

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

**Shelby City Council Agenda
Monday, April 1, 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 March 18, 2024

Moved _____ 2ND _____

Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember Cutlip

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

Parking Committee—Councilmember Roberts—Did not meet

Reports of City Officials

Steven L. Schag—Mayor

Proclamation of Recognition—Shelby Boys' Basketball Team and Coaching Staff

Proclamation—Child Abuse Prevention Month

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 2-2024

**REPEALING CHAPTER 290 (BUILDINGS AND GROUNDS
COMMISSION) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY**

3RD READING

Moved 2ND

Mr. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

PASSAGE OF ORDINANCE

Moved 2ND

Mr. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

ORDINANCE NO 3-2024

**ESTABLISHING A ZONING CLASSIFICATION FOR
PROPERTY ANNEXED TO THE CITY OF SHELBY
(HUMPHREY ANNEXATION)**

3RD READING

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

PASSAGE OF ORDINANCE

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

AMENDED ORDINANCE NO 4-2024

**ENACTING CHAPTER 217: IMPERMISSIBLE
EXPENDITURES OF THE CODIFIED ORDINANCES
OF THE CITY OF SHELBY**

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 6-2024

**AMENDING ORDINANCE NO 5-2024 (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. Cutlip Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

PASSAGE OF ORDINANCE

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

RESOLUTION NO 11-2024

DECLARING THE REMAINS OF A DESIGNATED DWELLING (144 REAR SECOND STREET) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND DANGEROUS TO LIFE AND OTHER PROPERTY; DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY LAND REUTILIZATION CORPORATION FOR ITS DEMOLITION AND DECLARING AN EMERGENCY

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

Miscellaneous Business

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

1st Reading

3/4/2024

2nd Reading

3/18/2024

ORDINANCE NO. 2 -2024
(Sponsors: Councilmembers Roberts and Roub)

**REPEALING CHAPTER 290 (BUILDINGS AND GROUNDS COMMISSION) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, on February 19, 2008, Shelby City Council passed Ordinance 1-2008, creating a Building and Grounds Commission and the powers and duties of said commission; and

WHEREAS, the Commission has fulfilled their duties by studying, investigating, consulting with experts, and presenting to Council and the administration meaningful data that will benefit our citizens; 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 290 (Buildings and Grounds Commission) of the Codified Ordinances of the City of Shelby be repealed.

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

Section 1: That Chapter 290 (Buildings and Grounds Commission) of the Codified Ordinances of the City of Shelby be repealed.

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

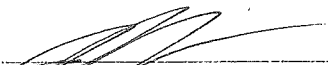
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

1st Reading
3/4/2024
2nd Reading
3/18/2024

ORDINANCE NO. 3 -2024
(Sponsors: Councilmembers Roberts and Roub)

ESTABLISHING A ZONING CLASSIFICATION FOR PROPERTY ANNEXED TO THE CITY OF SHELBY (HUMPHREY ANNEXATION).

WHEREAS, by Resolution No. 43-2022, the Council of the City of Shelby accepted the annexation of certain parcels heretofore referred to as the Humphrey Annexation; and

WHEREAS, the Council of the City of Shelby requested that the Shelby Planning Commission recommend appropriate zoning for the Humphrey Annexation in accordance with Codified Ordinance Section 1266.06; and

WHEREAS, the Shelby Planning Commission met on February 27, 2024 and recommended the R-1 (Residential District) for the Humphrey Annexation; 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 City Council act upon the Planning Commission's recommendation and establish a zoning classification for the Humphrey Annexation.

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

Section 1: That the zoning map attached to Ordinance No. 1-1991, as passed on March 4, 1991, is hereby revised by establishing the zoning classification of R-1 (Residential District) for the property described as follows (Humphrey Annexation):

SITUATED IN THE COUNTY OF RICHLAND IN THE STATE OF OHIO, AND IN THE TOWNSHIP OF SHARON:

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 22, RANGE 19, AND MORE PARTICULARLY BOUNDED AND DESCRIBED AS BEING 7/10 ACRES OF LAND AND COMMENCING FOR THE SAME AT A GIVEN POINT 806.7 FEET NORTH OF THE SOUTH BOUNDARY LINE OF SAID QUARTER IN THE CENTER OF THE SHELBY AND ONTARIO PUBLIC HIGHWAY, POINT MARKED BY AN IRON PIN;

THENCE NORTH 0 DEGREES 51 MINUTES EAST 711 FEET IN THE CENTER OF SAID HIGHWAY TO A POINT KNOWN ON THE COUNTY SURVEYOR'S C.L. BUSHEY "BLUE PRINT";

