

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

Shelby City Council Agenda
Monday, December 18, 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 December 4, 2023

Moved _____ 2ND _____

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

Public Comment

Shade Tree Commission Presentation

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 NOVEMBER 30,
2023, BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember Martin

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF CATHIE ALBERT TO THE BOARD OF
PARK COMMISSIONERS**

Moved _____ 2ND _____

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business
Purple Heart Trail

Legislation

ORDINANCE NO 27-2023

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

3RD READING

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

PASSAGE OF ORDINANCE

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

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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

AMENDED 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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

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**

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 35-2023

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

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

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 36-2023

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

1ST READING

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

ORDINANCE NO 37-2023

**AUTHORIZING THE MAYOR OF THE CITY OF SHELBY
TO ENTER INTO CONTRACTS WITH THE FRATERNAL
ORDER OF POLICE #180, SERGEANTS, CAPTAINS,
PATROL OFFICERS, AND DISPATCHERS, AND
DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

RESOLUTION NO 57-2023

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO ENTER INTO AN EASEMENT AGREEMENT
WITH AEP ONSITE PARTNERS, LLC A DELAWARE
LIMITED LIABILITY COMPANY WHICH SHALL GRANT
PERMISSION FOR THE CONSTRUCTION, OPERATION,
MAINTENANCE, REPAIR AND REPLACEMENT OF
FACILITIES OF THE SAID COMPANY'S BATTERY
ENERGY STORAGE SYSTEM ON THE CITY OF SHELBY
STATE STREET PROPERTY AS REFERENCED BY THE
LEGAL PROPERTY DESCRIPTION AND DECLARING AN
EMERGENCY**

Moved _____ 2ND _____

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

RESOLUTION NO 58-2023

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO ENTER INTO AN INTERCONNECT
AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A
DELAWARE LIMITED LIABILITY COMPANY FOR THE
DISTRIBUTION OF ELECTRICITY THAT IS STORED IN
THE AEP BATTERY ENERGY STORAGE SYSTEM AND
DECLARING AN EMERGENCY**

Moved _____ 2ND _____

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

RESOLUTION NO 59-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENERGY STORAGE SERVICES AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR A 10-MEGAWATT BATTERY ENERGY STORAGE SYSTEM AND DECLARING AN EMERGENCY

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

RESOLUTION NO 60-2023

THANKING GARLAND JOHN GATES FOR HIS LONG AND DEDICATED SERVICE TO THE CITY OF SHELBY

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

Miscellaneous Business

Adjournment at _____ p.m.

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

1st Reading
11/20/2023

2nd Reading
12/4/2023

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. Eyster
Director of Law

1st Reading
11/20/2023

2nd Reading
12/4/2023

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: _____

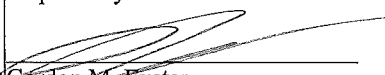
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

1st Reading
11/20/2023

2nd Reading
12/1/2023

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

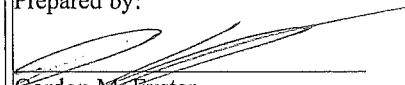
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

1st Reading
11/20/2023
2nd Reading
12/4/2023

AMENDED 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, subject to the oversight of Council.

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:

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

Gordon M. Eyster
Director of Law

1st Reading

11/20/2023

2nd Reading

12/4/2023

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 to 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

ORDINANCE NO: 35 -2023
(Sponsors: Councilmembers Gates & 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	220-CIT-400	Wages	\$ 11,000.00
	220-CIT-506	Refunds	\$ 400,000.00
	500-MTN-472	Supplies	\$ 500.00
TO	220-TRS-446	Transfers-General Fund	\$ 260,000.00
	220-TRS-447	Transfers-Capital Improvement	\$ 15,000.00
	220-TRS-465	Transfers-Sidewalks (3%)	\$ 2,000.00
	220-TRS-466	Trans Streets, Alleys & Basins	\$ 52,000.00
	220-TRS-467	Transfer Police/Court Const	\$ 82,000.00
	500-MTN-507	Maintenance Building/Grounds	\$ 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: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

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

Gordon M. Eyster
Director of Law

ORDINANCE NO. 36 -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) or approved equal as determined by the Director of Public Service or his or her designee.

(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, or approved equal as determined by the Director of Public Service or his or her designee, which shall extend from the main sewer to within five feet of the building, at which point a Fernco transition fitting or approved equal as determined by the Director of Public Service or his or her designee, 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.

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

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon Byster
Director of Law

ORDINANCE NO. 37 -2023
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE FRATERNAL ORDER OF POLICE #180, SERGEANTS, CAPTAINS, PATROL OFFICERS, AND DISPATCHERS, AND DECLARING AN EMERGENCY.

WHEREAS, City Council and the Administration have conducted extensive negotiations with the Fraternal Order of Police #180 as the bargaining representatives for certain employees of the Police Department; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement(s).

