathanmartin@shelbycity.oh.gov)

2nd Reading  
1/17/2023

**SUBSTITUTE ORDINANCE NO. 1-2023**  
**(Sponsors – Councilmembers Gates & Martin)**

**AMENDING SECTIONS 258.01 (SALARIES OF MEMBERS OF COUNCIL), 258.02 (SALARY OF THE MAYOR), 258.03 (SALARY OF THE DIRECTOR OF LAW), AND 258.04 (SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, currently, Chapter 258 (Elected Officials' Salaries) contains no provision for compensation for elected officials whose terms begin in 2024; 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 258 be amended so as to provide compensation for elected officials whose terms begin in 2024.

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**258.01 SALARIES OF MEMBERS OF COUNCIL.**

- (a) Effective January 3, 2022, through January 1, 2024, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.
- (b) Effective January 1, 2024, through January 5, 2025, the salary for each member of City Council shall be \$8,658 annually, to be paid biweekly.
- (c) Effective January 6, 2025, through January 4, 2026, the salary for each member of City Council shall be \$8,809 annually, to be paid biweekly.
- (d) Effective January 5, 2026, through January 3, 2027, the salary for each member of City Council shall be \$8,963 annually, to be paid biweekly.
- (e) Effective January 4, 2027, through January 2, 2028, the salary for each member of City Council shall be \$9,120 annually, to be paid biweekly.

**258.02 SALARY OF THE MAYOR.**

- (a) Effective January 1, 2023, through December 31, 2023, the salary for the Mayor shall be \$70,581 annually, to be paid biweekly.
- (b) Effective January 1, 2024, through December 31, 2024, the salary for the Mayor shall be \$72,698 annually, to be paid biweekly.
- (c) Effective January 1, 2025, through December 31, 2025, the salary for the Mayor shall be \$74,879 annually, to be paid biweekly.
- (d) Effective January 1, 2026, through December 31, 2026, the salary for the Mayor shall be \$77,125 annually, to be paid biweekly.
- (e) Effective January 1, 2027, through December 31, 2027, the salary for the Mayor shall be \$79,439 annually, to be paid biweekly.

**258.03 SALARY OF THE DIRECTOR OF LAW.**

- (a) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Law shall be \$50,287 annually, to be paid biweekly.
- (b) Effective January 1, 2024, through December 31, 2024, the salary for the Director of Law shall be \$51,796 annually, to be paid biweekly.
- (c) Effective January 1, 2025, through December 31, 2025, the salary for the Director of Law shall be \$53,350 annually, to be paid biweekly.
- (d) Effective January 1, 2026, through December 31, 2026, the salary for the Director of Law shall be \$54,951 annually, to be paid biweekly.
- (e) Effective January 1, 2027, through December 31, 2027, the salary for the Director of Law shall be \$56,600 annually, to be paid biweekly.

**258.04 SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD.**

- (a) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Finance and Public Record shall be \$61,376 annually, to be paid biweekly.

(b) Effective January 1, 2024, through December 31, 2024, the salary for the Director of Finance and Public Record shall be \$63,214 annually, to be paid biweekly.

(c) Effective January 1, 2025, through December 31, 2025, the salary for the Director of Finance and Public Record shall be \$65,114 annually, to be paid biweekly.

(d) Effective January 1, 2026, through December 31, 2026, the salary for the Director of Finance and Public Record shall be \$67,067 annually, to be paid biweekly.

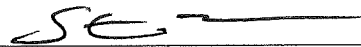
(e) Effective January 1, 2027, through December 31, 2027, the salary for the Director of Finance and Public Record shall be \$69,079 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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: February 6, 2023

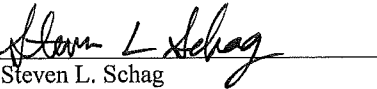


Steven D. McLaughlin  
Vice President of Council

ATTEST: 

Brian A. Crum  
Clerk of Council

APPROVED:



Steven L. Schag  
Mayor

Prepared by:



Gordon M. Eyster  
Director of Law

ORDINANCE NO. 2 -2023  
(Sponsor: Councilmember Martin)

**VACATING GLENN ROAD WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, on the 19<sup>th</sup> day of December, 2022, the Council of the City of Shelby adopted Resolution No. 69-2022 declaring its intent to vacate Glenn Road; and

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

WHEREAS, the Board of Revision of Assessments met on December 21, 2022 and voted to approve and recommend the vacation of Glenn Road; said hearing and procedure being in accordance with the provisions of Section 105 of the Charter of the City of Shelby, Ohio; and

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

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


Section 1: That Glenn Road as set forth in the plat and legal description as prepared by McKeever Associates, Inc.- Issac L. King, Registered Surveyor on November 21, 2022 which is attached here as Exhibit 1 is hereby vacated, subject to the City reserving all rights of easement, including but not limited to those reflected on the attached plat, a copy which is attached here as Exhibit 2.

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

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

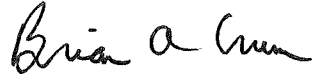
Section 4: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual obligation of the City of Shelby, Ohio, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

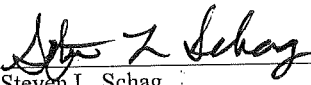
PASSED: January 3, 2023

  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

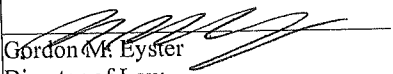
  
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

Prepared by:

LEGAL CHECKED  
RICHLAND COUNTY  
TAX MAP OFFICE

EAK 1-9-23  
INITIAL DATE

  
Gordon M. Eyster  
Director of Law

**TRANSFERRED**

This Conveyance has been examined and the Grantor has complied with Section 319.202 of the Ohio Revised Code.

DATE 1/9/2023

CONVEYANCE FEE \$ 100

TRANSFER FEE \$ 100

EXEMPT ☒

PATRICK W. DROPSEY, County Auditor

MARGINAL PV. 31 Pg 62-64

1/9/2023  
Repealing Easement  
TRANSFER NOT NECESSARY  
PATRICK W. DROPSEY, County Auditor

1/17/2023  
2nd Reading  
2/6/2023

ORDINANCE NO. 3 -2023  
(Sponsors – Councilmembers Gates & McLaughlin)

**ENACTING SECTION 204.06 (MAYOR JAMES E. HENKEL CONFERENCE ROOM) OF CHAPTER 204 (OFFICIAL STANDARDS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, the City of Shelby in November 2007 during the mayoralty of James E. Henkel purchased the building that is now City Hall; and

WHEREAS, although Mayor Henkel died in office on August 19, 2008, he has not yet been honored by the City in an official manner; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that a space at City Hall be designated in Mayor Henkel's memory.

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

Section 1: That Section 204.06 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**204.06 JAMES E. HENKEL CONFERENCE ROOM.**

(a) The front conference room at City Hall is hereby designated as "The Mayor James E. Henkel Conference Room."

(b) The Mayor is hereby directed to place appropriate signage and portraiture indicating this designation.

Section 2: That all other sections of Chapter 204 shall remain in full force and effect.

Section 3: The Clerk of Council present an authenticated copy of this Ordinance to the Henkel family.

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: February 21, 2023



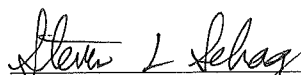
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

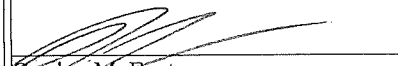


Brian Crum  
Clerk of Council



Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

1/17/2023  
2nd Reading  
2/16/2023

ORDINANCE NO. 4 -2023  
(Sponsor - Councilmember Gates)

**ENACTING SECTION 230.08 (WEDDING FEES) OF CHAPTER 230 (MAYOR) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, although the Mayor is empowered by Ohio Revised Code Section 3101.08 to solemnize marriages, an uncertainty exists regarding how to deal with any fees and/or gratuities received for such solemnizations; 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 uncertainty be resolved.

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

Section 1: That Section 230.08 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**230.08 WEDDING FEES.**


Fees and/or gratuities given to the Mayor for the solemnization of a marriage are received under color of office and are, therefore, public moneys. Said fees and/or gratuities shall be deposited in the City Treasury to the credit of the General Fund unless the Mayor shall designate some other fund. The Mayor shall have no subsequent claim upon said moneys.

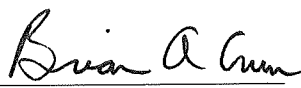
Section 2: That all other sections of Chapter 230 shall remain in full force and effect.

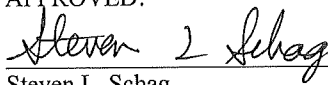
Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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: February 21, 2023

  
Steven D. McLaughlin  
Vice President of Council

ATTEST:   
Brian A. Crum  
Clerk of Council

APPROVED:  
  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

2nd Reading  
2/21/2023

**ORDINANCE NO. 5 -2023**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE CONSUMER PRICE INDEX (CPI) TO BE ADJUSTED UPWARD ABOVE THE ALLOWABLE PERCENTAGE PER THE LANGUAGE IN THE (e) RATE ADJUSTMENT PROVISION OF CHAPTER 1044 (SEWER CHARGES), SECTION 1044.02 (CONDITIONS OF SERVICE; RATE SCHEDULE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, the current language in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (e) Rate Adjustment Provision limits the Consumer Price Index (CPI) upward adjustment to a maximum of 5% in any one year; and

WHEREAS, the Consumer Price Index (CPI) released on January 12, 2023 had an adjustment of 5.7%; and

WHEREAS, it is required by the language in Ord. 26-2022 to present the percentage above the 5% to Council to determine whether the additional Consumer Price Index (CPI) percentage shall be implemented to the adjustment in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (e) Rate Adjustment Provision; 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 additional 0.7 percent adjustment of the Consumer Price Index (CPI) be authorized and implemented to the (e) Rate Adjustment Provision in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule).

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

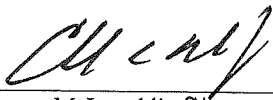
Section 1: That the Consumer Price Index (CPI) adjustment shall be adjusted upward by 0.7 percent in the (e) Rate Adjustment Provision of Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule).

Section 2: That the 0.7 percent additional upward adjustment to the Consumer Price Index (CPI) shall be implemented to the (e) Rate Adjustment Provision of Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), in the 2<sup>nd</sup> Quarter sewer rate adjustment.


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.

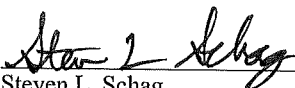
Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 4, 2023

  
Steven McLaughlin Charles Roub  
Vice President of Council Pro Tempore

APPROVED:

ATTEST:   
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

2nd Reading  
2/21/2023

**ORDINANCE NO. 6 -2023**  
**(Sponsor: Council Member Martin)**

**AUTHORIZING THE CONSUMER PRICE INDEX (CPI) TO BE ADJUSTED UPWARD ABOVE THE ALLOWABLE PERCENTAGE PER THE LANGUAGE IN RULE 43 OF CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, the current language in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 43 limits the Consumer Price Index (CPI) upward adjustment to a maximum of 5% in any one year; and

WHEREAS, the Consumer Price Index (CPI) released on January 12, 2023 had an adjustment of 5.7%; and

WHEREAS, it is required by the language in Ord. 27-2022 to present the percentage above the 5% to Council to determine whether the additional percentage shall be implemented to the adjustment in Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rules Regulations and Fixed Charges for Municipal Water Systems); 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 additional 0.7 percent adjustment of the Consumer Price Index (CPI) be authorized and implemented to Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System).

