

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

Shelby City Council Agenda
Monday, December 4, 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 _____

Motion to excuse Councilmember Roub

Moved _____ 2ND _____

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

Dispense with the Reading of the Journal from November 20, 2023

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub

Parking Committee—Councilmember Roberts—Did not meet

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO REQUEST A LIQUOR HEARING FOR 140 MANSFIELD AVE LLC 140 MANSFIELD AVE

Moved _____ 2ND _____

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Future use of Main Street Fire Station

Purple Heart Trail

Legislation

ORDINANCE NO 27-2023

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

2ND READING

Moved _____ 2ND _____

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

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

2ND READING

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

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

2ND READING

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

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

2ND READING

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

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

2ND READING

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

**ORDINANCE NO 32-2023 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. McLaughlin _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

PASSAGE OF ORDINANCE

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

**ORDINANCE NO 33-2023 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. McLaughlin _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

PASSAGE OF ORDINANCE

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

**ORDINANCE NO 34-2023 CREATING TEMPORARY APPROPRIATIONS FOR THE
YEAR 2024 AND DECLARING AN EMERGENCY**

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

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 52-2023

**DECLARING THE AMOUNT OF TAXES THAT MAY BE
RAISED BY LEVY AT THE MAXIMUM RATE
AUTHORIZED BY LAW WITHOUT A VOTE OF THE
ELECTORS TO BE INSUFFICIENT AND DECLARING THE
NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR
THE GENERAL OPERATION OF THE SHELBY CITY
HEALTH DEPARTMENT IN ACCORDANCE WITH OHIO
REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.26
AND DECLARING AN EMERGENCY**

Moved _____ 2ND _____

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

RESOLUTION NO 53-2023

**DECLARING THE AMOUNT OF TAXES THAT MAY BE
RAISED BY LEVY AT THE MAXIMUM RATE
AUTHORIZED BY LAW WITHOUT A VOTE OF THE
ELECTORS TO BE INSUFFICIENT AND DECLARING THE
NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR
THE GENERAL OPERATION OF THE SHELBY BOARD OF
PARK COMMISSIONERS IN ACCORDANCE WITH OHIO
REVISED CODE §5705.19, 5705.191, AND 5705.26 AND
DECLARING AN EMERGENCY**

Moved _____ 2ND _____

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

RESOLUTION NO 54-2023

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

Moved _____ 2ND _____

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

RESOLUTION NO 55-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT WATER AND WASTEWATER INFRASTRUCTURE GRANT AND DECLARING AN EMERGENCY

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

RESOLUTION NO 56-2023

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SENECA AND WYANDOT DRIVE SANITARY SEWER REPLACEMENT PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE

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

TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR THE SALE OF PROPERTY AT COMPETITIVE BIDDING, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST

**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. McLaughlin _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

1st Reading
11/20/2023

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

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

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

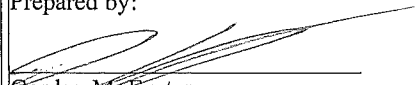
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

1st Reading
11/20/2023

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

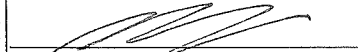
APPROVED:

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. Lyster
Director of Law

ORDINANCE NO: 32 -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	602-LDR-531	Miscellaneous	\$ 85,475.00
	400-MFG-426	Electric	\$ 10,000.00
	500-MTN-520	Sludge Removal	\$ 10,000.00
	500-MFG-653	Reservoir Chemicals	\$ 15,000.00
	500-MFG-500	Engineering	\$ 5,000.00
	101-DOF-418	Hospitalization	\$ 5,500.00
	101-POL-400	Wages	\$ 5,000.00
TO	602-LDR-462	Transfers-Miscellaneous	\$ 85,475.00
	400-MFG-526	Diesel Fuel	\$ 10,000.00
	500-MFG-519	Chemicals	\$ 27,500.00
	500-MTN-507	Maintenance Building/Grounds	\$ 2,500.00
	101-DOF-501	Computer Support	\$ 5,500.00
	101-POL-415	Public Employees Retire. Sys.	\$ 5,000.00