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 Mayor is hereby authorized and directed to enter into agreement(s) with the Fraternal Order of Police #180 on behalf of certain employees of the Police Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as thought fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

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 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. 57 -2023
(Sponsors: Councilmembers Martin and McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY WHICH SHALL GRANT PERMISSION FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF FACILITIES OF THE SAID COMPANY'S BATTERY ENERGY STORAGE SYSTEM ON THE CITY OF SHELBY STATE STREET PROPERTY AS REFERENCED BY THE LEGAL PROPERTY DESCRIPTION AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby desires to receive the economic benefits from a behind the meter battery energy storage system that is owned, operated, and maintained by AEP OnSite Partners, LLC; and

WHEREAS, AEP OnSite Partners, LLC, desires to construct a 10-megawatt battery energy storage system and its related equipment at the City of Shelby / AEP Onsite Partners, LLC, solar array facility located on State Street; and

WHEREAS, the said real property is located on State Street and shown per the legal property description in Exhibit A; 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 Easement Agreement with AEP OnSite Partners, LLC to grant permission to construct, operate, and maintain, a safe and reliable battery energy storage system on the City of Shelby said property located on State Street per the legal description.

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 Easement Agreement with AEP OnSite Partners, LLC, to grant permission for the construction, operation, maintenance, repair, and replacement of facilities to the AEP Onsite Partners, LLC battery energy storage system on the City of Shelby property located on State Street and referenced by the property description in Exhibit A.

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 a price hold for the batteries and related equipment that expires at the end of 2023, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon Eyster
Director of Law

RESOLUTION NO. 58 -2023
(Sponsors: Councilmembers Martin and McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN INTERCONNECT AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR THE DISTRIBUTION OF ELECTRICITY THAT IS STORED IN THE AEP BATTERY ENERGY STORAGE SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby desires to receive the economic benefits from a behind the meter battery energy storage system that is owned, operated, and maintained by AEP OnSite Partners, LLC; and

WHEREAS, AEP OnSite Partners, LLC, desires to construct a 10-megawatt battery energy storage system and its related equipment at the City of Shelby / AEP Onsite Partners, LLC, solar array facility located on State Street; and

WHEREAS, AEP OnSite Partners, LLC, requires the electricity being discharged by their battery energy storage system to be distributed onto the City of Shelby electric distribution system for the delivery of the energy; 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 Interconnect Agreement with AEP OnSite Partners, LLC, for the safe and reliable distribution of the electricity that is delivered from the batter energy storage system.

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 Interconnect Agreement with AEP OnSite Partners, LLC, for the safe and reliable distribution of electricity from their 10-megawatt battery energy storage system onto the City of Shelby owned and operated electric distribution system.

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 a price hold for the batteries and related equipment that expires at the end of 2023, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon Eyster
Director of Law

RESOLUTION NO. 59 -2023
(Sponsors: Councilmembers Martin and McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENERGY STORAGE SERVICES AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR A 10-MEGAWATT BATTERY ENERGY STORAGE SYSTEM AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby desires to receive the economic benefits from a behind the meter battery energy storage system that is owned, operated, and maintained by AEP OnSite Partners, LLC; and

WHEREAS, AEP OnSite Partners, LLC, desires to construct a 10-megawatt battery energy storage system and its related equipment at the City of Shelby / AEP Onsite Partners, LLC, solar array facility located on State Street; and

WHEREAS, AEP OnSite Partners, LLC, has performed a feasibility analysis which has found a behind the meter battery energy storage system to be a sound resource to provide positive economic benefits by reducing the city's transmission and capacity charges; 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 Energy Storage Services Agreement with AEP OnSite Partners, LLC, for a behind the meter 10-megawatt battery energy storage system.

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 Energy Storage Services Agreement with AEP OnSite Partners, LLC, for a behind the meter 10-megawatt battery energy storage system.

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 a price hold for the batteries and related equipment that expires at the end of 2023, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon Eyster
Director of Law

RESOLUTION NO. 60- 2023

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

THANKING GARLAND JOHN GATES FOR HIS LONG AND DEDICATED SERVICE TO THE CITY OF SHELBY.

WHEREAS, Garland John Gates served as the youngest Mayor in the history of the City of Shelby from January 1, 1982 until January 1, 1988; and

WHEREAS, he served as Councilman At-Large from January 5, 1998 until January 2, 2006; and

WHEREAS, he served as the Councilman 3rd Ward from January 7, 2008 until January 1, 2024; and

WHEREAS, having completed a total of 30 years in public office, making him the longest serving elected official in Shelby's approximate 190-year history; and

WHEREAS, during his tenure in said offices, Mr. Gates, a "Lion" in Shelby politics, contributed significantly to the welfare and progress of the City in a number of ways including, the construction of the CSX Overpass, establishment of the community taxi service, the promotion of funding for the creation of the Black Fork Commons Plaza, the renaissance of the Central Business District, and improvements to the City's utilities and infrastructure; and

WHEREAS, he served the community in other capacities, such as, Pioneer Career and Technology Center GED coordinator and instructor, Marvin Memorial Library Trustee, Deputy Director of the Richland County Board of Elections, Planning Commissioner, and volunteer of many hours at the FISH Food Pantry; and

WHEREAS, the Shelby City Council desires to thank Mr. Gates for his very long and most dedicated service.

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

Section 1: That the council express its sincere thanks and appreciation to Garland J. Gates for his contributions to the City of Shelby during his service as the City's Mayor/Chief Executive Officer, Councilman At-Large and 3rd Ward Councilman.

Section 2: That the Clerk of Council present Mr. Gates with an authenticated copy of this Resolution.

Section 3: That the Clerk of Council cause this Resolution to be published once in newspaper of general circulation published within the city limits.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with the 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: _____

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