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

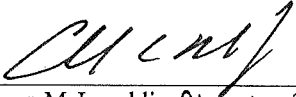
Section 1: That the Consumer Price Index (CPI) adjustment shall be adjusted upward by 0.7 percent in Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rules Regulations and Fixed Charges for Municipal Water Systems).

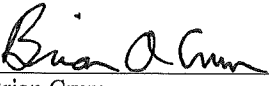
Section 2: That the 0.7 percent additional upward adjustment to the Consumer Price Index (CPI) shall be implemented to Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rule, Regulations and Fixed Charges for Municipal Water Service) in the 2<sup>nd</sup> Quarter water rate adjustment.

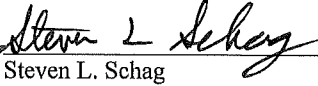
Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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: March 6, 2023

  
Steven McLaughlin Charles Roub  
Vice President of Council Pro Tempore

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:  
  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon Eyster  
Director of Law



**ORDINANCE NO. 7 - 2023**  
(Sponsors – Councilmembers Gates, McLaughlin, & Roub)

**AMENDING ORDINANCE NO.: 29-2022 (TEMPORARY APPROPRIATIONS) AND  
DECLARING AN EMERGENCY.**

WHEREAS, on December 5, 2022, the Council of the City of Shelby passed its Temporary Appropriations Ordinance for the year 2023 to provide efficient operations of the City government and in anticipation of the creation and passage of the Final Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38 no later than the first day of April, 2023; and

WHEREAS, it is necessary to increase appropriated expenses within the 2023 temporary appropriations and to fund said appropriated expenses 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 2023 and so as to fund necessary expenditures 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: That Ordinance No.: 29-2022 (Temporary Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURE**


**STREETS, ALLEYS, SIDEWALKS      ACCT. NO. 353      \$      200,000.00**

Section 2: That all other portions of Ordinance No.: 29-2022, not modified expressly herein, shall remain in full force and effect.

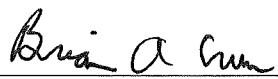
Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

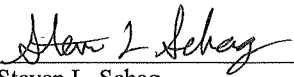
Section 4: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: February 21, 2023

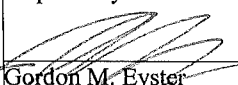
  
\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

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

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

Prepared by:

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

And 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.

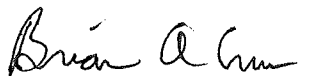
Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 20, 2023



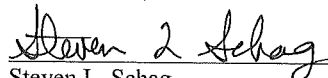
Steven McLaughlin  
Vice President of Council

ATTEST:



Brian Crum  
Clerk of Council

APPROVED:



Steven L. Schag  
Mayor

**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:

<b>2023</b>				
	<b>Fund</b>	<b>Personal</b>	<b>Other</b>	<b>Total</b>
<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

<b>Court IDAT</b>	236	\$0.00	\$17,000.00	\$17,000.00
<b>Court Enforce. &amp; Education</b>	237	\$0.00	\$700.00	\$700.00
<b>Dare</b>	238	\$0.00	\$4,400.00	\$4,400.00
<b>Unclaimed Monies</b>	240	\$0.00	\$500.00	\$500.00
<b>Court IDAM</b>	242	\$0.00	\$5,500.00	\$5,500.00
<b>CDBG General</b>	250	\$0.00	\$229,000.00	\$229,000.00
<b>Home Program</b>	251	\$0.00	\$446,000.00	\$446,000.00
<b>Local Coronavirus Relief</b>	283	\$0.00	\$0.00	\$0.00
<b>Local Fiscal Recovery</b>	284	\$0.00	\$0.00	\$0.00
<b>City Admin. &amp; Bldg.</b>	650	\$0.00	\$0.00	\$0.00
<b>Police Pension</b>	700	\$325,000.00	\$900.00	\$325,900.00
<b>Fire Pension</b>	701	\$341,000.00	\$1,150.00	\$342,150.00
<b>Shade Tree Trust</b>	705	\$0.00	\$8,700.00	\$8,700.00
<b>FEMA</b>	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>
<b>Debt Service Funds</b>				
<b>Special Bond</b>	275	\$0.00	\$1,000.00	\$1,000.00
<b>General Bond SSE</b>	281	\$0.00	\$0.00	\$0.00
<b>USDA</b>	282	\$0.00	\$0.00	\$0.00
<b>Light Debt Reserve</b>	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>
<b>Capital Project Funds</b>				
<b>Court Computer</b>	239	\$0.00	\$14,000.00	\$14,000.00
<b>Police Computer</b>	241	\$0.00	\$1,500.00	\$1,500.00
<b>Capital Improvement</b>	300	\$0.00	\$624,900.00	\$624,900.00
<b>Shelby Reservoir</b>	301	\$0.00	\$0.00	\$0.00
<b>Sewer Construction</b>	302	\$0.00	\$0.00	\$0.00
<b>San./Storm/Sewer - Equipment</b>	303	\$0.00	\$0.00	\$0.00
<b>Court Capital Improvement</b>	304	\$0.00	\$13,000.00	\$13,000.00
<b>Fox Run Six</b>	322	\$0.00	\$0.00	\$0.00
<b>Fox Run Seven</b>	324	\$0.00	\$0.00	\$0.00
<b>Water Facilities 69%</b>	350	\$0.00	\$0.00	\$0.00
<b>Bridges &amp; Sidewalks 29%</b>	351	\$0.00	\$0.00	\$0.00
<b>Sidewalks 2%</b>	352	\$0.00	\$26,150.00	\$26,150.00
<b>Streets, Alleys, Catch Basin Fund</b>	353	\$0.00	\$959,500.00	\$959,500.00
<b>Police/Court</b>	354	\$0.00	\$514,652.50	\$514,652.50
<b>Police Equipment</b>	702	\$0.00	\$40,500.00	\$40,500.00
<b>Fire Equipment</b>	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>
<b>Permanent Fund</b>				
<b>Mini Park Trust</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>
<b>Special Assessment Fund</b>				
<b>Fire Damage Fund</b>	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>
<b>Enterprise Funds</b>				
<b>Sewer</b>	400	\$871,150.00	\$621,225.00	\$1,492,375.00
<b>San. Sewer Capital Improvements</b>	401	\$0.00	\$591,500.00	\$591,500.00
<b>Waste Water Capital Improvements</b>	402	\$0.00	\$633,150.00	\$633,150.00
<b>Water</b>	500	\$1,289,950.00	\$968,550.00	\$2,258,500.00
<b>Water Facilities</b>	501	\$0.00	\$317,500.00	\$317,500.00

	502	\$0.00	\$382,800.00	\$382,800.00
Improvements				
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>
<b>Internal Service Fund</b>				
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>
<b>Agency Fund</b>				
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: March 20, 2023

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

APPROVED:

ATTEST: Brian A. Crum  
Brian A. Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

ORDINANCE NO. 11 - 2023  
(Sponsor – Councilmember Gates)

**AMENDING ORDINANCE NO.: 9-2023 (ANNUAL APPROPRIATIONS) AND  
DECLARING AN EMERGENCY.**

WHEREAS, on March 20, 2023, 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 2023 budget and to fund said line items with previously unappropriated monies; and

WHEREAS, the fire equipment fund receives the majority of funding during the final quarter of the year; and

WHEREAS, the fire equipment fund is in need of an advance of funding from the general fund to meet its financial obligations during the first three quarters of the year; 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 2023 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.: 9-2023 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURE**

101-TRS-462	TRANSFER-MISCELLANEOUS	\$ 75,000.00
703-FEF-446	TRANSFER-GENERAL FUND	\$ 75,000.00

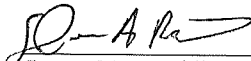
Section 2: Any funds advanced to the fire equipment fund shall be repaid to the general fund in 2023.

Section 3: That all other portions of Ordinance No.: 9-2023, not modified expressly herein, 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.

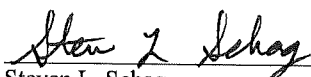
Section 5: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: April 3, 2023

  
Steven McLaughlin Derrin Roberts  
Vice President of Council Pro Tempore

APPROVED:

ATTEST:   
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

2nd Reading  
4/17/2023

ORDINANCE NO. 12 -2023  
(Sponsors: Councilmembers Roberts and Roub)

**REPEALING CHAPTER 289 (FLOODPLAIN MANAGEMENT COMMISSION) OF THE  
CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, on June 15, 2009, Shelby City Council passed Ordinance 20-2009, creating a Floodplain Management Commission and the powers and duties of said commission; and

WHEREAS, the Commission has fulfilled their duties by studying, investigating, consulting with experts, and presenting to Council meaningful data that will benefit our citizens for years to come; 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 289 (Floodplain Management Commission) of the Codified Ordinances be repealed.


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

Section 1: That Chapter 289 (Floodplain Management Commission) of the Codified Ordinances of the City of Shelby be repealed.


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

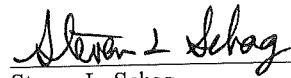
Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: May 1, 2023


  
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. 13 -2023  
(Sponsor: Councilmember Gates)

**CORRECTING AN ERROR ON THE SHELBY ZONING DISTRICTS MAP AND  
DECLARING AN EMERGENCY.**

WHEREAS, the official Zoning Districts Map of the City of Shelby contains an error in that it places Richland County Parcel Number 0460808105000 located at 140 Mansfield Avenue in the R1-A Residential District; however, said property has been used for commercial purposes since circa 1987; and

WHEREAS, said error may well prevent the future sale of this property; 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 error be corrected.

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

Section 1: That the official Zoning Districts Map of the City of Shelby be corrected to place the property located at 140 Mansfield Avenue (Richland County Parcel 0460808105000) in the B-3 Highway Service Business District.

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 is hereby deemed to be an emergency for the immediate preservation of the public peace, property, health or safety 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: April 17, 2023

St. McLaughlin

Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

Brian A. Crum  
Brian Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law



2nd Reading  
5/15/2023

**ORDINANCE NO. 14 -2023**  
**(Sponsor: Councilmember Martin)**

**AMENDING SUBSTITUTE ORDINANCE NO. 1-2020 (ESTABLISHING WAGES FOR DEPARTMENT HEADS AND OTHER NON-CERTIFIED EMPLOYEES).**

WHEREAS, on February 20, 2020, Council passed Substitute Ordinance No. 1-2020 in order to establish wages for department heads and other non-certified employees; and

WHEREAS, it is Council's responsibility to ensure that salaries and wages reflect adequately the value that its employees provide the city; and

WHEREAS, the Council has taken gross exception to the continued non-feasance taking place in the Clerk of Courts office with little oversight and accountability in spite of Council's repeated admonitions. As such, the current wages of that office are simply not justifiable to a Council that boasts good stewardship and a value-added mindset.

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Substitute Ordinance No. 1-2020 be amended to accurately reflect the value provided to the City of Shelby by the current Clerk of Courts.