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 Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

ORDINANCE NO. 33 - 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 EXPENDITURES

230-CAP-647	BLACKFORK PARK	\$ 75,000.00
402-SIF-536	CONSTRUCTION	\$ 120,000.00
502-WCI-536	CONSTRUCTION	\$ 2,500,000.00

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

ORDINANCE NO.: 34 -2023
(Sponsors: Councilmembers Gates & Martin)

**CREATING TEMPORARY APPROPRIATIONS FOR THE YEAR 2024 AND
DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code §5705.38 requires that “the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure ... no later than the first day of April of the current year”; and

WHEREAS, so as to provide funding for the operation of the city government prior to the passage of the final appropriations, it is necessary to create temporary appropriations; 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 Temporary Appropriations Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and in anticipation of the creation and passage of the Final Appropriations Ordinance no later than the first day of April, 2024.

**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 temporary appropriations are hereby made and authorized for the year 2024, the same to be in full force and effect from and after approval, as and for the temporary general appropriations for the City of Shelby for the year 2024.

Section 2: That City Council does hereby temporarily appropriate, for the year 2024 the following sums, to wit:

	ACCT. NO.	APPROPRIATION EXPENSE
GENERAL FUND	101	\$3,000,000.00
 <u>SPECIAL FUNDS</u>		
Street	200	\$800,000.00
State Highway	205	\$50,000.00
Street Sales Tax	210	\$65,000.00
Fire Operations Fund	215	\$500,000.00
Income Tax	220	\$2,750,000.00
Health	225	\$250,000.00
Park	230	\$300,000.00
Rehab Escrow CDBG	232	\$30,000.00
Court Probation	233	\$30,000.00
BMV Reimbursement	234	\$5,000.00
Law Enforcement Trust	235	\$4,000.00
Court IDAT	236	\$8,000.00
Court Enforce. & Education	237	\$2,000.00
Dare	238	\$5,000.00
Unclaimed Monies	240	\$2,000.00
Court IDAM	242	\$5,000.00
CDBG General	250	\$150,000.00
Home Program	251	\$150,000.00
Fire Damage	253	\$50,000.00
Police Pension	700	\$100,000.00
Fire Pension	701	\$150,000.00
Shade Tree Trust	705	\$8,000.00
Total Special Revenue Funds		\$5,414,000.00

DEBT SERVICE FUNDS

Special Bond	275	\$1,000.00
Light Debt Reserve	602	\$0.00
Total Debt Service		\$1,000.00

CAPITAL PROJECT FUNDS

Court Computer	239	\$10,000.00
Police Computer	241	\$1,000.00
Capital Improvement	300	\$200,000.00
Court Capital	304	\$10,000.00
Sidewalks 2%	352	\$20,000.00
Streets, Alleys Sidewalks	353	\$600,000.00
Police/court construction	354	\$250,000.00
Police Equipment	702	\$50,000.00
Fire Equipment	703	\$100,000.00
Total Capital Projects		\$1,241,000.00

ENTERPRISE FUNDS

Sewer	400	\$700,000.00
San. Sewer Capital Improvements	401	\$500,000.00
Waste Water Capital Improvements	402	\$400,000.00
Water	500	\$900,000.00
Water Facilities	501	\$250,000.00
Water Improvement Fund	502	\$300,000.00
Electric	600	\$5,000,000.00
Total Enterprise Funds		\$8,050,000.00

INTERNAL SERVICE FUND

Hospitalization	715	\$1,100,000.00
		\$1,100,000.00

PERMANENT FUND

Mini Park Trust	710	\$3,000.00
Total Non-Expendable Fund		\$3,000.00

AGENCY FUNDS

Customer Deposit Fund	601	\$65,000.00
Sharing Fund	706	\$9,000.00
Total Agency Funds		\$74,000.00

**TOTAL APPROPRIATIONS
ALL FUNDS**

\$18,883,000.00

Section 3: That the Director of Finance and Public Records is hereby authorized to draw warrants on the City Treasury for the amounts appropriated in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 52 -2023
(Sponsor: Councilmember Martin)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY CITY HEALTH DEPARTMENT IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.26 AND DECLARING AN EMERGENCY.

