

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

**Shelby City Council Agenda
Monday, March 4, 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 20, 2024

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Committee of the Whole—Councilmember McLaughlin

Community & Economic Development Committee—Councilmember Cutlip

Public Works & General Operation Committee—Councilmember Roub

Parking Committee—Councilmember Roberts—Did not meet

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Purple Heart Trail

Future use of Main Street Fire Station

Legislation

ORDINANCE NO 2-2024

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

1ST READING

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

ORDINANCE NO 3-2024

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

1ST READING

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

ORDINANCE NO 4-2024

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

1ST READING

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

RESOLUTION 8-2024

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE
TRAINING AND EQUIPMENT GRANT FROM THE OHIO
DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF
EMERGENCY MEDICAL SUPPLIES AND DECLARING AN
EMERGENCY**

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

RESOLUTION 9-2024

**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 2024 PAVING PROJECT, WITHIN THE
CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

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

Miscellaneous Business

Adjournment at _____ p.m.

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

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

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:

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. 4 -2024
(Sponsor: Councilmember Martin)

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

WHEREAS, Diversity, Equity, and Inclusion trainings 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 Diversity, Equity, and Inclusion

(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) "Diversity, Equity and Inclusion" or "DEI" 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 DEI as defined in this rule;

(4) A City entity or individual advocates for DEI 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

RESOLUTION NO. 8 - 2024
(Sponsors: Councilmembers Martin & Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE TRAINING AND EQUIPMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Public Safety provides financial assistance for emergency medical services through the Training and Equipment Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Training and Equipment Grant to purchase emergency medical service supplies; 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 of City of Shelby apply for a Training and Equipment Grant.

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 City of Shelby Council approves an application for financial assistance for emergency medical service supplies through the Training and Equipment Grant.

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

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Priority One Grant.

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, Ohio.

Section 5: 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. 9-2024
(Sponsor: Councilmember McLaughlin)

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 2024 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, plans and specifications have been completed for the 2024 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; 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 to said streets within the City of Shelby.

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 Paving 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 paving 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 therefor, 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