

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

Shelby City Council Agenda
Monday, October 16, 2023
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

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

Dispense with the Reading of the Journal from October 2, 2023

Moved _____ 2ND _____

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

Public Comment

Brigitte Coles—Richland County Children Services

Jessica Gribben—Economic Development Manager

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember Gates

**MOTION THAT THE COMBINED FINANCIAL STATEMENT AND THE
CASH/INVESTMENT RECONCILIATION STATEMENT BOTH DATED SEPTEMBER 30,
2023, BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember Martin

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF CAROLYN SHENBERGER TO THE POSITION OF ADMINISTRATIVE PROFESSIONAL I FOR THE HEALTH DEPARTMENT

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

MOTION TO CONFIRM THE APPOINTMENT OF LISA KILGORE TO THE POSITION OF DIRECTOR OF NURSING/HEALTH EDUCATION

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Downtown school property

Unfinished Business
AMP Conference

Legislation

AMENDED ORDINANCE NO 25-2023 AMENDING SECTION 1064.02 (TYPES OF WATERCRAFT PERMITTED ON SHELBY CITY RESERVOIR NO. 3; HOURS), SECTION 1064.03 (BOATING RULES FOR SHELBY CITY RESERVOIR NO. 3), SECTION 1064.04 (POSTING RULES), SECTION 1064.10 (PERSONAL OFFENSES) AND SECTION 1064.13 (FISHING REGULATIONS) AND ENACTING SECTION 1064.17 (TYPES OF WATERCRAFT PERMITTED ON SHELBY CITY RESERVOIR NO. 2; HOURS) AND SECTION 1064.18 (BOATING RULES FOR SHELBY CITY RESERVOIR NO. 2) IN CHAPTER 1064 (CITY RESERVOIRS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

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

ORDINANCE NO 26-2023

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

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

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 46-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FY 24 MARCS (MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM) GRANT FROM THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF STATE FIRE MARSHAL, FOR MARCS RADIO EQUIPMENT FEES AND DECLARING AN EMERGENCY

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

RESOLUTION NO 47-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR FUNDING FROM THE OHIO DEPARTMENT OF HEALTH FOR LEAD POISONING PREVENTION AND HEALTHY HOMES EDUCATION ACTIVITIES AND DECLARING AN EMERGENCY

2ND READING

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

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

1st Reading
10/2/2023

AMENDED ORDINANCE NO. 25-2023
(Sponsors: Councilmembers Martin, McLaughlin, Roberts)

AMENDING SECTION 1064.02 (TYPES OF WATERCRAFT PERMITTED ON SHELBY CITY RESERVOIR NO. 3; HOURS), SECTION 1064.03 (BOATING RULES FOR SHELBY CITY RESERVOIR NO. 3), SECTION 1064.04 (POSTING RULES), SECTION 1064.10 (PERSONAL OFFENSES) AND SECTION 1064.13 (FISHING REGULATIONS) AND ENACTING SECTION 1064.17 (TYPES OF WATERCRAFT PERMITTED ON SHELBY CITY RESERVOIR NO. 2) AND SECTION 1064.18 (BOATING RULES FOR SHELBY CITY RESERVOIR NO. 2) IN CHAPTER 1064 (CITY RESERVOIRS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1064 (City Reservoirs), Section 1064.02 (Types of Watercraft Permitted on Shelby City Reservoir No. 3; Hours), Section 1064.03 (Boating Rules for Shelby City Reservoir No. 3), Section 1064.04 (Posting Rules), Section 1064.10 (Personal Offenses) and Section 1064.13 (Fishing Regulations); and

WHEREAS, it is necessary to enact Section 1064.17 (Types of Watercraft Permitted on Shelby City Reservoir No. 2; Hours) and Section 1064.18 (Boating Rules for Shelby City Reservoir No. 2) into Chapter 1064 (City Reservoirs); 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 1064 (City Reservoirs), Sections 1064.02, 1064.03, 1064.04, 1064.10 and 1064.13 be amended and Section 1064.17 and 1064.18 be enacted to establish rules for the said sections for Reservoir No. 3 and Reservoir No. 2.

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

Section 1: That the following sections in Chapter 1064 (City Reservoirs) be amended:

§ 1064.02 TYPES OF WATERCRAFT PERMITTED ON SHELBY CITY RESERVOIR NO. 3.