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

Section 1: That, effective at the earliest time allowed by law, the salaries, hourly wages, and wage ranges for the positions set forth below shall be as follows:

DEPARTMENT HEADS AND  
SUPERINTENDENTS HOURLY WAGES

Deputy Director of Public Service	a maximum of \$43.00
Chief of Police	a maximum of \$45.00
Fire Chief	a maximum of \$45.00
Superintendent of Electric Electric Distribution	a maximum of \$40.00
Superintendent of Service Department	a maximum of \$40.00
Superintendent of Water Plant & Distribution	a maximum of \$40.00
Superintendent of Waste Water Treatment Plant & Sewers	a maximum of \$40.00

DEPARTMENT HEADS ANNUAL SALARY RANGE

Health Commissioner	\$10,000.00 - \$72,000.00
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NON-CERTIFIED EMPLOYEE ANNUAL SALARY RANGE

Medical Director	\$5,000.00 - \$25,000.00
Clerk of Courts	\$1

OTHER NON-CERTIFIED EMPLOYEES  
HOURLY WAGES SALARY RANGES

Deputy Director of Finance	a maximum of \$33.00
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City Project Coordinator	a maximum of \$35.50
Utility Office Supervisor	\$17.00 - \$28.50
Assistant to Deputy Director of Public Service	\$17.00 - \$27.00
Environmental Health Director/Sanitarian	a maximum of \$33.50
Director of Community Health/Nurse	a maximum of \$28.50
Probation Officer	\$15.00 - \$22.50
Secretary to the Mayor & Finance Director	\$15.00 - \$25.00
Income Tax Clerk 1	\$15.00 - \$23.00
Income Tax Clerk 2	\$17.00 - \$25.00
Secretary to the Law Director (part-time)	\$15.00 - \$23.00

Section 2: That wages and salaries shall not exceed the top values as noted in Section 1.

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: June 5, 2023

SL McLaughlin  
Steven McLaughlin  
Vice President of Council

ATTEST: Brian A. Crum  
Brian A. Crum  
Clerk of Council

APPROVED:

Possible Veto  
SLC

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO: 15 -2023**  
**(Sponsors: Councilmembers Roberts & Martin)**

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2023 AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2023 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2023 and so as to fund necessary expenditures and/or projects; 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 funds be transferred.

**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 the Director of Finance shall be and is hereby authorized and directed to make the following transfers:


FROM	101-MIS-531	Miscellaneous	\$ 20,500.00
TO	101-ECD-647	Blackfork Park	\$ 20,500.00

Section 2: That all other portions of Ordinance No. 9-2023, not modified herein, shall remain in full force and effect.

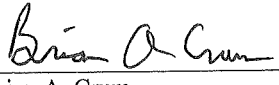
Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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.

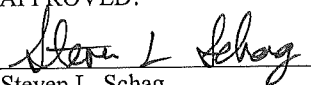
PASSED: May 15, 2023

  
Steven McLaughlin  
Vice President of Council


ATTEST:

  
Brian A. Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO. 16 - 2023**  
**(Sponsors – Councilmembers Roberts & Martin)**

**AMENDING ORDINANCE NO.: 9-2023 (ANNUAL APPROPRIATIONS) AND  
DECLARING AN EMERGENCY.**

WHEREAS, on March 20, 2023, 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 a line item within the 2023 budget and to fund said line item 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 2023 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.: 9-2023 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURE**


**101-ECD-647      BLACKFORK PARK      \$    20,500.00**

Section 2: That all other portions of Ordinance No.: 9-2023, not modified expressly herein, shall remain in full force and effect.

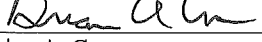
Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

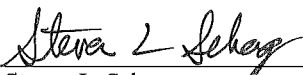
Section 4: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: May 15, 2023


  
Steven 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

3rd 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, 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: July 3, 2023

Steven McLaughlin  
Steven McLaughlin  
Vice President of Council

ATTEST:

Brian A. Crum  
Brian Crum  
Clerk of Council

APPROVED:

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

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.

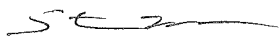
(4) At the regular meeting of Council prior to Independence Day, the presiding officer shall read or cause to be read aloud the Declaration of Independence.

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: July 3, 2023

  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: Brian A. Crum  
Brian Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law



6/21/2023  
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.

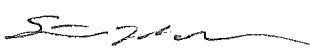
(k) Whenever possible, any sewer lateral that crosses over other underground infrastructure shall be placed eighteen inches above the other infrastructure.


(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.

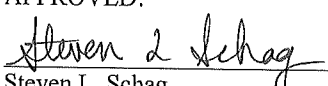
Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: July 3, 2023


  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon Eyster  
Director of Law

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wd 12:11 @

**Current language in Section 1042.08 for comparison:**

**CHAPTER 1042: SEWER REGULATIONS**

**§ 1042.08 CONSTRUCTION STANDARDS AND SPECIFICATIONS.**

(a) House sewer laterals shall not be less than six inches in diameter. All joints shall be watertight.

(1) House sewer laterals from the main to the owner's residence shall be one of the following materials:

A. Vitrified sewer pipes meeting the latest issue of the requirements of the American Society for Testing Materials (ASTM) Designation C-700, with bell and spigot joints, including a compression-type gasket conforming to the material and testing requirements of ASTM Designation C-425;

B. PVC sewer pipe manufactured in accordance with the most current revision of ASTM Designation D 3034 (SDR 35); or

C. ABS plastic solid wall pipe, meeting the requirements of the most current revision of ASTM Designation D 2751.

(2) The appropriate Fernaco flexible coupling or approved equal 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 six-inch minimum sewer connection, which shall extend from the main sewer to within five feet of the building, at which point a Fernaco (or equal) transition fitting will be installed and connected to Schedule 40 pipe. Once inside a structure a cleanout will be installed flush with the finish 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) House 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 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 manufactured watertight saddle or flexible watertight couplings (Fernaco or approved equal). The sewer digger shall make arrangements with the City Building Inspector to inspect the tap. 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

**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

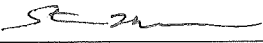
an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution, therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

- (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.

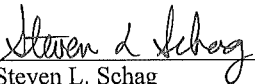
PASSED: July 3, 2023

  
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

2nd Reading

7/17/2023

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.

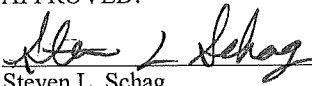
Section 3: That all meetings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

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: August 7, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:   
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

2nd Reading  
7/17/2023

**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: August 7, 2023

STE M.L.  
Steven McLaughlin  
Vice President of Council

ATTEST: Brian A Crum  
Brian Crum  
Clerk of Council

APPROVED:  
Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon Eyster  
Gordon Eyster  
Director of Law



RESOLUTION NO. 1-2023  
(Sponsor- Councilmember Gates)

**AUTHORIZING THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT WITH LLOYD REBAR COMPANY, LLC AND SHELBY IRON WORKS PROPERTIES, LLC FOR A NEW LIGHT MANUFACTURING AND WAREHOUSING ADDITION, PURSUANT TO CHAPTER 5709 OF THE OHIO REVISED CODE- ENTERPRISE ZONES AND DECLARING AN EMERGENCY**

WHEREAS, the State of Ohio through its urban jobs an enterprise zone program (The "Program"), pursuant to Ohio Revised Code 5709.66 (The "Act"), has provided for the establishment of urban jobs and enterprise in order to promote and encourage expansion programs by private enterprise in such zones and creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, pursuant to the Program and the Act, the City Council of the City of Shelby (The "City"), pursuant to Resolution No. 13-88 passed March 21, 1988, has designated areas of the City as an Urban Jobs and Enterprise Zone (The "Zone") and the Director of Development of the Ohio Department of Development has approved and certified the Zone as qualifying as an Urban Jobs and Enterprise Zone in accordance with the Program and Act; and

WHEREAS, the City of Shelby has complied with the notice requirements set forth in Ohio Revised Code Sections 5709.62 and 5709.83 regarding the provision of notice to any and all board(s) of education of any school district located within the territory of which the property upon which Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is to be located and/or said boards(s) of education have waived any and all necessary notice requirements; and

WHEREAS, Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC has proposed the ~~retention~~ <sup>addition</sup> of 10 full-time employment positions as a part of the Project; and

WHEREAS, Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC submitted a proposal regarding the project to the City pursuant to 5709.62(B) of the Act; and

WHEREAS, the City is desirous of providing Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC with the incentive available for development in the Zone pursuant to Chapter 5709 of the Ohio Revised Code and desirous of entering into an agreement with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC granting tax exemptions for real and tangible property comprising the project.

**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, Ohio, after receipt and investigation of the Proposal, finds and determines that Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is qualified by financial responsibility and business experience to create employment opportunities in the Zone and improve the economic climate of the City.

Section 2: That based upon the aforesaid facts, data, informational materials and reports, City Council hereby finds and determines that Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is an "enterprise" and the Project is a "project" within the meaning of the Act and that all conditions required by the Act to be satisfied prior to the City entering into an agreement with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC under 5709.62(C) of the Ohio Revised Code have been satisfied.

Section 3: That the Mayor of the City of Shelby is hereby authorized and directed to enter into an agreement (The "Agreement") with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC upon substantially the same terms and conditions and in substantially the same form as set forth in the agreement which is attached hereto and incorporated by reference as Exhibit A, and which is presently on file with the Clerk of the City of Shelby, which such changes thereto as the person or persons executing the Agreement may approve, such execution thereof being conclusive of such approval.

Section 4: That the Mayor of the City of Shelby, Ohio, and/or his designee is hereby authorized and directed to execute and deliver all instruments and to take all other actions necessary to satisfy the obligations of the City under the Agreement and to cause the City to obtain the benefits to which it is entitled under the Agreement, all on behalf of the City of Shelby.


Section 5: That the boards of education of both the Shelby City School District and the Pioneer Career and Technology Center have been provided and/or waived the necessary notices as required by Ohio Revised Code Sections 5709.62 and 5709.83.

Section 6: That the Council of the City of Shelby forward a copy of the Agreement to the Director of Development and to the Tax Commissioner of Ohio within fifteen (15) days after the Agreement is entered into.

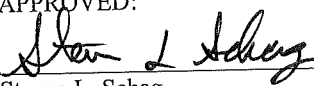
Section 7: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 8: 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: January 3, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST: Brian A Crum  
Brian Crum  
Clerk of Council

APPROVED:  
  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 2 -2023  
(Sponsor: Councilmember Martin)

**DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, MAY 2, 2023 WITH REGARD TO WHETHER A TWO-TENTHS (.2) PERCENT INCOME TAX FOR THE PURPOSE OF MAINTAINING ROADWAY AND SIDEWALK IMPROVEMENTS AND REPAIRS WOULD CONTINUE TO BE IMPOSED AND DECLARING AN EMERGENCY**

WHEREAS, Ohio Revised Code Section 718.01 requires that municipal income tax rates in excess of one percent (1%) will be approved by the electors of the Municipality at a general, primary, or special election; and

WHEREAS, by Ordinance No. 25-2022 (passed December 5, 2022) the Shelby City Council determined to submit to the electors the question whether a two-tenths (.2) percent income tax would continue to be imposed for maintaining roadway (97%) and sidewalk improvement and repair (3%) for a period of five (5) years commencing on January 1, 2024 and ending on December 31, 2028; and

**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 pursuant to the provision of Section 718.01 of the Ohio Revised Code, the Richland County Board of Elections is hereby directed and ordered to submit to the electors of the City of Shelby, Ohio a primary election on Tuesday, May 2, 2023 the question of whether the City shall continue to levy a two-tenths (.2) percent income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby for the specific purpose of **roadway improvements (97%) and sidewalk improvement and repair (3%)** for a period of five (5) years commencing on January 1, 2024 and ending on December 31, 2028.

