

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

**Shelby City Council Agenda**  
**Tuesday, February 20, 2024**  
**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. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with the Reading of the Journal from February 5, 2024**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilmember Martin

**MOTION THAT THE COMBINED FINANCIAL STATEMENT AND THE CASH/INVESTMENT RECONCILIATION STATEMENT BOTH DATED JANUARY 31, 2024, BE RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

Utilities & Streets Committee—Councilmember McLaughlin

Safety Committee—Councilmember Roberts—Did not meet

**Reports of City Officials**

Steven L. Schag—Mayor

**MOTION TO REQUEST A LIQUOR PERMIT HEARING FOR SAL ACQUISITION ONE LLC DBA SHELBY SAVE A LOT 23 E WHITNEY AVENUE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**MOTION TO CONFIRM THE APPOINTMENT OF SUE SHENBERGER TO THE COMMUNITY IMPROVEMENT CORPORATION (CIC)**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**MOTION TO CONFIRM THE APPOINTMENT OF STACEY GUNDER TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL FOR A TERM ENDING 12/31/2026**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**MOTION TO CONFIRM THE APPOINTMENT OF BRIAN CRUM TO THE COMMUNITY REINVESTMENT AREA HOUSING COUNCIL FOR A TERM ENDING 12/31/2026**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**MOTION TO CONFIRM THE APPOINTMENT OF EVAN MONTGOMERY TO THE BOARD OF ZONING APPEALS FOR A TERM ENDING 12/31/2027**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**MOTION TO CONFIRM THE APPOINTMENT OF CODY CROSE TO THE POSITION OF SUPERINTENDENT OF THE ELECTRICITY AND COMMUNICATIONS DEPARTMENT**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

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 1-2024**

**ENACTING CHAPTER 858 OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY (SALE OF  
CANNABIS) AND DECLARING AN EMERGENCY**

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

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**RESOLUTION NO 5-2024**

**ACCEPTING THE GIFT OF AN ORIGINAL COPY OF THE  
"PROPOSED CHARTER FOR SHELBY, OHIO" FROM  
GARLAND JOHN GATES TO THE CITY OF SHELBY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**RESOLUTION NO 6-2024**

**APPROVING WEED ASSESSMENTS AS ISSUED BY THE  
DIRECTOR OF PUBLIC SERVICE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**RESOLUTION NO 7-2024**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE SAFE ROUTES TO SCHOOL PROGRAM THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_ Mr. Martin \_\_\_\_\_

Postponed  
2/20/2024

ORDINANCE NO. 1-2024  
(Sponsors: Councilmembers Roberts & Roub)

**ENACTING CHAPTER 858 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY (SALE OF CANNABIS) AND DECLARING AN EMERGENCY.**

WHEREAS, on November 7, 2023 electors in the State of Ohio in the general election approved an issue known as Issue 2, an initiative petition to create a new Chapter 3780 of the Ohio Revised Code regarding adult use cannabis control to authorize and regulate the cultivation, processing, sale, purchase, possession, home grow, and adult use cannabis by adults at least twenty-one years of age, effective thirty days from the date of said election; and

WHEREAS, R.C. 3780 authorizes and regulates recreational adult use cannabis operators permitted under Chapter 3780 in the State of Ohio; and

WHEREAS, pursuant to R.C. 3780.01(A)(2), "adult use cannabis operator" means a Level I adult use cultivator, a Level II adult use cultivator, a Level III adult use cultivator, and adult use processor and an adult use dispensary; and

WHEREAS, new Chapter 3780.25 of the Ohio Revised Code entitled, "Local authority regarding adult use cannabis" of Title 37 of the Ohio Revised Code entitled, "Health, Safety, Morals," reads in pertinent part as follows:

- (A) The legislative authority of a municipal corporation may adopt an ordinance, or board of township trustees may adopt a resolution, by majority vote to prohibit, or limit the number of adult use cannabis operators permitted under this chapter within the municipal corporation or within the unincorporated territory of the township, respectively; and

WHEREAS, in addition to Chapter 3780.25, Article XVIII, §3 of the Ohio Constitution, ("Home Rule Amendment"), provides that "[m]unicipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws."; and

WHEREAS, Shelby City Council previously passed Ordinance No. 31-2018 (Prohibition of Medical Marijuana Processing, Cultivation, and Retail Distribution within the City of Shelby); and