THENCE ACCORDING TO SAID COUNTY SURVEYOR'S BLUEPRINT, NORTH 73 DEGREES 30 MINUTES EAST 308 FEET TO A STAKE WHERE SAID DITCH INTERSECTS IN THE CENTER OF BLACKFORK CREEK;

THENCE IN A SOUTHERLY DIRECTION, MEANDERING IN THE CENTER OF BLACKFORK CREEK, TO THE NORTH PAGLE LINE;

THENCE NORTH 89 DEGREES 45 MINUTES WEST 502 FEET TO THE CENTER OF THE SHELBY AND ONTARIO PUBLIC HIGHWAY MARKED BY AN IRON PIN TO THE PLACE OF BEGINNING.

ALSO;

SITUATED IN SHARON TOWNSHIP, RICHLAND COUNTY, OHIO AND BEING A PART OF SECTION 17, TOWNSHIP 27, RANGE 19 AND BEING A PARCEL OF LAND DESCRIBED AS BEGINNING AT A POINT WHICH IS IN THE CENTERLINE OF THE SHELBY AND ONTARIO ROAD, SAID POINT BEING 1703 FEET NORTH OF THE SOUTH LINE OF SECTION 17;

THENCE NORTH 73 DEGREES 35 MINUTES EAST 308 FEET TO A STAKE;

THENCE ALONG THE CENTERLINE OF THE BLACKFORK 73 FEET TO A STAKE;

THENCE CONTINUING ALONG SAID CENTERLINE 115 FEET TO A STAKE;

THENCE ALONG SAID CENTERLINE 426 FEET TO A POINT ON THE BANK OF THE NEW CHANNEL OF THE BLACKFORK;

THENCE ALONG THE FOLLOWING OLD CENTERLINE OF OLD CHANNEL 100 FEET TO A STAKE;

THENCE CONTINUING ALONG THE SAID LINE OF OLD CHANNEL 213 FEET TO A STAKE;

THENCE ALONG THE OLD CHANNEL 100 FEET TO A STAKE;

THENCE ALONG THE CENTERLINE OF OLD CHANNEL 75 FEET TO A POINT IN THE CENTERLINE OF THE NEW CHANNEL OF BLACKFORK;

THENCE ALONG THE BANKS OF THE NEW CHANNEL TO A POINT ON THE BANKS OF THE NEW CHANNEL SAID POINT BEING 40 FEET FROM THE CENTERLINE OF THE NEW CHANNEL;

THENCE ALONG THE BANK OF THE CREEK 318 FEET;

THENCE ALONG AND FOLLOWING SAID BANK OF THE NEW CHANNEL 575 FEET TO A STAKE;

THENCE SOUTH 73 DEGREES 35 MINUTES EAST 168 FEET TO A STAKE, SAME BEING 308 FEET FROM THE POINT OF BEGINNING AND CONTAINING 1 AND 93/100 ACRES OF LAND.

BEING 9 3/5 ACRES IN THE AGGREGATE, MORE OR LESS, AND SUBJECT TO ALL LEGAL HIGHWAYS.

RICHLAND COUNTY PERMANENT PARCEL # 046-08-223-48-000

Section 2: That the Clerk of Council and the Chairman of the Shelby Planning Commission are directed to make the necessary changes on the original zoning map of the City of Shelby, Ohio.

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 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

3/4/2024

2nd Reading

3/18/2024

AMENDED ORDINANCE NO. 4-2024

(Sponsor: Councilmember Martin)

ENACTING CHAPTER 217: IMPERMISSIBLE EXPENDITURES OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, discriminatory activities are antithetical to the American experience and the ideals set forth by our founding documents; and

WHEREAS, it is Council's responsibility to ensure that the money spent does not go against the ideals of the State or Federal Constitutions; 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 217: Impermissible Expenditures be enacted to ensure that no money be utilized for trainings that do not live up to the ideals of the American Experiment.

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

Section 1: That, effective at the earliest time allowed by law, the following be enacted:

Chapter 217: Impermissible Expenditures

217.01 Discriminatory Activities

(1) Purpose. The purpose of this section is to implement the following expenditure prohibitions.

(2) Definitions. For the purposes of this rule, the following terms mean:

(a) "Discriminatory Activities" or "DA" is any program, activity, training, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity, or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification.

(b) "Federal funds" are those funds provided to the institution or a direct-support organization for an institution directly or indirectly by an appropriation by Congress.

(c) "State funds" are those funds provided to an institution or a direct-support organization for an institution directly or indirectly by an appropriation by the Ohio Legislature. This includes any grants provided.