Section 2: That the balance shall be substantially in the following form:

PROPOSED INCOME TAX

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage

Shall the Ordinance providing for the continuation of a two-tenths (.2) levy on income for a period of five (5) years, commencing on January 1, 2024 and ending on December 31, 2028, for **roadway improvements (97%) and sidewalk improvement and repair (3%)**, be passed


FOR THE INCOME TAX

AGAINST THE INCOME TAX

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 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: January 3, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST: Brian A. Crum  
Brian Crum  
Clerk of Council

APPROVED:

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 3 -2023  
(Sponsor: Councilmember Martin)

VACATING UTILITY EASEMENTS LOCATED ON THE NORTH SIDE OF LOT NUMBER 4160; THE SOUTH SIDE OF LOT NUMBER 4159 AND DECLARING THAT SAID EASEMENTS ARE NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, currently, a utility easement for the benefit of the City of Shelby exists at the North side of Lot 4160 and the South side of Lot 4159; 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 such easements be vacated as they are no longer needed for municipal purposes.

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 utility easements on the North side of lot 4160; the South side of lot 4159 as set forth in the plat and legal descriptions as prepared by McKeever Associates, Inc- Issac L. King, Registered Surveyor on November 21, 2022 are hereby vacated.

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: January 3, 2023

Steven L. McLaughlin  
Vice President of Council

ATTEST:

Brian A Crum  
Brian Crum  
Clerk of Council

APPROVED:

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Director of Law

MARGINAL Plat Vol 31 Pg 62-64

TRANSFER NOT NECESSARY  
PATRICK W. DROPSEY, County Auditor

1/9/2023

RESOLUTION NO. 4 -2023  
(Sponsors: Councilmembers Roberts and Roub)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND TO ENTER INTO A CONTRACT FOR THE REMOVAL, REPLACEMENT, AND/OR REPAIR OF SIDEWALKS, AND ESTABLISHING PROGRAM CRITERIA FOR THE SAME.**

WHEREAS, the Director of Finance and Public Record is currently in possession of certain funds which have been specifically designated for the removal, replacement and/or repair of the sidewalks within the City of Shelby; 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 advertise for bids and enter into a contract for the expenditure of these funds for the removal, replacement and/or repair of the sidewalks with the City of Shelby; and

**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 advertise for bids and enter into a contract for the removal, replacement and/or repair of the sidewalks with the City of Shelby.

Section 2: That the following are hereby adopted pursuant to Ohio Revised Code 735.05 as criteria for said the same:

- A: SCOPE OF WORK- This project is intended for the removal, replacement, and/or repair of existing sidewalks on City-owned rights-of-way. New sidewalk construction is not allowed. The work may be removal and replacement of the entire sidewalk, removal and repair of portions of the sidewalk, or the leveling of existing sidewalk slabs as determined by the City in order to minimize the amount of work to be performed.
- B: PROPERTY ELIGIBILITY- Residential properties only are eligible for this program. Rental properties in which the owner resides are eligible; however, cost sharing by the City will be prorated to that fraction representing the owner-occupied domicile divided by the number of domiciles on that particular property. For example, with an owner-occupied duplex, half the total cost will be borne by the owner, while the other half will be shared by the owner and the City based upon the Income Eligibility standards contained herein.
- C: INCOME ELIGIBILITY- The City will share the costs for sidewalk removal, replacement, and/or repair based upon the following schedule:

Household size	100% City 0% Owner	90% City 10% Owner	80% City 20% Owner	70% City 30% Owner	60% City 40% Owner	50% City 50% Owner
1-4	Up to \$43,450	\$43,451 to \$50,836	\$50,837 to \$56,428	\$56,429 to \$62,071	\$62,072 to \$73,864	\$73,865 and above
5	Up to \$46,950	\$46,951 to \$54,931	\$54,932 to \$60,794	\$60,795 to \$67,071	\$67,072 to \$79,815	\$79,816 and above
6	Up to \$50,450	\$50,451 to \$59,026	\$59,027 to \$69,250	\$69,251 to \$72,071	\$72,072 to \$85,765	\$85,766 and above
7	Up to \$53,900	\$53,901 to \$63,063	\$63,064 to \$70,000	\$70,001 to \$77,000	\$77,001 to \$91,630	\$91,631 and above
8	Up to \$57,400	\$57,401 to \$67,158	\$67,159 to \$74,545	\$74,546 to \$82,000	\$82,001 to \$97,579	\$97,580 and above
For each additional person, add \$4,300.						

For the purpose of this section, "income" means the combined adjusted gross income for the owner(s) of record on their 2022 federal income tax return, a signed copy of which shall be attached to the application form. In the event that the owner(s) of record were not

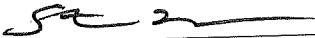
required to or did not file a 2022 federal income tax return, then and in that event, "income" means any receipt of money from any source including but not limited to compensation for services, profit from business, gains in dealings in property, interest, dividends, rents, royalties, alimony, annuities, life insurance or endowment proceeds, pensions, and income from interest in an estate, partnership, or trust. Failure to supply proof of income will eliminate a property owner from participating in this program. Furthermore, applicants for this program shall be current and in compliance with the Shelby City Income Tax Ordinance and with real property taxes.


- D: APPLICATIONS- The Department of Public Service shall take applications for work to be done under this program. The application form shall contain the applicant's name, address, telephone number, length and width of the sidewalk to be repaired or replaced, number of domiciles on the property, certification of compliance with the Shelby City Income Tax Ordinance and with the real property taxes, signature spaces, and other information which the Director should require. The Director shall determine and publicize an application period. Preference for work under this program shall be given to those property owners who have been ordered to repair sidewalks pursuant to Section 94 of the Charter of the City of Shelby.
- E: CONSTRUCTION AND MATERIAL SPECIFICATIONS- Work performed under this program shall be in compliance with Chapter 1024 (Sidewalks) of the Codified Ordinances of the City of Shelby and with State of Ohio Department of Transportation Construction and Materials Specifications, the current addition. In the event of any conflict between the two, the stricter standard shall apply.
- F: PAYMENT- After the award of the contract but before the commencement of construction, the property owner(s) shall pay their share to the Director of Finance and Public Record, who shall deposit it to the Sidewalk Fund. After construction has been completed and inspected to the satisfaction of the City Project Coordinator, the Director of Finance and Public Record shall pay the contractor.
- G: RULE-MAKING- The Director of Public Service may make any rule, pursuant to Ohio Revised Code 735.01, necessary for the efficient implementation of this program.

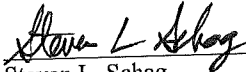
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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: February 6, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:  
  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 5 - 2023  
(Sponsors: Councilmembers Gates and Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2023 MOSQUITO CONTROL GRANT AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for health department purposes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program to control the mosquito population; 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 of City of Shelby apply for a Mosquito Control Grant.

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

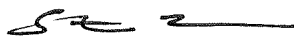
Section 1: That the City of Shelby Council approves an application for financial assistance for the control of Mosquitos through the Ohio Environmental Protection Agency Mosquito Control Grant.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding assistance.


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.

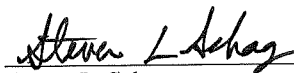
Section 4: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: February 6, 2023


  
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. 6- 2023**

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

**RECOGNIZING THE SERVICE DEPARTMENT EMPLOYEES FOR THEIR OUTSTANDING PUBLIC SERVICE DURING THE DECEMBER 23-25 SEVERE WINTER WEATHER STORM EVENT.**

WHEREAS, a severe winter storm with blowing and drifting snow and wind chills reaching 40 (forty) degrees below zero tasked the Shelby Service Department employees with maintaining the streets and alleys and nine (9) water main breaks during a three-day period spanning from December 23-25; and

WHEREAS, the Service Department employees did not waiver from their public service duties during this extremely dangerous winter weather event; and

WHEREAS, several Service Department employees answered the call on Christmas Eve to report to a water main break on Shelby Avenue that had taken 12 (twelve) hours to repair; and

WHEREAS, employees had to endure hours of continuous work outside in the sub-zero temperatures to repair water main breaks and clearing snow from the city streets for the residents of Shelby; 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 present the Shelby Service Department with this resolution recognizing their outstanding public service during the December 23-25, 2022 severe winter weather event.

**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 and Shelby City Council Members do hereby recognize and sincerely thank the employees of the Shelby Service Department for their steadfast and untiring service to the Shelby community during the December 23-25, 2022 severe winter weather event.

Section 2: That the Mayor as Director of Public Service and Shelby City Council Members do hereby recognize the following Service Department employees for their public service: Superintendent Ronnie Shepherd, Crew Chief Foreman Andy Dietz, Division of Streets employees; Billy Bail, Eric Vogt, Kelly Keiser, Heath Schroeder and Tyler Distl, Division of Water Distribution employees; Sean Cantleberry, Scott Shatzer, Brian James and Lane Benshoff, Division of Sewers Maintenance; Chris Korbas, Steve Schneider and Christian Ballengee.

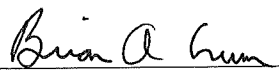
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

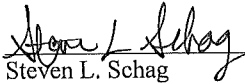
Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: February 6, 2023

  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:   
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

RESOLUTION NO. 7 - 2023  
(Sponsors: Councilmembers Gates & Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE PRIORITY ONE GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES.**

WHEREAS, the Ohio Department of Public Safety provides financial assistance for emergency medical services through the Priority One Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Priority One Grant to purchase emergency medical service supplies; 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 of the City of Shelby apply for a Priority One Grant.

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

Section 1: That the City of Shelby Council approve an application for financial assistance for emergency medical service supplies.

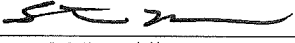
Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Public Safety and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Priority One Grant.

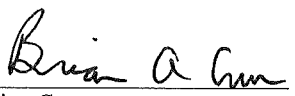
Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

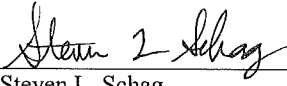
Section 5: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: February 21, 2023


  
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. 8-2023  
(Sponsor- Councilmember Martin)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2023 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, plans and specifications have been completed for the 2023 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; 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 improvements be made to said streets within the City of Shelby.

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 plans and specifications for the 2023 Paving Project in the City of Shelby are hereby approved.


Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said paving project.

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.

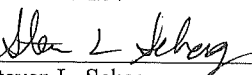
Section 4: That this Resolution is hereby deemed to be an emergency and therefor, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: February 21, 2023

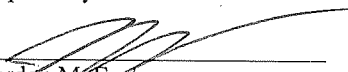
  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
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.

