

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

**Shelby City Council Agenda  
Monday, April 15, 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 April 1, 2024**

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

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

**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 MARCH 31, 2024, BE  
RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

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

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

Utilities & Streets Committee—Councilmember McLaughlin

Safety Committee—Councilmember Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

**Proclamation**

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**

Purple Heart Trail

**Legislation**

**AMENDED ORDINANCE NO 4-2024      ENACTING CHAPTER 217: IMPERMISSIBLE  
EXPENDITURES OF THE CODIFIED ORDINANCES  
OF THE CITY OF SHELBY**

**3RD READING**

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 7-2024**

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

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

**PASSAGE OF ORDINANCE**

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

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

**RESOLUTION NO 12-2024**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2025 FREIGHTLINER CAB AND CHASSIS TRUCK FROM CLEVELAND FREIGHTLINER INC (DBA GREAT LAKES TRUCK CENTER) THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY**

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

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

**RESOLUTION NO 13-2024**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A DUMP BODY AND EQUIPMENT PACKAGE FOR A FREIGHTLINER CAB AND CHASSIS TRUCK FROM HENDERSON PRODUCTS, INC. THROUGH THE NATIONAL PURCHASING POWER GOVERNMENT PROCUREMENT PROGRAM FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY**

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

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

**RESOLUTION NO 14-2024**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2024 AND DECLARING AN EMERGENCY**

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

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

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.

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

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

1st Reading  
3/4/2024

2nd Reading  
3/18/2024

Postponed  
until  
4/15/2024

**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. 7 - 2024**  
**(Sponsor: Councilmember Martin)**

**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, the Sharing Fund was incorrectly classified as an internal service fund within the 2024 budget; and

WHEREAS, the Sharing Fund should have been classified as an agency fund within the 2024 budget; and

WHEREAS, it is necessary to reclassify the sharing fund line items within the 2024 budget; 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 this reclassification be made.

**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:

**Internal Service Fund**

Hospitalization	715	\$0.00	\$2,765,000.00	\$2,765,000.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$2,765,000.00</b>	<b>\$2,765,000.00</b>

**Agency Fund**

Playscape Trust	231	\$0.00	\$0.00	\$0.00
Light Customer Deposit	601	\$0.00	\$123,000.00	\$123,000.00
Sharing Fund	706	\$0.00	\$25,000.00	\$25,000.00
Bicentennial Trust	800	\$0.00	\$0.00	\$0.00
<b>Total Agency Funds</b>		<b>\$0.00</b>	<b>\$148,000.00</b>	<b>\$148,000.00</b>

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 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. 12 -2024  
(Sponsor: Councilmember McLaughlin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2025 FREIGHTLINER CAB AND CHASSIS TRUCK FROM CLEVELAND FREIGHTLINER INC. (DBA GREAT LAKES TRUCK CENTER) THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION COOPERATIVE PURCHASING PROGRAM FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the Shelby Service Department is desirous of purchasing a cab and chassis truck with specified requirements for the operation of the department; and

WHEREAS, the requirements of advertising and bidding are dispensed due to the desired cab and chassis truck having been publicly solicited and awarded under the Ohio Department of Transportation Cooperative Purchasing Program; and

WHEREAS, Cleveland Freightliner Inc. was awarded the bid proposal from the Ohio Department of Transportation for the cab and chassis bid solicitation; and

WHEREAS, Cleveland Freightliner Inc is the parent company of Mansfield Freightliner Inc., dba Great Lakes Truck Center; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to purchase a 2025 Freightliner Cab and Chassis Truck from Great Lakes Truck Center.

**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 purchase a 2025 Freightliner Cab and Chassis Truck from Great Lakes Truck Center.

Section 2: That the desired cab and chassis truck has been processed and awarded through a publicly solicited cooperative purchasing program through the Ohio Department of Transportation, item number 118-23.

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 due to the current availability of the desired Freightliner cab and chassis truck and the forthcoming contract termination date of May 31, 2024 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. 13 -2024  
(Sponsor: Councilmember McLaughlin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A DUMP BODY AND EQUIPMENT PACKAGE FOR A FREIGHTLINER CAB AND CHASSIS TRUCK FROM HENDERSON PRODUCTS, INC. THROUGH THE NATIONAL PURCHASING POWER GOVERNMENT PROCUREMENT PROGRAM FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the Shelby Service Department is desirous of purchasing a dump body and equipment package to compliment a 2025 Freightliner cab and chassis truck for the operation of the department; and

WHEREAS, the requirements of advertising and bidding are dispensed due to the desired dump body and equipment package having been publicly solicited and awarded under the National Purchasing Power Government cooperative program; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to purchase the dump body and equipment package from Henderson Products, Inc.

**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 purchase a dump body and equipment package from Henderson Products, Inc. to compliment a 2025 Freightliner cab and chassis truck.

Section 2: That the desired dump body and equipment has been processed through the publicly solicited National Purchasing Power Government program, NPPGOV Contract # PS22170.

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 due to the current availability of the said desired dump body and equipment 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. 14 -2024

(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2024 AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby is desirous to participate with the Ohio Department of Transportation to purchase salt; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Ohio Department of Transportation for the purchase of rock salt.

**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: The City of Shelby (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon an award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Monday, May 3, 2024 by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held

responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

Section 2: That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract and authorizes the Mayor as Director of Public Service to sign the agreement.

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

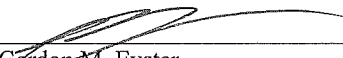
APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law