

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

Shelby City Council Agenda
Monday, November 20, 2023
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

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

Dispense with the Reading of the Journal from November 6, 2023

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember Gates

**MOTION THAT THE COMBINED FINANCIAL STATEMENT AND THE
CASH/INVESTMENT RECONCILIATION STATEMENT BOTH DATED OCTOBER 31, 2023,
BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

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

Utilities & Streets Committee—Councilmember Martin

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business
Ethics Policy

Unfinished Business

Legislation

ORDINANCE NO 27-2023

REPEALING CHAPTER 1484 (SATELLITE DISH ANTENNAS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

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

ORDINANCE NO 28-2023

AMENDING SECTION 236.04 (CONTRACTS, MATERIALS, AND LABOR) OF CHAPTER 236 (DIRECTOR OF PUBLIC SAFETY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

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

ORDINANCE NO 29-2023

AMENDING SECTION 242.01 (CONTRACTS, MATERIALS, AND LABOR) OF CHAPTER 242 (DIRECTOR OF PUBLIC SERVICE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved 2ND

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

ORDINANCE NO 30-2023

ENACTING SECTION 234.13 (FORMS OF PAYMENT) OF CHAPTER 234 (DIRECTOR OF FINANCE AND PUBLIC RECORD) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved 2ND

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

ORDINANCE NO 31-2023

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

1ST READING

Moved 2ND

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE

Moved _____ 2ND _____

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

**PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING
SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR
OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT**

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

ORDINANCE NO. 27 -2023
(Sponsors – Councilmember Gates)

REPEALING CHAPTER 1484 (SATELLITE DISH ANTENNAS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the provisions of Chapter 1484 (Satellite Dish Antennas) are neither relevant due to changes in technology nor enforceable due to preemption by the Federal Communications Commission; 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 chapter be repealed.

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

Section 1: That Chapter 1484 (Satellite Dish Antennas) of the Codified Ordinance of the City of Shelby shall be and is hereby repealed in its entirety.

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.

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NO. 28 -2023
(Sponsor – Councilmember Gates)

AMENDING SECTION 236.04 (CONTRACTS, MATERIALS, AND LABOR) OF CHAPTER 236 (DIRECTOR OF PUBLIC SAFETY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Ohio General Assembly recently modified Ohio Revised Code Section 737.03 regarding how Directors of Public Safety may make purchases without competitive bidding; 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 Codified Ordinances be amended to reflect this modification of state law.

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

Section 1: That Section 236.04 of the Codified Ordinances of the City of Shelby be amended to read as follows:

236.04 CONTRACTS, MATERIAL, AND LABOR.

The Mayor, as ex officio Director of Public Safety, may make any contract, purchase supplies or material, or provide labor for any work under the supervision of the Department of Public Safety involving not more than the amount specified in section 9.17 of the Revised Code. When an expenditure within the department, other than the compensation of persons employed in the department, exceeds the amount specified in section 9.17 of the Revised Code, the expenditure shall first be authorized and directed by ordinance or resolution of City Council. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code or available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, the Director shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the city. No expenditure subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section; to do so shall constitute prima facie misfeasance, malfeasance, and/or nonfeasance in office.

Section 2: That all other sections of Chapter 236 shall remain in full force and effect.

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

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

PASSED: _____


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NO. 29 -2023
(Sponsor – Councilmember Gates)

AMENDING SECTION 242.01 (CONTRACTS, MATERIALS, AND LABOR) OF CHAPTER 242 (DIRECTOR OF PUBLIC SERVICE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Ohio General Assembly recently modified Ohio Revised Code Section 735.05 regarding how Directors of Public Service may make purchases without competitive bidding; 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 Codified Ordinances be amended to reflect this modification of state law.

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

Section 1: That Section 242.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

242.01 CONTRACTS, MATERIAL, AND LABOR.

The Mayor, as ex officio Director of Public Service, may make any contract, purchase supplies or material, or provide labor for any work under the supervision of the Department of Public Service involving not more than the amount specified in section 9.17 of the Revised Code. When an expenditure within the department, other than the compensation of persons employed in the department, exceeds the amount specified in section 9.17 of the Revised Code, the expenditure shall first be authorized and directed by ordinance or resolution of City Council. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code or available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, the Director shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the city. No expenditure subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section; to do so shall constitute prima facie misfeasance, malfeasance, and/or nonfeasance in office.