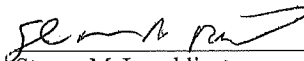
Section 2: That the Clerk of Council is hereby instructed to cause notice of Council's intent to vacate said alley to be served upon those persons mandated by the terms of the Charter of the City of Shelby.

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.

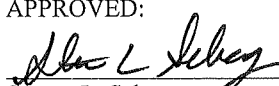
PASSED: Apr. 13, 2023

  
Steven McLaughlin Derrin Roberts  
Vice President of Council Pro Tempore


ATTEST:

  
Brian Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

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.

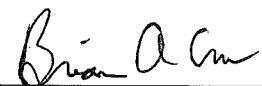
Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

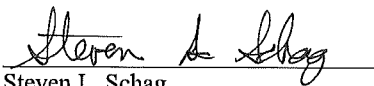
PASSED: March 20, 2023




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:**

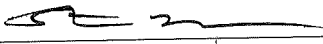
Section 1: That the Mayor as Director of Public Safety is authorized to accept the Proposed Settlement on behalf of the City of Shelby, Ohio, pursuant to the terms of the One Ohio MOU.

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

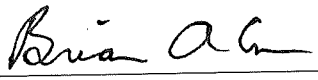
Section 3: That all meetings and hearings concerning the adoption of the Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

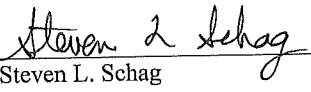
Section 4: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 20, 2023


  
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:**

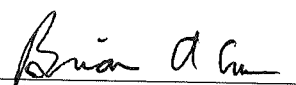
Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into a Letter of Intent with AEP Onsite Partners, LLC, for a Battery Energy Storage System Feasibility Analysis.

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.

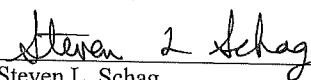
Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: March 20, 2023


  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law



RESOLUTION NO. 14 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2023 AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby is desirous to participate with the Ohio Department of Transportation to purchase salt; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Ohio Department of Transportation for the purchase of rock salt.

**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: The City of Shelby (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon an award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Monday, May 1, 2023 by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held

responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

Section 2: That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract and authorizes the Mayor as Director of Public Service to sign the agreement.

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: April 3, 2023

SL-AR  
~~Steven McLaughlin~~ Derrin Roberts  
Vice President of Council Pro Tempore

ATTEST:

Brian Crum  
Brian Crum  
Clerk of Council

APPROVED:

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 15 -2023  
(Sponsor: Councilmember Gates)

**DECLARING THE REMAINS OF A DESIGNATED DWELLING (55 SECOND STREET) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND DANGEROUS TO LIFE AND OTHER PROPERTY; DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY LAND REUTILIZATION CORPORATION FOR ITS DEMOLITION AND DECLARING AN EMERGENCY.**

WHEREAS, under the authority of Section 3, Article XVIII of the Ohio Constitution and Chapters 715.26, 715.261, 3714.14 and 3737.28 of the Ohio Revised Code, and Section 1 of the Charter of the City of Shelby, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Shelby and its inhabitants; and

WHEREAS, the Richland County Building Department has, pursuant to Ohio Revised Code Chapters 119, 3781, and 3791, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described; and

WHEREAS, the owner or occupant has failed to comply with the order issued by the Department; and

WHEREAS, the Council of the City of Shelby is fully advised in this matter by reason of the reports and proceedings within the Department.

**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 it is hereby determined and declared that a two-story residential structure(s) located on the premises described in Section 2 hereinafter are insecure, unsafe, structurally defective and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age and dilapidation; and it is hereby further determined and declared that by reason thereof said building(s) are beyond repair and are a nuisance.

Section 2: The premises referred to in Section 1 hereof are described as follows: situated in the City of Shelby, County of Richland and State of Ohio: being known and described as Inlot Number One Hundred Sixty-Four (#164) in the regular series of consecutive numbers in the said City of Shelby, Ohio.

Parcel Number: 046-08-024-09-000

Owner: Steven Lowe

Address: 55 Second Street

Section 3: That the Mayor as Director of Public Safety is hereby authorized and directed to enter into a contract with the Richland County Land Utilization Corporation and described in Resolution 67-2022, for the demolition and removal of the building(s) or structure(s) hereinbefore described, including any fences, concrete stairs, retaining walls and all appurtenances thereto, together with the removal of all debris and leveling to grade.

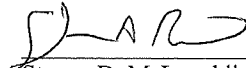
Section 4: That the Mayor as Director of Public Safety in conjunction with the Richland County Land Utilization Corporation, shall notify the owner or occupant to remove all chattels and personal property from the building(s) and/or not less than five (5) days prior to the commencement of demolition and the failure of the owner or occupant to so remove such personal property and chattels shall be deemed an intentional abandonment thereof by such owner or occupant and such property may be subject to salvage rights of the demolition contractor.

Section 5: That the debris and all materials resulting from the demolition of the structure(s) or building(s) shall become the property of the contractor.


Section 6: 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.

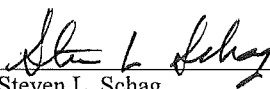
Section 7: That by reason of the immediate necessity of removing a nuisance which is insecure, unsafe, structurally defective and dangerous to life and other property, this Resolution is hereby deemed to be an emergency for the immediate preservation of the public peace, health, safety and welfare of the City of Shelby and its inhabitants, 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: April 3, 2023


  
~~Steven D. McLaughlin~~ Derrin Roberts  
Vice President of Council Pro Tempore

APPROVED:

ATTEST:   
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

**AMENDED RESOLUTION NO. 16-2023**  
**(Sponsor – Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH RICHLAND ENGINEERING LTD, A WALLACEPANCHER GROUP COMPANY FOR ENGINEERING SERVICES TO WRITE THE BID SPECIFICATIONS AND PERFORM THE ANCILLARY OVERSIGHT SERVICES FOR THE DEMOLITION OF THE SMOKE STACK AND THE THREE CONNECTING BREECHINGS LOCATED AT THE MUNICIPAL LIGHT PLANT AND DECLARING AN EMERGENCY.**

WHEREAS, the smoke stack and the three breechings at the Municipal Light Plant are structurally failing and need to be demolished; and

WHEREAS, engineering services are needed to populate the bid specifications and to oversee the demolition process; and

WHEREAS, Richland Engineering LTD, a WallacePancher Group Company was sought and determined to meet the qualifications to perform the engineering services required for the demolition project; 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 Richland Engineering LTD, a WallacePancher Group Company to write the bid specifications for the demolition of the smoke stack and the three connecting breechings located at the Municipal Light Plant and perform the oversight services during the demolition.

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

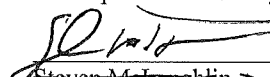
Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into an agreement with Richland Engineering LTD, a WallacePancher Group Company for the engineering services to write the bid specifications for the demolition of the smoke stack and the three connecting breechings located at the Municipal Light Plant and perform the ancillary oversight services during the demolition.


Section 2: That the expected cost for the provided engineering services is \$39,910.

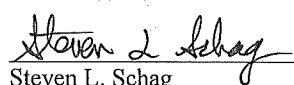
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution is hereby deemed to be an emergency 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: April 3, 2023

  
Steven McLaughlin Derrin Roberts  
Vice President of Council Pro Tempore

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:  
  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon Eyster  
Director of Law

RESOLUTION NO. 17 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE SOUTH STREET STORM SEWER PROJECT.**

WHEREAS, it has become necessary to replace a storm sewer line to the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; 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 acquire rights of easement for replacement of a storm sewer line.

**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 acquire rights of easement for the replacement of a storm sewer line for the South Street Storm Sewer Project as shown on the attached plat and description documents.

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: April 17, 2023

St M. 2  
Steven McLaughlin  
Vice President of Council

ATTEST: Brian A Crum  
Brian Crum  
Clerk of Council

APPROVED: Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 18 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE WAREHAM ROAD STORM SEWER PROJECT.**

WHEREAS, it has become necessary to install a storm sewer line to the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; 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 acquire rights of easement for an installation of a storm sewer line.

**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 acquire rights of easement for the installation of a storm sewer line for the Wareham Road Storm Sewer Project as shown on the attached plat and description documents.

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: April 17, 2023

Steven McLaughlin  
Steven McLaughlin  
Vice President of Council

ATTEST:

Brian A. Crum  
Brian Crum  
Clerk of Council

APPROVED:

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

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

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH SENTEC SYSTEMS, LLC. FOR TECHNOLOGY SERVICES FOR THE CITY OF SHELBY AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby is desirous in retaining a Technology Service Provider to provide technology services and functions; 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 for Technology Services.

**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 the agreement with Sentec Systems, LLC. for technology for the City of Shelby.

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 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: April 17, 2023

SC McLaughlin  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: Brian Crum  
Brian Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law



**RESOLUTION NO. 20 -2023**  
**(Sponsors: Councilmembers Gates and Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2023 WORKFORCE DEVELOPMENT GRANT (WF23).**

WHEREAS, the Ohio Department of Health provides financial assistance for health department purposes through the Workforce Development Grant (WF23); and

WHEREAS, the City of Shelby Health Department desires financial assistance under the 2023 Workforce Development Grant (WF23) to retain the Shelby City Health Department staff; 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 of City of Shelby apply for the Workforce Development Grant (WF23).

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

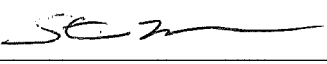
Section 1: That the City of Shelby Council approves an application for financial assistance for the retention of staff through the Workforce Development Grant (WF23).

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Health and to provide all information and documentation required to become eligible for possible funding assistance.


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.

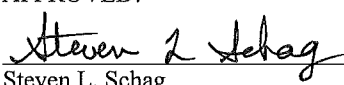
PASSED: April 17, 2023

  
Steven McLaughlin  
Vice President of Council


ATTEST:

  
Brian Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 21 -2023  
(Sponsor: Councilmember: Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS AND DECLARING AN EMERGENCY.**

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with serious offenses and loss of liberty offenses in its Municipal Court; and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the City's indigent citizens and others so situated; 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 the Richland County Commissioners for the payment of legal counsel fees for indigents.

**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 hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents for the year beginning January 1, 2023.

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 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: April 17, 2023

Steven McLaughlin  
Vice President of Council

ATTEST:

Brian A. Crum  
Brian Crum  
Clerk of Council

APPROVED:

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

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

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE FIRE HYDRANTS AND THE SUPPORTING EQUIPMENT FROM CORE & MAIN FOR THE OPERATION OF THE SERVICE DEPARTMENT, DIVISION OF WATER DISTRIBUTION AND DECLARING AN EMERGENCY.**

WHEREAS, the Service Department, Division of Water Distribution is desirous of purchasing fire hydrants and the supporting equipment for the safety of the community; and

WHEREAS, six hydrants and the supporting equipment was purchased from Ferguson Waterworks at a cost of \$24,870.00; and

WHEREAS, the Service Department, Division of Water Distribution is seeking to purchase six hydrants from Core & Main at a cost of \$23,507.22; and

WHEREAS, the total cost for all of the hydrants is expected to be \$48,377.22; 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 purchase fire hydrants and the supporting equipment from Core & Main.