Rowboats, canoes, paddle boats, paddle boards, kayaks, sailing craft and watercraft powered only by electric motors are permitted on Shelby Reservoir No. 3. All watercraft shall be launched and removed at the provided boat ramp, located on the southwest side of the reservoir. No boat shall exceed a maximum speed of five miles per hour. Only government agency watercraft are permitted on the water with an onboard gasoline engine.

§ 1064.03 BOATING RULES FOR SHELBY CITY RESERVOIR NO. 3.

Boating on Shelby City Reservoir No. 3 shall be governed and regulated as follows:

- (a) All watercraft shall be registered with the City of Shelby and a decal of registration property affixed to any watercraft before launching the watercraft onto the water. Registration shall be obtained at the Shelby Police Department, 29 Mack Avenue, on registration forms designated by the Director of Public Safety. A five-dollar (\$5) registration charge shall apply. Any registration decal shall be placed in a conspicuous location on the watercraft.
- (b) All watercraft shall be of the type authorized under the laws of the State of Ohio and must be duly licensed pursuant to the laws of the state.
- (c) All watercraft shall be operated pursuant to the operation and safety laws and rules provided by the state.
- (d) All watercraft must carry lights as provided by the laws of the state.
- (e) No watercraft shall exceed a maximum speed of five miles per hour.

(f) All watercraft must be launched and removed at the places provided for those purposes by the city.

(g) None of the restrictions contained herein shall apply to city employees or any government agency while they are carrying out their official duties.

§ 1064.04 POSTING RULES.

The Director of Public Safety is hereby authorized and directed to post a copy of Sections 1064.01, 1064.02, 1064.03, 1064.05, 1064.06, 1064.07, 1064.08, 1064.09, 1064.10, 1064.11, 1064.13, 1064.14, 1064.17 and 1064.18 in a prominent place at Shelby City Reservoir No. 2 and Shelby City Reservoir No. 3 and is further directed to inspect such copies from time to time to assure that they continue to be posted in a legible and readable condition.

§ 1064.10 PERSONAL OFFENSES.

No person, while using or present on any of the reservoirs of the city and/or city property adjacent thereto, shall do the following:

(a) *Intoxicating beverages or substances.*

(1) *Prohibition.* Possess or consume any alcoholic beverage at any time; or

(2) *Intoxication.* Enter or be on reservoir property or adjacent city-owned land under the influence of intoxicating liquor or substance.

(b) *Fireworks and explosives.* Bring or have in his or her possession, or set off or otherwise cause to explode, discharge or burn, any firecracker, torpedo, rocket or other fireworks, explosive or inflammable material, or discharge or throw the same into any such area from any land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints.

(c) *Domestic animals.* Allow for the entry of any non-domestic animal. Any domestic animal shall at all times comply with Ohio and City Laws regarding said animals and shall further be restrained/leashed at all times. Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where the animals are permitted shall be restrained at all and/or leashed. In addition to any other penalty or law, any person who brings any such animal to the reservoir and contiguous areas thereto shall indemnify, pay and hold the City harmless for any liability and/or damages caused by any such animal.

(d) *Dress.* Willfully make an indecent exposure of his or her person.

(e) *Alms.* Solicit alms or contributions for any purpose, whether public or private.

(f) *Fires.* Build or attempt to build a fire, or otherwise scatter lighted matches, burning cigars or cigarettes, tobacco paper or other inflammable material within any area or on any highway, road or street abutting or contiguous thereto.

(g) *Closed areas.* Enter an area posted as "Closed to the Public" or use or abet the use of any area in violation of posted notices.

(h) *Games of chance.* Gamble or participate in or abet any game of chance.

(i) *Going onto ice.* Venture onto the ice for any purpose except ice fishing, after proper registration. Any person desiring to ice fish shall file for and obtain a permit, as designed by the Director of Public Safety, from the City, which shall be obtained at the Shelby Police Department, 29 Mack Avenue. A five-dollar (\$5) registration charge shall apply. Any person engaged in ice fishing as contemplated herein shall, at all times, have in their possession said permit. Any person who is not in possession of a permit issued by the City shall be deemed in violation of this section. No structure shall be placed on the ice at any time by any person.

(j) *Disorderly conduct.* Violate any of the terms, conditions or prohibitions of § 648.04 governing disorderly conduct.

(k) *Interference with permittees.* Disturb or interfere with any person or party occupying any area or participating in any activity under the authority of a permit.

(l) *Water skiing.* Ski or ride on any device pulled behind a boat on reservoir waters.

§ 1064.13 FISHING REGULATIONS.

