

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

**Shelby City Council Agenda
Monday, November 6, 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 16, 2023 and October 26, 2023

Moved _____ 2ND _____

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

Public Comment

Rebecca Owens—Richland County Emergency Management Agency

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

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

Safety Committee—Councilmember Roberts

Parking Committee—Councilmember Roberts—Did not meet

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

**MOTION TO CONFIRM THE APPOINTMENT OF TREVOR REED TO THE SHELBY
HISTORIC PRESERVATION COMMISSION TO FILL AN UNEXPIRED TERM ENDING
12/31/2023**

Moved _____ 2ND _____

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Election of Members to VFFDF and VPODF Boards for 2024

Unfinished Business

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

3RD READING

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 49-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER NUMBERS (6,8,10-13) WITH SIMONSON CONSTRUCTION SERVICES, INC FOR THE BLACK FORK COMMONS PROJECT IN THE TOTAL AMOUNT OF TWENTY-THREE THOUSAND EIGHT HUNDRED SEVENTY-FOUR AND 83/100 DOLLARS (\$23,874.83) AS AN INCREASE AND DECLARING AN EMERGENCY

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

RESOLUTION NO 50-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO GRANT A TEMPORATY EASEMENT TO THE BOARD OF COMMISSIONERS OF RICHLAND COUNTY, OHIO FOR A PUBLIC PURPOSE, NAMELY THE ESTABLISHMENT, CONSTRUCTION, RECONSTRUCTION, WIDENING, REPAIR OR MAINTENANCE OF A PUBLIC ROAD

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

RESOLUTION NO 51-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO GRANT A PERPETUAL EASEMENT TO THE BOARD OF COMMISSIONERS OF RICHLAND COUNTY, OHIO FOR A PUBLIC PURPOSE, NAMELY THE ESTABLISHMENT, CONSTRUCTION, RECONSTRUCTION, WIDENING, REPAIR OR MAINTENANCE OF A PUBLIC ROAD

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

Miscellaneous Business

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

1st Reading
10/21/2023

2nd Reading
10/16/2023

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 of the type authorized under the laws of the State of Ohio and must be duly licensed pursuant to the laws of the state.
- (b) All watercraft shall be operated pursuant to the operation and safety laws and rules provided by the state.
- (c) All watercraft must carry lights as provided by the laws of the state.
- (d) No watercraft shall exceed a maximum speed of five miles per hour.
- (e) All watercraft must be launched and removed at the places provided for those purposes by the city.
- (f) 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, 1064.18 and 1064.99 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, 31 Mack Avenue or by electric submittal. 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 and can be subject to penalty pursuant to Section 1064.99. 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 of the type authorized under the laws of the State of Ohio and must be duly licensed pursuant to the laws of the state.

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

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

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

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

(f) 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

RESOLUTION NO. 49 -2023
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER NUMBERS (6,8,10-13) WITH SIMONSON CONSTRUCTION SERVICES, INC. FOR THE BLACK FORK COMMONS PROJECT IN THE TOTAL AMOUNT OF TWENTY-THREE THOUSAND EIGHT HUNDRED SEVENTY-FOUR AND 83/100 DOLLARS (\$23,874.83) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with Simonson Construction Services, Inc. for the Black Fork Commons Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Black Fork Commons Project and adjust the contract as detailed in the attached Change Order Numbers (6,8,10-13); 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 Numbers (6,8,10-13) with Simonson Construction Services, Inc. for the total amount of Twenty-Three Thousand Eight Hundred Seventy-Four and 83/100 Dollars (\$23,874.83) as an increase.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO. 50 -2023
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO GRANT A TEMPORARY EASEMENT TO THE BOARD OF COMMISSIONERS OF RICHLAND COUNTY, OHIO FOR A PUBLIC PURPOSE, NAMELY THE ESTABLISHMENT, CONSTRUCTION, RECONSTRUCTION, WIDENING, REPAIR OR MAINTENANCE OF A PUBLIC ROAD.

WHEREAS, the City of Shelby holds title to Richland County Parcel Number 036812303000 on London West Road which a portion of said parcel is in need of the Board of Commissioners of Richland County, Ohio for a temporary roadway easement; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby, Ohio, that this easement be granted.

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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized and directed to grant a temporary easement which is more particularly described in Exhibit A to the Board of Commissioners of Richland County, Ohio for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 51 -2023
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO GRANT A PERPETUAL EASEMENT TO THE BOARD OF COMMISSIONERS OF RICHLAND COUNTY, OHIO FOR A PUBLIC PURPOSE, NAMELY THE ESTABLISHMENT, CONSTRUCTION, RECONSTRUCTION, WIDENING, REPAIR OR MAINTENANCE OF A PUBLIC ROAD.

WHEREAS, the City of Shelby holds title to Richland County Parcel Number 036812303000 on London West Road which a portion of said parcel is in need of the Board of Commissioners of Richland County, Ohio for a perpetual roadway easement; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby, Ohio, that this easement be granted.

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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized and directed to grant a perpetual easement which is more particularly described in Exhibit A to the Board of Commissioners of Richland County, Ohio for a public purpose, namely the establishment, construction, reconstruction, widening, repair or maintenance of a public road.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law