

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

**Shelby City Council Agenda
Monday, June 17, 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 June 3, 2024

Moved _____ 2ND _____

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

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

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember McLaughlin

Safety Committee—Councilmember Roberts

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

Legislation

ORDINANCE NO 9-2024

**PROPOSING AN AMENDMENT TO SECTION 7 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 10-2024

**PROPOSING AN AMENDMENT TO SECTION 24 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 11-2024

**PROPOSING AN AMENDMENT TO SECTION 31 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

2ND READING

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

ORDINANCE NO 12-2024

**PROPOSING AN AMENDMENT TO SECTION 36 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

2ND READING

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

ORDINANCE NO 13-2024

**PROPOSING AN AMENDMENT TO SECTION 53 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

2ND READING

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

RESOLUTION NO 26-2024

**THANKING MARY ANN HAWK FOR HER SERVICE AS A
MEMBER OF THE SHADE TREE COMMISSION**

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 _____

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 5, 2024.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 p.m. on the ninetieth day prior to the date of the election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2025.

Section 7: 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 8: 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

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 p.m. on the ninetieth day prior to the date of the election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2025.

Section 7: 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 8: 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

necessary to submit the above question to the electors of the City at the election held on November 5, 2024.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 p.m. on the ninetieth day prior to the date of the election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2025.

Section 7: 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 8: 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
6/3/2024

ORDINANCE NO. 12-2024
(Sponsors: Councilmembers Roberts and Roub)

PROPOSING AN AMENDMENT TO SECTION 36 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective January 1, 1922; and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and submission of proposed amendments to the electors of the City; and

WHEREAS, the Charter provides for different times when the council, mayor, director of law, and director of finance and public record assume their respective offices; and

WHEREAS, certain language in Charter Section 36 has become antiquated over the passage of time and should be updated; 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 a proposed amendment to Charter Section 36 be passed and submitted to the electors of the City of Shelby so that the Director of Finance and Public Record of the City of Shelby assume the duties of office on January 1, creating uniformity with other elected officials, and to replace antiquated language.

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 there be submitted to the electors of the City at the election to be held on Tuesday, November 5, 2024, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 36 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 36. The director of finance and public record shall be an elector of the City of Shelby and shall be elected for a term of four years (a two-year term commencing in 1998, and a four-year term commencing with the year 2000), assume office on the first day of January ~~at 12 o'clock noon~~ following his AN election and serve until his A successor is elected and qualified. ~~His~~THE salary OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD shall be fixed by the council, and it shall not be increased or diminished during the term for which he THE DIRECTOR was chosen, nor at any other time except in an odd-numbered year.

Section 2: That the ballot on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

PROPOSED CHARTER AMENDMENT
CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage

Shall the Charter of the City of Shelby be amended in Section 36 to provide that the Director of Finance and Public Record of the City of Shelby assume office on the first day of January and replace antiquated language?

SHALL SECTION 36 OF THE SHELBY CHARTER BE AMENDED:	YES
	NO

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 5, 2024.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 p.m. on the ninetieth day prior to the date of the election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2025.

Section 7: 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 8: 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
6/3/2024

ORDINANCE NO. 13 -2024
(Sponsor: Councilmember McLaughlin)

PROPOSING AN AMENDMENT TO SECTION 53 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective January 1, 1922; and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and submission of proposed amendments to the electors of the City; and

WHEREAS, ORC Section 3513.05 was changed in 2014 requiring candidates for office to file their petition ninety days prior to an election instead of seventy-five; and

WHEREAS, Shelby Charter Section 53 requires seventy-five days; 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 a proposed amendment to Charter Section 53 be passed and submitted to the electors of the City of Shelby.

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 there be submitted to the electors of the City at the election to be held on Tuesday, November 5, 2024, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 53 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 53. Any elector of this municipality save and except as is hereinbefore provided may become a candidate for any elective office herein provided for and have his name printed upon the primary ballot, which ballot shall be printed without party designation, by filing with the board of elections a petition signed by at least two (2) per centum of the total vote cast for mayor at the last municipal general election, provided that a petition for a candidate for councilmember from a ward shall be signed by two (2) per centum of the total vote cast for mayor within that ward in which the candidate seeks to run. Those candidates equal to twice the number of places to be filled in each office, who respectively received the highest number of votes for each office at the primary election, shall have their names printed upon the ballots for the general election, provided that in case of a tie vote at such primary election, all persons receiving such equal number of votes shall have their names printed upon the ballots for the general election, and provided further that in case fewer than twice the number of places to be filled in each office are voted for at such primary election, then all such names voted for shall be placed upon the ballots for the general election. All nominating petitions shall be signed, filed and verified and each candidate's declaration to qualify if nominated and elected shall be filed and verified in the manner prescribed by State law at least ~~seventy-five~~ NINETY days prior to the date of holding such primary election. The names of all candidates upon such primary ballots shall be placed under their proper and respective designation indicating the office to be filled and the number to be voted for and in proper rotation as provided for by State law, and such primary election shall be held in the manner prescribed by State law except as herein provided.

Section 2: That the ballot on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

**PROPOSED CHARTER AMENDMENT
CITY OF SHELBY**

A Majority Affirmative Vote is Necessary for Passage

Shall the Charter of the City of Shelby be amended in Section 53 to provide that filing date for candidates for office be changed from seventy-five days to ninety days?

SHALL SECTION 53 OF THE SHELBY CHARTER BE AMENDED:

YES
NO

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 5, 2024.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 p.m. on the ninetieth day prior to the date of the election.

Section 5: That the Director of Finance and Public Record shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the date of the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2025.

Section 7: 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 8: 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

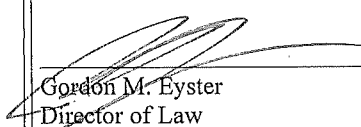
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 26 -2024
(Sponsor: Councilmember Martin)

THANKING MARY ANN HAWK FOR HER SERVICE AS A MEMBER OF THE SHADE TREE COMMISSION.

WHEREAS, Mary Ann Hawk became a member of the Shelby Shade Tree Commission over one decade ago; and

WHEREAS, Mary Ann Hawk contributed greatly to this Commission with her extensive knowledge of trees and tree management; and

WHEREAS, Mrs. Hawk proved herself to be a dedicated and efficient public servant time and time again; and

WHEREAS, her fellow commission members have spoken of her wisdom, wit, and work ethic; and

WHEREAS, the Shelby City Council desires to publicly thank Mrs. Hawk for her faithful service as a member of the Shade Tree Commission.

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

Section 1: That the Council express its sincere thanks and appreciation to Mary Ann Hawk for her many years of dedicated public service as a member of the Shelby Shade Tree Commission.

Section 2: That the Council extend to Mrs. Hawk its best wishes for success in all of her future endeavors.

Section 3: That the Clerk of Council present Mrs. Hawk an authenticated copy of this Resolution.

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