Section 2: That all other sections of Chapter 242 shall remain in full force and effect.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

ORDINANCE NO. 30 -2023
(Sponsor – Councilmember Gates)

ENACTING SECTION 234.13 (FORMS OF PAYMENT) OF CHAPTER 234 (DIRECTOR OF FINANCE AND PUBLIC RECORD) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Congress of the United States of America in 31 United States Code Section 5103 has defined legal tender; and

WHEREAS, the General Assembly of the State of Ohio in Ohio Revised Code Section 5701.01 has defined money; and

WHEREAS, the City of Shelby, however, has no such comparable definition in its Codified Ordinances; and

WHEREAS, the Director of Finance and Public Record, as the City Treasurer, is responsible to “receive...all funds of the municipal corporation and such other funds as arise in or belong to any department or part of the municipal corporation” (Ohio Revised Code Section 733.46 in part); and

WHEREAS, said Director is in the best position to determine what alternative forms of payment are acceptable in light of his personal liability; 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 Council define what constitutes acceptable forms of payment.

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

Section 1: That Section 234.13 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

234.13 FORMS OF PAYMENT

For the payment of taxes, fees, costs, public charges, fines, and any other debts, the City of Shelby shall accept United States coin and currency (including Federal reserve notes). The City may, at its discretion, accept other forms of payment acceptable to the Director of Finance and Public Record in his/her capacity as ex officio City Treasurer.

Section 2: That all other sections of Chapter 234 shall remain in full force and effect.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 31 -2023
(Sponsor – Councilmember Gates)

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

WHEREAS, changes by the General Assembly to state law have rendered enforcement of Codified Ordinance Section 660.07 virtually impossible; 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 regulation of junk motor vehicles be included elsewhere in the Codified Ordinance of the City of Shelby.

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

Section 1: That Section 1490.10 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1490.10 GENERAL EXTERIOR MAINTENANCE REQUIREMENTS.

(a) The exterior surfaces of all structures within the city, be the same functional or aesthetic, shall be maintained in good repair. Any exterior part or feature thereof having functional use shall be capable of performing the use for which the part or feature was designed.

(b) The entire yard area contiguous to all structures within the city, extending up to and including the lot line in all directions, shall be maintained in a safe, clean and sanitary condition. No junk motor vehicle shall be parked thereon. A junk motor vehicle is a vehicle that meets any of the following criteria and has remained in such condition for a continuous period of fourteen (14) days:

- (1) Apparently inoperable;
- (2) Does not display a valid license plate;
- (3) Partially damaged and/or wrecked including but not limited to any of the following: missing wheels, tires, engine, transmission, or other mechanical parts;
- (4) Partially dismantled or discarded condition.

Section 2: That Section 1490.14 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1490.14 YARD AREA MAINTENANCE.

(a) *Refuse.*

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated automobiles or automobile parts shall be placed or stored in any yard area contiguous to any structure within the city over a period in excess of 24 hours; provided, however, that those of the items set forth herein which are usually and ordinarily placed for refuse hauling may be so placed for a period of time not to exceed the next regularly scheduled refuse hauling date.

(2) Exterior property areas of all premises shall be kept free of debris, objects, materials or conditions that, in the opinion of the Mayor and/or his or her designee, create a health, accident or fire hazard, are a public nuisance or constitute a blighting or deteriorating influence on the neighborhood. Broken glass, stumps, filth, garbage, trash and debris shall not be permitted on any property.

(b) *Vegetation.*

(1) All trees, shrubs or plants shall be trimmed in conformity with Chapter 1026, and dead, decayed or broken portions thereof shall be removed.

(2) Grass and weeds shall be maintained, controlled and cut in conformity with Chapter 662.

(c) *Appurtenant structures.*

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

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

(d) *Automobile parking.*

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

(2) Other than as provided in division (d)(1) hereof, the parking and storage of all motor vehicles, trailers and other equipment shall be in accordance with the provisions of the traffic code as set forth in Part Four of these Codified Ordinances and the Ohio Revised Code, provided that no junk motor vehicle shall be parked thereon. A junk motor vehicle is a vehicle that meets any of the following criteria and has remained in such condition for a continuous period of fourteen (14) days:

- A. Apparently inoperable;
- B. Does not display a valid license plate;
- C. Partially damaged and/or wrecked including but not limited to any of the following: missing wheels, tires, engine, transmission, or other mechanical parts;
- D. Partially dismantled or discarded condition.

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

Section 3: That all other sections of Chapter 1490 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.

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law