WHEREAS, in order for the Shelby City Health Department to maintain a standard of excellence and in order for the department to provide general health services to the community, additional funding (as a renewal levy) is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby City Health Department; and

WHEREAS, the current levy of one (1) mil for operation of the Shelby City Health Department will expire at the end of 2024; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby City Health Department is insufficient and that, therefore, a ballot issue (as a renewal levy) needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

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

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law, to wit: Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26 on taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby City Department of Health that taxes be levied on the taxable property in said City for a period of five (5) years 2025-2029 (as a renewal levy) at the rate in excess of such maximum rate authorized by Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2025, 2026, 2027, 2028, and 2029 at the rate for each year of one (1) mil on each dollar of tax, valuation of the taxable property with the City of Shelby, Ohio, in excess of the rate authorized by law said excess rate being authorized by said Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certification to the Board of Election of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such question to the electors of said City as provided by law, at the March 19, 2024 Primary Election.

Section 5: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 6: That this Resolution 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. 53 -2023
(Sponsor: Councilmember Martin)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS IN ACCORDANCE WITH OHIO REVISED CODE §5705.19, 5705.191, AND 5705.26 AND DECLARING AN EMERGENCY.

WHEREAS, in order for the Shelby Board of Park Commissioners to maintain its standard of excellence and in order for said Board to provide parks and parkways for the community, additional funding (as a renewal levy) is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for necessary requirements of said Shelby Board of Park Commissioners; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby Board of Park Commissioners is insufficient and that, therefore, a ballot issue (as a renewal levy) needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

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

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law on the taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Board of Park Commissioners that taxes be levied on the taxable property in said City for a period of five (5) years 2025-2029 (as a renewal levy) at a rate in excess of such maximum rate said excess rate being authorized by Ohio Revised Code §5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2025, 2026, 2027, 2028, and 2029, at a rate for each year of 1 mill on each dollar of the tax valuation of the taxable property within the City of Shelby, in excess of the rate authorized by law said excess rate being authorized by Ohio Revised Code §5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certifications to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for submission of such questions to the electors of said City as provided by law, at the March 19, 2024 Primary Election.

Section 5: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 6: That this Resolution 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. 54 -2023
(Sponsor: Councilmember Roberts)

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

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

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the City's indigent citizens and others so situated; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety be authorized to enter into an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents.

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents for the year beginning January 1, 2024.

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

Section 3: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and, therefore shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

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. 55 -2023
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR THE OHIO DEPARTMENT OF DEVELOPMENT WATER AND WASTEWATER INFRASTRUCTURE GRANT AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Development provides financial assistance to municipal agencies through the Water and Wastewater Infrastructure Grant Program; and

WHEREAS, the City of Shelby desires financial assistance under the Water and Wastewater Infrastructure Grant Program to replace waterlines; 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 apply for said Water and Wastewater Grant.

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

Section 1: That the City of Shelby Council approves an application for financial assistance for waterline replacement through the Ohio Department of Commerce Water and Wastewater Infrastructure Grant Program.

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

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

Section 4: That the 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. Byster
Director of Law

RESOLUTION NO. 56 -2023
(Sponsor: Councilmember Martin)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SENECA AND WYANDOT DRIVE SANITARY SEWER REPLACEMENT PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY

WHEREAS, plans and specifications have been completed for the 2024 Seneca and Wyandot Sanitary Sewer Replacement Project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said improvements be made.

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

Section 1: That the plans and specifications for the 2024 Seneca and Wyandot Sanitary Sewer Replacement Project in the City of Shelby are hereby approved.

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

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

Section 4: That this Resolution is hereby deemed to be an emergency and 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