(a) No person shall fish in the City Waterworks Reservoirs without first obtaining a valid Ohio fishing license from the Ohio Department of Natural Resources, unless the person is exempt from the requirement of obtaining the Ohio fishing license.

(b) No violation of any rule of the State Board of Health, and no contamination of the water of the City Waterworks Reservoirs, will be permitted.

(c) Fishing is allowed and all persons shall be subject to the fishing laws of the State of Ohio and all orders of the Ohio Recreation and Resources Commission enacted and issued from year to year.

(d) All fishing shall be done from the bank or from a watercraft, as permitted by Sections 1064.02, 1064.03, 1064.17 or 1064.18.

(e) No refuse, minnows, or bait (except when attached to a hook or line for the purposes of fishing) shall be thrown into the water. The articles shall be removed from the premises or placed in receptacles provided for them.

(f) Any fisherman, 16 years of age or younger, must be accompanied on any reservoir premises by an adult. No adult may be accompanied by more than two children under the age of 16 years.

(g) Ice fishing is permitted as allowed under 1064.10.

Section 2: That the following sections be enacted in Chapter 1064 (City Reservoirs):

§ 1064.17 TYPES OF WATERCRAFT PERMITTED ON SHELBY CITY RESERVOIR NO. 2.

Rowboats, canoes, paddle boats, paddle boards, kayaks, sailing craft and watercraft powered only by electric motors are permitted on Shelby Reservoir No. 2. All watercraft shall be launched at the northwest corner of the reservoir, at the end of the access lane. No boat shall exceed a maximum speed of five miles per hour. Only government agency watercraft are permitted on the water with an onboard gasoline engine.

§ 1064.18 BOATING RULES FOR SHELBY CITY RESERVOIR NO. 2.

Boating on Shelby City Reservoir No. 2 shall be governed and regulated as follows:

(a) All watercraft shall be registered with the City of Shelby and a decal of registration property affixed to any watercraft before launching the watercraft onto the water. Registration shall be obtained at the Shelby Police Department, 29 Mack Avenue, on registration forms designated by the Director of Public Safety. A five-dollar (\$5) registration charge shall apply. Any registration decal shall be placed in a conspicuous location on the watercraft.

(b) All watercraft shall be of the type authorized under the laws of the State of Ohio and must be duly licensed pursuant to the laws of the state.

(c) All watercraft shall be operated pursuant to the operation and safety laws and rules provided by the state.

(d) All watercraft must carry lights as provided by the laws of the state.

(e) No watercraft shall exceed a maximum speed of five miles per hour.

(f) All watercraft must be launched and removed at the places provided for those purposes by the city.

(g) None of the restrictions contained herein shall apply to city employees or any government agency while they are carrying out their official duties.

Section 3: That all other provisions in Chapter 1064 (City Reservoirs) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED: _____

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

ORDINANCE NO. 26 - 2023
(Sponsors – Councilmembers Gates & 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

252-OHT-579	HOME/BUILDING REPAIRS	\$	25,000.00
600-DCP-539	TRAFFIC SIGNALS	\$	50,000.00
703-FEF-515	EQUIPMENT	\$	20,000.00

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: _____

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. 46 -2023
(Sponsors: Councilmembers Gates & Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FY 24 MARCS (MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM) GRANT FROM THE OHIO DEPARTMENT OF COMMERCE, DIVISION OF STATE FIRE MARSHAL, FOR MARCS RADIO EQUIPMENT FEES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Commerce, Division of State Fire Marshal, provides financial assistance for MARCS Radio Equipment and fees through the FY 24 MARCS Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the FY 24 MARCS Grant for MARCS Radio Equipment fees; 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 the FY 24 MARCS 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 MARCS Radio Equipment fees.

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 Commerce, Division of State Fire Marshal, 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 FY 24 MARCS 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 is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 47 -2023
(Sponsor: Councilmember Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR FUNDING FROM THE OHIO DEPARTMENT OF HEALTH FOR LEAD POISONING PREVENTION AND HEALTHY HOMES EDUCATION ACTIVITIES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Health provides financial assistance for Lead Poisoning and Healthy Homes Education Activities; and

WHEREAS, the City of Shelby Health Department desires financial assistance under said Program for its efforts to provide environmental public health, disease prevention, and education; 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 funding.

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 from the Ohio Department of Health, Lead Poisoning Prevention and Healthy Homes Education Activities Program.

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 the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project.

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 and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law