WHEREAS, the City Council of the City of Shelby further determines that the sale of adult use cannabis within the City of Shelby does not promote and provide for the public peace, health, safety, convenience, comfort, prosperity, and general welfare of its residents and pursuant to the authority granted by R.C. Chapter 3780.25, and Article XVIII, §3 of the Ohio Constitution, the City Council does wish to prohibit "adult use cannabis operators" within the City of Shelby; and

WHEREAS, this Council finds it necessary to adopt a new Chapter 858 entitled "Sale of Cannabis" of the Business Regulations of the Codified Ordinances of the City of Shelby to maintain the public peace, health, and safety; and

WHEREAS, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, morals, comfort, public peace, prosperity, and general welfare of the City of Shelby because Chapter 3780 went into effect on December 7, 2023.

**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 new Chapter 858 entitled "Sale of Cannabis" of "Part Eight: Title Two – Business Regulation" of the Codified Ordinances of the City of Shelby, Ohio is hereby enacted and shall read as set forth in the attached Exhibit A which is fully incorporated by reference herein.

Section 2: That all other sections of "Part Eight: Title Two – Business Regulation" 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 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. 5 -2024

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

**ACCEPTING THE GIFT OF AN ORIGINAL COPY OF THE "PROPOSED CHARTER FOR SHELBY, OHIO" FROM GARLAND JOHN GATES TO THE CITY OF SHELBY.**

WHEREAS, in 1921, the voters of the City of Shelby elected a Charter Commission, which performed its required duties and recommended to the electorate a Charter; and

WHEREAS, however, the records and files of said Charter Commission have long since disappeared; and

WHEREAS, Garland John Gates as a private citizen acquired back in the 1980s an original copy of the "Proposed Charter for Shelby, Ohio" which he now wishes to give to the City of Shelby; 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 Mr. Gates' gift of said copy be accepted in order to guarantee its preservation.

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

Section 1: That the gift of an original copy of the "Proposed Charter for Shelby, Ohio" from Garland John Gates to the City of Shelby shall be and is hereby accepted.

Section 2: That the Council, on behalf of the City and its residents, express both its thanks and its gratitude to Mr. Gates for his thoughtful and historically valuable gift.

Section 3: That the President of Council and the Clerk of Council and their successors in office be directed to preserve said historical artifacts in perpetuity.

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

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

**RESOLUTION NO. 6-2024**  
**(Sponsors: Councilmembers McLaughlin & Martin)**

**APPROVING WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE.**

WHEREAS, Codified Ordinance 662.04 requires the Director of Public Service to notify owners of an assessment for the cutting and removal of offensive and noxious weeds, vines, and grass by the City of Shelby; and

WHEREAS, the Director of Public Service has served said notices on multiple properties within the City of Shelby, Ohio; and

WHEREAS, before the Clerk of Council can certify these assessments to the County Auditor for inclusion on the tax duplicate, Codified Ordinance 662.04 requires that City Council approve said assessment; 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 approve the assessments as prepared by the Director of Public Service so that the Clerk of Council can certify said assessments to the County Auditor for inclusion on the tax duplicate.

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

Section 1: That the Council of the City of Shelby hereby approves the list of assessments as prepared by the Director of Public Service and attached hereto as "Exhibit A".

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

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 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. 7 - 2024  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE SAFE ROUTES TO SCHOOL PROGRAM THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby, hereinafter referred to as the Local Public Agency (LPA), is interested in applying for funding to improve transportation for children traveling to school; and

WHEREAS, the United States Congress has set aside monies for Safe Routes to School Projects through the State of Ohio Department of Transportation; and

WHEREAS, LPAs can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the School Travel Plan, hereinafter referred to as the Project, is a transportation activity eligible to receive federal funding.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to prepare and execute an application for Safe Routes to School (SRTS) funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

Section 2: If awarded the project, no funding will be reimbursed to applicants for School Travel Plan Development. Applicants will be asked to provide information, develop a team, and work with ODOT on plan development. The LPA further agrees to pay One Hundred Percent (100%) of the cost over and above the work provided by the State of Ohio, Department of Transportation.

Section 3: Upon completion of the described Project, the Applicant shall provide completed School Travel Plan with adequate community endorsements.

Section 4: If the application is approved for the funding, the Mayor as Director of Public Service is hereby authorized on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above-described project.

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

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