**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 purchase up to six fire hydrants and the supporting equipment from Core & Main for the operation of the Service Department, Division of Water Distribution.

Section 2: That the expected cost for six fire hydrants from Core & Main is \$23,507.22.

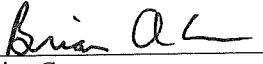
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

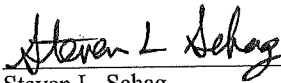
Section 4: That this Resolution is hereby deemed to be an emergency due to supply chain disruptions that may affect the delivery of the said items and the possibility of price fluctuations in material costs, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: May 1, 2023


  
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. 23 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A FORD F250 SUPER DUTY PICK-UP TRUCK FROM DONLEY FORD OF SHELBY FOR THE OPERATION OF THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the Service Department has been desirous to purchase a 3/4-ton pick-up truck for their operation for the last two years; and

WHEREAS, the Service Department Superintendent and mechanics have declared their 1996 Dodge 1500 pick-up truck no longer mechanically fit for service duty and have idled the truck; and

WHEREAS, a limited stock, high demand and market volatility for 3/4-ton single cab 4x4 work trucks have made purchasing said type of truck extremely difficult; and

WHEREAS, Donley Ford of Shelby has a 2023 Ford F250 Super Duty 3/4-ton pick-up truck in stock and available for purchase; and

WHEREAS, it is deemed necessary and best to purchase the Ford F250 Super Duty 3/4-ton pick-up truck from Donley Ford of Shelby at this time for the operation of the Service Department; 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 purchase a 2023 Ford F250 Super Duty 3/4-ton pick-up truck from Donley Ford of Shelby.

**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 purchase a 2023 Ford F250 Super Duty 3/4-ton pick-up truck for the operation of the Service Department from Donley Ford of Shelby.

Section 2: That the purchase price for the Ford F250 Super Duty 3/4-ton pick-up truck is \$49,500.00.

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.

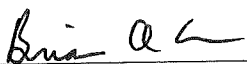
Section 4: That this Resolution is hereby deemed to be an emergency and therefore shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

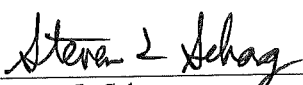
PASSED: May 1, 2023

  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

  
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

RESOLUTION NO. 24 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2023 FORD F450 4x4 CAB & CHASSIS TRUCK FROM DONLEY FORD OF SHELBY FOR THE OPERATION OF THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the Service Department has been desirous to purchase a Ford F450 4x4 Cab & Chassis truck for their operation; and

WHEREAS, Resolution 42-2021 authorized the Mayor to advertise for bids for a One Ton 4500 Series Dump Truck; and

WHEREAS, no bids were submitted to the Mayor for the One Ton 4500 Series Dump Truck; and

WHEREAS, Resolution 58-2021 authorized the Mayor to purchase a 2022 Ford F450 4x4 Cab & Chassis truck from Donley Ford of Shelby; and

WHEREAS, the order for the 2022 Ford F450 4x4 Cab & Chassis truck was cancelled by the Ford Motor Company in October 2022; and

WHEREAS, a 2023 Ford F450 4x4 Cab & Chassis truck is now available for purchase from Donley Ford of Shelby; and

WHEREAS, with the high demand, volatility, and price increases for said trucks it is deemed necessary and best to purchase the Ford F450 4X4 Cab & Chassis truck at this time; 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 purchase the 2023 Ford F450 4x4 Cab & Chassis truck from Donley Ford of Shelby.

**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 purchase a 2023 model year Ford F450 4x4 Cab & Chassis truck for the operation of the Service Department.

Section 2: That the purchase price for the Ford F450 4x4 Cab & Chassis truck is \$60,045.00.

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: May 1, 2023

Steven McLaughlin  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

Brian A. Crum  
Brian Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

RESOLUTION NO. 25 -2023  
(Sponsors: Councilmembers Gates, Martin and Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE EDGE GROUP, INC. FOR ENGINEERING SERVICES AND FINAL DESIGN FOR THE BLACK FORK COMMONS- PHASE 3 PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, in order to proceed with the construction of the Black Fork Commons-Phase 3 Project it is necessary that final design be prepared; 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 for the completion of said design.


**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 the agreement with The EDGE Group, Inc. for engineering services and final design of the Black Fork Commons-Phase 3 Project.


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 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.

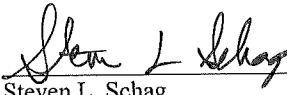
PASSED: May 15, 2023

  
Steven McLaughlin  
Vice President of Council


ATTEST:

  
Brian Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 26 -2023  
(Sponsor: Councilmember Martin)

**APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SOUTH STREET STORM SEWER REPLACEMENT PROJECT.**

WHEREAS, a portion of the storm sewer system in the City of Shelby is in need of replacement; 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 advertise for bids and enter into a contract for the improvements herein above described.

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

Section 1: That the plans and specifications are approved and that the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the South Street Storm Sewer Replacement Project.

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: June 5, 2023

St. McLaughlin  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: Brian A. Crum  
Brian Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

**RESOLUTION NO. 27 -2023**  
**(Sponsor: Councilmember Martin)**

**DECLARING PROPERTY UNNEEDED, OBSOLETE OR UNFIT FOR MUNICIPAL USE  
AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OR HIS  
DESIGNEE TO SELL THE UNNEEDED, OBSOLETE OR UNFIT PROPERTY.**

WHEREAS, the City of Shelby owns property, which is deemed to be unneeded, obsolete or unfit and is no longer needed for municipal use; and

WHEREAS, the unneeded, obsolete or unfit property listed to be sold is from multiple departments; including the Health Department, Police Department, Parks Department, Service Department, and the Waste Water Treatment Plant; and

WHEREAS, the unneeded, obsolete, or unfit property to be sold has a value of less than or more than one thousand dollars; and

WHEREAS, Ohio Revised Code, Section 721.15, (Disposition of unneeded, obsolete or unfit personal property) states that property with an estimated value of one thousand dollars or more shall be sold to the highest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipal corporation; 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 or his designee sell the property listed in Exhibit A under terms authorized by the Mayor and in compliance with Ohio Law.

**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 or his designee shall be and is hereby authorized to sell the unneeded, obsolete or unfit property as listed in Exhibit A.

Section 2: That the Director of Finance and Public Record shall deposit the proceeds from the sale of the property to the respected funds.


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.

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

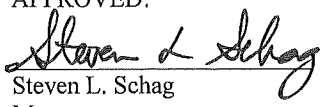
PASSED: June 20, 2023

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


ATTEST:

  
\_\_\_\_\_  
Brian Crum  
Clerk of Council

APPROVED:

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

Prepared by:

  
\_\_\_\_\_  
Gordon Eyster  
Director of Law



RESOLUTION NO. 28 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SECURITY CAMERAS AND THE SUPPORTING EQUIPMENT FROM BENDER COMMUNICATIONS INC. FOR THE SURVEILLANCE AT RESERVOIR NUMBER 2 AND RESERVOIR NUMBER 3 AND DECLARING AN EMERGENCY.**

WHEREAS, the Water Treatment Plant and Service Department, Division of Water Distribution is desirous of purchasing security cameras and the supporting equipment for surveillance at Reservoir Number 2 and Reservoir Number 3; and

WHEREAS, surveillance systems are an effective measure in assisting in the areas of vandalism prevention, safety, security, and law enforcement assistance; and

WHEREAS, the Shelby Parks Department will be installing similar equipment purchased from Bender Communications for their property surveillance; and

WHEREAS, by a contractual agreement, Omni Fiber will be providing fiber access to the aforementioned reservoirs and specified designated parks throughout the city to supply the necessary broadband for the surveillance of the properties; 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 purchase the security cameras and the supporting equipment for the surveillance at Reservoir Number 2 and Reservoir Number 3 from Bender Communications, Inc.

**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 purchase the security cameras and the supporting equipment for the surveillance at Reservoir Number 2 and Reservoir Number 3.

Section 2: That the expected cost, per quote number 0220133905, for the surveillance system including installation from Bender Communications Inc. is \$29,650.

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 due to forecasted price increases for the said surveillance equipment, 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.

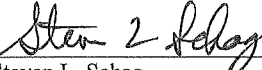
PASSED: June 20, 2023




Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:

  
Steven L. Schag  
Mayor

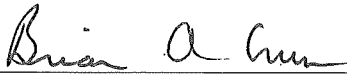
Prepared by:

  
Gordon M. Eyster  
Director of Law

**Certificate of Fiscal Officer**

As the Director of Finance of the City of Shelby, Ohio, I hereby certify that Shelby City Council has or will appropriate funds into the treasury to meet this obligation and the funds will be taken from the following line item

501-WTP-515      EQUIPMENT      \$ 29,650.00

  
\_\_\_\_\_  
Brian A Crum      June 16, 2023  
Director of Finance

These funds will be considered committed once an ordinance or resolution has been properly executed and the appropriate department head has created a purchase order. This certificate will be valid only for the 2023 fiscal year unless a purchased order is created.  
RESOLUTION    -2023

**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.

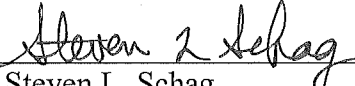
Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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: July 3, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:  
  
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.

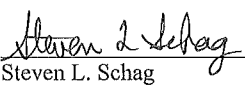
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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.

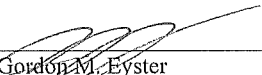
PASSED: July 3, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:   
Steven L. Schag  
Mayor

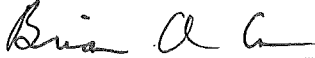
Prepared by:

  
Gordon M. Eyster  
Director of Law

**Certificate of Fiscal Officer**

As the Director of Finance of the City of Shelby, Ohio, I hereby certify that Shelby City Council has or will appropriate funds into the treasury to meet this obligation and the funds will be taken from the following line item

500-MTN-520      SLUDGE REMOVAL      \$39,950.00



\_\_\_\_\_  
Brian A Crum      June 30, 2023  
Director of Finance

These funds will be considered committed once an ordinance or resolution has been properly executed and the appropriate department head has created a purchase order. This certificate will be valid only for the 2023 fiscal year unless a purchased order is created.  
RESOLUTION    -2023

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: July 3, 2023

Steven McLaughlin  
Steven McLaughlin  
Vice President of Council

ATTEST: Brian A. Crum  
Brian Crum  
Clerk of Council

APPROVED: Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon Eyster  
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.

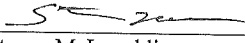
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:**

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.

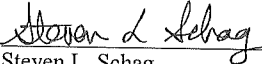
Section 3: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: July 3, 2023

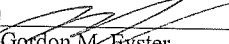
  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:   
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

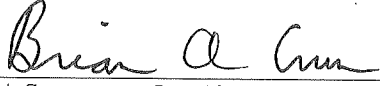
Prepared by:

  
Gordon M. Eyster  
Director of Law

**Certificate of Fiscal Officer**

As the Director of Finance of the City of Shelby, Ohio, I hereby certify that Shelby City Council has or will appropriate funds into the treasury to meet this obligation and the funds will be taken from the following line item

353-SAC-535      STREET RESURFACING      \$41,740.80



Brian A Crum      June 30, 2023  
Director of Finance

These funds will be considered committed once an ordinance or resolution has been properly executed and the appropriate department head has created a purchase order. This certificate will be valid only for the 2023 fiscal year unless a purchased order is created.  
RESOLUTION    -2023



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: July 3, 2023

Steven McLaughlin  
Steven McLaughlin  
Vice President of Council

ATTEST: Brian Crum  
Brian Crum  
Clerk of Council

APPROVED:  
Steven L. Schag  
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

**SCHEDULE 1**

(Purchase and Sale Agreement between the Board of Education of the Shelby City School District and the City of Shelby)

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.