(d) "City funds" are those funds that derived from taxpayers or fees that are able to be expended by different departments within the City of Shelby to include donations or grants given to the City.

(3) No entity or individual within the City may expend any city, state, or federal funds to promote, support, or maintain any programs or activities that advocate for DA as defined in this rule;

(4) A City entity or individual advocates for DA when it engages in a program, policy, training or activity that:

(a) Advantages or disadvantages, or attempts to advantage or disadvantage, an individual or group on the basis of race, color, sex, national origin, gender identity, or sexual orientation, to equalize or increase outcomes, participation, or representation as compared to other individuals or groups; or

(b) Promotes the position that a group or an individual's action is inherently, unconsciously, or implicitly biased on the basis of race, color, sex, national origin, gender identity, or sexual orientation.

(5) Subsection (3) of this rule does not prohibit programs or functions required for compliance with general or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation with the approval of City Council.

(6) Failure of any city official, employee, whether employed at will, or working pursuant to a contract, to abide by this ordinance may result in discipline, which may include dismissal, as well as any potential civil or criminal sanctions under the law.

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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 6 - 2024
(Sponsors – Councilmembers Martin & McLaughlin)

**AMENDING ORDINANCE NO.: 5-2024 (ANNUAL APPROPRIATIONS) AND
DECLARING AN EMERGENCY.**

WHEREAS, on March 18, 2024, 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 2024 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 2024 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.: 5-2024 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

225-HEA-625 NUISANCE ABATEMENT 50,000.00

Section 2: That all other portions of Ordinance No.: 5-2024, 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 D. 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. 11-2024
(Sponsors: Councilmembers Cutlip and Roberts)

DECLARING THE REMAINS OF A DESIGNATED DWELLING (144 REAR SECOND STREET) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND DANGEROUS TO LIFE AND OTHER PROPERTY; DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH THE RICHLAND COUNTY LAND REUTILIZATION CORPORATION FOR ITS DEMOLITION AND DECLARING AN EMERGENCY.

WHEREAS, under the authority of Section 3, Article XVIII of the Ohio Constitution and Chapters 715.26, 715.261, 3763.03 et seq. of the Ohio Revised Code, and Section 1 of the Charter of the City of Shelby, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Shelby and its inhabitants; and

WHEREAS, the Shelby Fire Chief, pursuant to Ohio Revised Code Chapter 715.26, made its inspection as pertains to the remains of the building and structure hereinafter described; and

WHEREAS, the Council of the City of Shelby is fully advised in this matter by reason of the reports and proceedings within the Fire Department.

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 it is hereby determined and declared that a two-story structure(s) located on the premises described in Section 2 hereinafter are insecure, unsafe, structurally defective and dangerous to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age and dilapidation; and it is hereby further determined and declared that by reason thereof said building(s) are beyond repair and are a nuisance.

Section 2: The premises referred to in Section 1 hereof are described as follows: situated in the City of Shelby, County of Richland and State of Ohio: being part of Outlot Number Fifteen (#15) as recorded in Plat Book 7, Page 15 of the Richland County Recorder's Records.

Parcel Numbers: 046-08-168-15-000,
Owner: Alice C. Fisk, Unknown Spouse, and Unknown Occupants
Address: 144 Rear Second Street, (AKA 3 Powell Street)

Section 3: That the Mayor as Director of Public Safety is hereby authorized and directed to enter into a contract with the Richland County Land Utilization Corporation as its agent pursuant to ORC 715.261(E), for the demolition and removal of the building(s) or structure(s) hereinbefore described, including any fences, concrete stairs, retaining walls and all appurtenances thereto, together with the removal of all debris and leveling to grade.

Section 4: That the Mayor as Director of Public Safety in conjunction with the Richland County Land Utilization Corporation, shall notify the owner or occupant to remove all chattels and personal property from the building(s) and/or not less than five (5) days prior to the commencement of demolition and the failure of the owner or occupant to so remove such personal property and chattels shall be deemed an intentional abandonment thereof by such owner or occupant and such property may be subject to salvage rights of the demolition contractor.

Section 5: That the debris and all materials resulting from the demolition of the structure(s) or building(s) shall become the property of the contractor.

Section 6: 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 7: That by reason of the immediate necessity of removing a nuisance which is insecure, unsafe, structurally defective and dangerous to life and other property, this Resolution is hereby deemed to be an emergency for the immediate preservation of the public peace, health, safety and welfare of the City of Shelby and its inhabitants, 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: _____


Vice President of Council

APPROVED:

ATTEST: _____
Clerk of Council

Mayor

Prepared by:



Gordon M. Byster
Director of Law