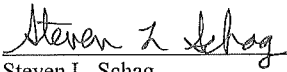
Section 6: That this Resolution is hereby deemed an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: July 3, 2023

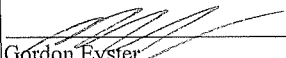
  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:   
Brian Crum  
Clerk of Council

  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon Eyster  
Director of Law

**RESOLUTION NO. 37-2023**

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

**DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, NOVEMBER 7, 2023 WITH REGARD TO WHETHER A ONE QUARTER PERCENT (.25%) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SHELBY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code Section 718.01 requires that municipal income tax rates in excess of one percent (1%) will be approved by the electors of the Municipality at a general, primary, or special election; and

WHEREAS, by Ordinance 17-2023 (passed July 3, 2023) the Shelby City Council determined to submit to the electors the question whether a one quarter percent (.25%) income tax would be imposed for providing funds for the Shelby Fire Department for a period of five (5) years commencing on January 1, 2024 and ending on December 31, 2028; and

**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 pursuant to the provision of Section 718.01 of the Ohio Revised Code, the Richland County Board of Elections is hereby directed and ordered to submit to the electors of the City of Shelby, Ohio a general election on Tuesday, November 7, 2023 the question of whether the City shall collect a one quarter 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 the ballot shall be substantially in the following form:

PROPOSED INCOME TAX

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage

Shall the Ordinance for providing a one quarter (.25%) percent 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 rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefore, or sources of water supply and materials therefore, 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 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code 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.

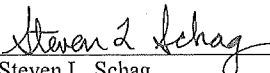
PASSED: August 7, 2023

  
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. 36 -2023  
(Sponsors: Councilmembers Gates and Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIRE PROTECTION CONTRACT FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2028, WITH JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO.**

WHEREAS, the City of Shelby has supplied fire and EMS protection to Jackson Township in previous years; and

WHEREAS, the Shelby Fire Department is capable of providing this protection for Jackson Township; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby to provide fire and EMS protection to Jackson Township.

**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 Safety shall be and is hereby authorized to enter into a fire protection contract from January 1, 2024 through December 31, 2028, with Jackson Township, Richland County, Ohio (as attached hereto as Exhibit A).

Section 2: That the moneys received by the City of Shelby as a result of this contract shall be credited to the Fire Equipment Fund.

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: August 7, 2023

Steven McLaughlin  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST:

Brian A. Crum  
Brian Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law



# FIRE PROTECTION CONTRACT

This Agreement made and entered into this 8<sup>th</sup> day of August, 2023, by and between the City of Shelby, Ohio, hereinafter called "City", by its Mayor and Director of Public Safety, and Jackson Township, Richland County, Ohio, hereinafter called "Township" by its Board of Trustees.

WHEREAS, the Township desires to obtain fire and EMS protection for its property and residents from the City's Fire Department; and

WHEREAS, the City is willing and able to furnish said fire and EMS protection for the Township under certain terms and conditions as hereinafter set forth.

Now, therefore, be it agreed between the parties hereto as follows:

Section 1: The City agrees to provide the Township with fire and EMS protection by the City's Fire Department for a period of five years commencing on January 1, 2024, and terminating on December 31, 2028, inclusive, at the following rates:

January 1, 2024 to December 31, 2024	\$125,000.00
January 1, 2025 to December 31, 2025	\$128,750.00
January 1, 2026 to December 31, 2026	\$132,612.50
January 1, 2027 to December 31, 2027	\$136,590.88
January 1, 2028 to December 31, 2028	\$140,688.61

The amount will be payable in each contract year with one-half (1/2) due on January 15<sup>th</sup> and one-half (1/2) due on July 15<sup>th</sup>.

Section 2: The City agrees that the fire department services provided to the Township shall be equal to that provided to the people and property of the City.

Section 3: The City agrees to provide state certified fire inspectors to provide fire inspections to the Township if requested by the Township Board of Trustees.

Section 4: Either the City or the Township may terminate this agreement provided that it gives the other party written notice 180 days before the date on which it wishes to terminate said agreement.

WITNESSED BY:

Stanley M. Munder

THE CITY OF SHELBY, OHIO

Steven Z. Schrag 8/8/23  
Mayor and Director of Public Safety

WITNESSED BY:

Mark D. Boudin

JACKSON TOWNSHIP

Mark W. Wright  
Trustee

Ruby B. Brown  
Trustee

APPROVED AS TO FORM:

[Signature]  
Director of Law

[Signature]  
Trustee

RESOLUTION NO. 35 -2023  
(Sponsors: Councilmembers Gates and Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIRE PROTECTION CONTRACT FROM OCTOBER 1, 2023 THROUGH DECEMBER 31, 2023, WITH JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO.**

WHEREAS, the City of Shelby has supplied fire and EMS protection to Jackson Township in previous years; and

WHEREAS, the Shelby Fire Department is capable of providing this protection for Jackson Township; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby to provide fire and EMS protection to Jackson Township.

**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 Safety shall be and is hereby authorized to enter into a fire protection contract from October 1, 2023 through December 31, 2023, with Jackson Township, Richland County, Ohio (as attached hereto as Exhibit A).

Section 2: That the moneys received by the City of Shelby as a result of this contract shall be credited to the Fire Equipment Fund.

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: August 7, 2023

Steven McLaughlin  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: Brian A. Crum  
Brian Crum  
Clerk of Council

Steven L. Schag  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Eyster  
Gordon M. Eyster  
Director of Law

# FIRE PROTECTION CONTRACT

This Agreement made and entered into this 8<sup>th</sup> day of August, 2023, by and between the City of Shelby, Ohio, hereinafter called "City", by its Mayor and Director of Public Safety, and Jackson Township, Richland County, Ohio, hereinafter called "Township" by its Board of Trustees.

WHEREAS, the Township desires to obtain fire and EMS protection for its property and residents from the City's Fire Department; and

WHEREAS, the City is willing and able to furnish said fire and EMS protection for the Township under certain terms and conditions as hereinafter set forth.

Now, therefore, be it agreed between the parties hereto as follows:

Section 1: The City agrees to provide the Township with fire and EMS protection by the City's Fire Department for a period of three (3) months commencing on October 1, 2023, and terminating on December 31, 2023, inclusive, at the rate of \$18,162.96.

The amount will be payable in full within thirty (30) days after December 31, 2023. This contract cannot be terminated due to monetary consideration by either party.

Section 2: The City agrees that the fire department services provided to the Township shall be equal to that provided to the people and property of the City.

Section 3: The City agrees to provide state certified fire inspectors to provide fire inspections to the Township if requested by the Township Board of Trustees.

WITNESSED BY:

Stacy M. Menden

THE CITY OF SHELBY, OHIO

Steven L. Schag 8/8/23  
Mayor and Director of Public Safety

WITNESSED BY:

Mark Russell

JACKSON TOWNSHIP

Mark Wright  
Trustee

Timothy B. Brown  
Trustee

APPROVED AS TO FORM:

[Signature]  
Director of Law

[Signature]  
Trustee

RESOLUTION NO. 38 -2023  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2023 FORD F250 SUPER DUTY 4X4 PICK-UP TRUCK FROM DONLEY FORD OF SHELBY FOR THE OPERATION OF THE DIVISION OF ELECTRICITY AND COMMUNICATIONS DEPARTMENT.**

WHEREAS, the Division of Electricity and Communications Department is desirous of purchasing a 3/4-ton pick-up truck for their operation; and

WHEREAS, a limited stock, high demand and market volatility for 3/4-ton single cab 4x4 super duty work trucks have made purchasing said type of truck difficult; and

WHEREAS, Donley Ford of Shelby has a 2023 Ford F250 4 x 4 Super Duty 3/4-ton pick-up truck in stock and available for purchase; and

WHEREAS, it is deemed necessary and best to purchase the 2023 Ford F250 Super Duty 3/4-ton pick-up truck from Donley Ford of Shelby at this time for the operation of the Division of Electricity and Communications Department; and

WHEREAS, a new 2023 Ford F250 4x4 Super Duty pick-up truck would replace a 2008 Dodge Ram 1500 4x4 pick-up truck with 176,550 miles; 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 purchase a 2023 Ford F250 4x4 Super Duty 3/4-ton pick-up truck from Donley Ford of Shelby.

**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 purchase a 2023 Ford F250 4x4 Super Duty 3/4-ton pick-up truck for the operation of the Division of Electricity and Communications from Donley Ford of Shelby.


Section 2: That the purchase price for the 2023 Ford F250 4x4 Super Duty 3/4-ton pick-up truck is \$49,995.00.

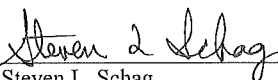
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

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: August 21, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:  
  
Steven L. Schag  
Mayor


Prepared by:

  
Gordon M. Eyster  
Director of Law

### Certificate of Fiscal Officer

As the Director of Finance of the City of Shelby, Ohio, I hereby certify that Shelby City Council has or will appropriate funds into the treasury to meet this obligation and the funds will be taken from the following line item

600-DCP-564	SERVICE VEHICLE	\$ 49,955.00
-------------	-----------------	--------------

  
\_\_\_\_\_  
Brian A Crum      August 17, 2023  
Director of Finance

These funds will be considered committed once an ordinance or resolution has been properly executed and the appropriate department head has created a purchase order. This certificate will be valid only for the 2023 fiscal year unless a purchased order is created.  
RESOLUTION -2023

RESOLUTION NO. 39-2023  
(Sponsor: Councilmember Martin)

**DECLARING PROPERTY UNNEEDED, OBSOLETE OR UNFIT FOR MUNICIPAL USE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO SELL THE UNNEEDED, OBSOLETE OR UNFIT PROPERTY AND DECLARING AN EMERGENCY.**

WHEREAS, The City of Shelby, Division of Electricity and Communications owns property, which is deemed to be unneeded, obsolete, or unfit and is no longer needed for municipal use; and

WHEREAS, the unneeded, obsolete, or unfit property to be sold has a value of more than one thousand dollars; and

WHEREAS, Ohio Revised Code, Section 721.15, (Disposition of unneeded, obsolete, or unfit personal property) states that property with an estimated value of one thousand dollars or more shall be sold to the highest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipal corporation; 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 or his designee sell by public auction a 2008 Dodge Ram 4x4 ¾ ton pick-up truck and a Meyer Snow Plow Model LP-7.5 under the terms authorized by the Mayor and in compliance with Ohio Law.

**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 or his designee shall be and is hereby authorized to sell as unneeded, obsolete, or unfit a 2008 Dodge Ram ¾ ton 4x4 pick-up truck as identified by Vehicle Identification Number 3D7KS26D88G141260 and a Meyer Snow Plow Model LP-7.5.


Section 2: That the Director of Finance and Public Record shall deposit the proceeds from the sale of the property to the Electric Fund.

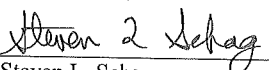
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

Section 4: That this Resolution is hereby deemed to be an emergency so as to provide sufficient time for an auctioneer to categorize and list the said truck and snow plow in an upcoming online auction and, therefore, shall be in full force and effect from and after its passage, approved by the Mayor, and the earliest period allowed by law.

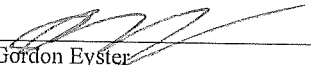
PASSED: August 21, 2023

  
Steven McLaughlin  
Vice President of Council

ATTEST:   
Brian Crum  
Clerk of Council

APPROVED:  
  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon Eyster  
Director of Law

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO THE DELINQUENT DEBT COLLECTION AGREEMENT BETWEEN THE OHIO ATTORNEY GENERAL AND CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby is in need of assistance with the collection of delinquent income tax debts; and

WHEREAS, the Ohio Attorney General provides this service at no cost to the municipality; 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 enters into the Delinquent Debt Collection Agreement between the Ohio Attorney General and City of Shelby, Ohio.

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 approves an agreement with the Ohio Attorney General for assistance in collecting delinquent income tax debts.

Section 2: That the Mayor as Director of Public Service shall be and is hereby authorized and directed to execute and file a delinquent debt collection agreement between the Ohio Attorney General and City of Shelby, Ohio and to provide all information and documentation required to become eligible for assistance.

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: August 21, 2023

APPROVED:  
Steven McLaughlin  
Vice President of Council

ATTEST:  
Brian Crum  
Clerk of Council  
Steven L. Schag  
Mayor

Prepared by:  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 41-2023

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

RECOGNIZING AND HONORING SHELBY'S FIRST PRESBYTERIAN CHURCH ON THE OCCASION OF ITS BICENTENNIAL.

WHEREAS, in 1823, a small number of Sharon Township residents sent a request to the Presbytery of Richland County to be recognized as a congregation; and

WHEREAS, those sturdy pioneers met in each other's homes to hold services, sometimes at Mr. Smith's house at Taylor's Corners, now known as Taylortown, and other homes south and west of the small village of Shelby; and

WHEREAS, over the past two hundred years, that small congregation has grown and prospered and will honor its two hundred years of Christian ministry on Sunday, September 17, 2023, with worship and a special celebration; 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 First Presbyterian Church be recognized and honored on the occasion of its bicentennial.

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

Section 1: That the First Presbyterian Church - affectionately known as the Red Stone Church - be recognized and honored on the occasion of the bicentennial of its founding.

Section 2: That the Council extend its best wishes to Pastor James Robinson, to the deacons and elders, and to the members and friends of said church whose influence and outreach have benefited the greater Shelby community throughout the years.

Section 3: That the Clerk of Council present First Presbyterian Church an authenticated copy of this Resolution.

Section 4: That the Clerk of Council cause this Resolution to be published once in a newspaper of general circulation published within the city limits.

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, Ohio.

Section 6: 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: September 5, 2023

Steven McLaughlin  
Vice President of Council

APPROVED:

Steven L. Schag  
Mayor

Brian Crum  
Clerk of Council

Prepared by:

Gordon M. Byrster  
Director of Law



RESOLUTION NO. 42-2023  
RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR  
SPONSOR - COUNCILMEMBERS GATES AND MARTIN  
(CITY COUNCIL)  
Revised Code, Secs. 5705.34-5705.35

The Council of the City of Shelby, Richland

County, Ohio, met in Regular session on September 18, 2023 (Regular Or Special)

at the office of Shelby City Council Chamber with the following members present:

Mr. Charles Roub, First Ward

Mr. Derrin Roberts, Second Ward

Mr. Garland John Gates, Third Ward

Mr. Nathan Martin, Fourth Ward

Mr. Steven McLaughlin, Councilmember at Large

Mr./Mrs.

Mr./Mrs.

Mr. Gates moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted

a Tax Budget for the next succeeding fiscal year commencing January 1st, 2024; and

WHEREAS, The Budget Commission of Richland County, Ohio, has

certified its action thereon to this Council together with an estimate by the County Auditor of the rate

of each tax necessary to be levied by this Council, and what part thereof is without, and what part within,

the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Shelby

Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate

of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A  
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET  
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied		Column I	Column II	Column III	Column IV
			Inside 10 M. Limit	Outside 10 M. Limit				
General Fund	\$265,000.00		2.00					
Police Pension	\$40,000.00		0.30					
Fire Pension	\$40,000.00		0.30					
Park Fund		\$172,000.00						1.50
Health Fund		\$210,000.00						1.90
TOTAL	\$345,000.00	\$382,000.00	2.60	3.40				

Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)	Maximum Rate Authorized to Be Levied	FUND
	<div> <div>0.50</div> <div>1.00</div> </div>	<div> <div> <b>GENERAL FUND:</b>            Current Expense Levy authorized by voters on _____            for not to exceed _____ years.         </div> <div> <b>SPECIAL LEVY FUNDS:</b>  <div> <b>Park Fund Levy authorized by voters on November 2, 2021</b>            for not to exceed 5 years. TY 22-26         </div> <div> <b>Park Fund Levy authorized by voters on November 4, 2019</b>            for not to exceed 5 years. TY 20-24         </div> <div> <b>Health Fund Levy authorized by voters on November 2, 2021</b>            for not to exceed 5 years. TY 22-26         </div> <div> <b>Health Fund Levy authorized by voters on November 4, 2019</b>            for not to exceed 5 years. TY 20-24         </div> </div> </div>
	<div> <div>0.90</div> <div>1.00</div> </div>	

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to

the County Auditor of said County.

Mr. McLaughlin seconded the Resolution and the roll being

called upon its adoption the vote resulted as follows:

Mr. McLaughlin, Yea

Mr. Roub, Yea

Mr. Roberts, Yea

Mr. Gates, Yea

Mr. Martin, Yea

Adopted the 18th day of September, 2023

Attest:

Vice President of Council

Steven McLaughlin

Clerk of Council

Brian A. Crum

Mayor

Approved:

Steven L. Schag

Steve L. Schag

**DECLARING THE REMAINS OF A DESIGNATED DWELLING (50-52 EAST MAIN STREET) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND DANGEROUS TO LIFE AND OTHER PROPERTY; DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY LAND REUTILIZATION CORPORATION FOR ITS DEMOLITION AND DECLARING AN EMERGENCY.**

WHEREAS, under the authority of Section 3, Article XVIII of the Ohio Constitution and Chapters 715.26, 715.261, 3763.03 et seq. of the Ohio Revised Code, and Section 1 of the Charter of the City of Shelby, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Shelby and its inhabitants; and

WHEREAS, the Shelby Fire Chief, pursuant to Ohio Revised Code Chapter 715.26, made its inspection as pertains to the remains of the building and structure hereinafter described; and

WHEREAS, the Council of the City of Shelby is fully advised in this matter by reason of the reports and proceedings within the Fire Department.

**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 it is hereby determined and declared that a two-story structure(s) located on the premises described in Section 2 hereinafter are insecure, unsafe, structurally defective and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age and dilapidation; and it is hereby further determined and declared that by reason thereof said building(s) are beyond repair and are a nuisance.

Section 2: The premises referred to in Section 1 hereof are described as follows: situated in the City of Shelby, County of Richland and State of Ohio: being known and described as Parts of Lots Three Seventy-Eight and Three Seventy-Nine (#378 & 379) in the regular series of consecutive numbers in the said City of Shelby, Ohio.

Parcel Numbers: 046-08-119-10-000, 046-08-119-09-000, and 046-08-119-11-000  
Owner: Charles Warfel, Unknown Spouse, and Unknown Occupants  
Address: 50-52 East Main Street

Section 3: That the Mayor as Director of Public Safety is hereby authorized and directed to enter into a contract with the Richland County Land Utilization Corporation as its agent pursuant to ORC 715.261(B), for the demolition and removal of the building(s) or structure(s) hereinbefore described, including any fences, concrete stairs, retaining walls and all appurtenances thereto, together with the removal of all debris and leveling to grade.

Section 4: That the Mayor as Director of Public Safety in conjunction with the Richland County Land Utilization Corporation, shall notify the owner or occupant to remove all chattels and personal property from the building(s) and/or not less than five (5) days prior to the commencement of demolition and the failure of the owner or occupant to so remove such personal property and chattels shall be deemed an intentional abandonment thereof by such owner or occupant and such property may be subject to salvage rights of the demolition contractor.

Section 5: That the debris and all materials resulting from the demolition of the structure(s) or building(s) shall become the property of the contractor.

Section 6: 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 7: That by reason of the immediate necessity of removing a nuisance which is insecure, unsafe, structurally defective and dangerous to life and other property, this Resolution is hereby deemed to be an emergency for the immediate preservation of the public peace, health, safety and welfare of the City of Shelby and its inhabitants, 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: September 18, 2023

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

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY, SHELBY AVENUE WATERLINE REPLACEMENT PROJECT.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivision for capital improvement to public infrastructures; and

WHEREAS, the City of Shelby is planning to make capital improvements with the Shelby Avenue Waterline Replacement Project; 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 apply for said funds.

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 apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure for the Shelby Avenue Waterline Replacement Project.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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: September 18<sup>th</sup>, 2023

APPROVED:  
Steven McLaughlin  
Vice President of Council

ATTEST:  
Brian Crum  
Clerk of Council  
Steven L. Schag  
Mayor

Prepared by:

Gordon M. Lyster  
Director of Law

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT A NOMINATION FORM TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DIVISION OF ENVIRONMENTAL AND FINANCIAL ASSISTANCE FOR A SLUDGE DEWATERING PROJECT FOR THE WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY.

WHEREAS, the Wastewater Treatment Plant operation is required to dispose of the activated sludge that is generated from the treatment process; and

WHEREAS, the Wastewater Treatment Plant would be able to receive septage waste to create a source of revenue for the sewer fund provided a dewatering press was available within the operation of the treatment process; and

WHEREAS, the most efficient and economical way to process activated sludge and septage waste for disposal is through a dewatering press; and

WHEREAS, the Wastewater Treatment Plant dewatering press project would require future funding to support the planning, design, and construction; and

WHEREAS, the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA) is accepting project nomination forms until September 25, 2023 for planning year 2024; 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 submit a Planning Year 2024 Water Pollution Control Loan Fund Nomination Form to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA) to secure future funding for the planning, design, and construction of a dewatering press for the operation at the Wastewater 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 submit a Planning Year 2024 Water Pollution Control Loan Fund Nomination Form to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA) for future funding for the planning, design, and construction of a sludge dewatering press for the operation at the Wastewater Treatment Plant.

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 due to the time sensitive filing of the nomination form 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: September 18, 2023

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Steven McLaughlin  
Vice President of Council

APPROVED:

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Brian Crum  
Clerk of Council

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Steven L. Schag  
Mayor

ATTEST: