

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

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

Moved _____^{2ND}_____

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

Public Comment

Reports from Standing and Special Committees

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
Declaration of Independence

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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

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**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 15-2024

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

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

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 16-2024

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 27-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO (CIC) FOR AN ECONOMIC DEVELOPMENT MANAGER AND DECLARING AN EMERGENCY

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

RESOLUTION NO 28-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROJECT MODIFICATION REQUEST WITH RICHLAND ENGINEERING LIMITED FOR THE SHELBY STREETSCAPE PROJECT IN THE AMOUNT OF FORTY-THREE THOUSAND TWO HUNDRED FIFTY-FIVE AND 00/100 DOLLARS (\$43,255.00) AS AN INCREASE AND DECLARING AN EMERGENCY

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

RESOLUTION NO 29-2024

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2025

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

RESOLUTION NO 30-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE MATERIAL TERMS OF THE NEW NATIONAL OPIOID SETTLEMENTS PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE MARCH 22, 2024, NEW NATIONAL OPIOID SETTLEMENTS AGREEMENT AND DECLARING AN EMERGENCY

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

Miscellaneous Business

Adjournment at _____ p.m.

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

1st Reading
6/3/2024

2nd Reading
6/17/2024

ORDINANCE NO. 9 -2024
(Sponsors: Councilmembers Roberts and Roub)

PROPOSING AN AMENDMENT TO SECTION 7 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 7 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 7 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 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 7 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 7. COUNCILMEMBERS SHALL ASSUME OFFICE ON THE FIRST DAY OF JANUARY. At seven o'clock p.m. on the first Monday in January, following a regular municipal election, the council shall meet at the usual place for holding such meetings, ~~at which time the newly elected council shall assume the duties of their office~~ PROVIDED, HOWEVER, THAT WHEN SAID FIRST MONDAY FALLS ON NEW YEARS DAY, THE COUNCIL SHALL MEET ON THE SECOND DAY OF JANUARY. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution.

The mayor, or the vice-president of the council in the absence of the mayor, or any three members thereof may call special meetings of the council upon written notice served personally upon each member or at his THE COUNCILMEMBER'S usual place of residence, at least six hours previous to time fixed for such meeting. Any such request for special meeting shall state the subjects to be considered at the meeting and no other subjects shall be then considered.

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 7 to provide that the Director of Finance and Public Record of the City of Shelby assume office on the first day of January and to replace antiquated language?

SHALL SECTION 31 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

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

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

2nd Reading
6/17/2024

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

ORDINANCE NO. 15 -2024
(Sponsor: Councilmember Roub)

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (December 19, 2022) and have been included in the Codified Ordinances of the City.

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

Section 1: That the editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
1-2023	2-6-2023	258.01-258.04
2-2023	1-3-2023	TSO III
3-2023	2-21-2023	204.06
4-2023	2-21-2023	230.09
5-2023	3-6-2023	1044.02
6-2023	3-6-2023	1040.04
8-2023	3-20-2023	204.03
10-2023	2-5-2024	1490.01, 1490.03, 1490.04, 1490.09, 1490.10, 1490.14, 1490.15
13-2023	4-17-2023	TSO IX
17-2023	11-7-2023	
	By voters	Ed. Note, Ch. 880
18-2023	7-3-2023	220.01
19-2023	7-3-2023	1042.08
22-2023	8-7-2023	1040.04
24-2023	10-2-2023	204.07
25-2023	11-6-2023	1064.02-1064.04, 1064.10, 1064.13, 1064.16, 1064.17

Adopting Ordinance

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
28-2023	12-18-2023	236.04
29-2023	12-18-2023	242.01
30-2023	12-18-2023	234.13
31-2023	12-18-2023	1490.10, 1490.14
36-2023	1-16-2024	1042.08

Section 2: That pursuant to Section 17 of the City Charter and R.C. §731.23, the Clerk of Council shall cause to be published a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution, therefore. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to February 5, 2024.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, R.C. §121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and 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. 16 -2024
(Sponsors: Councilmembers McLaughlin & 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, it is necessary to increase several line items within the 2024 appropriations 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

400-MFG-515	EQUIPMENT	\$	10,000.00
400-MFG-575	SAFETY RELATED	\$	6,000.00
401-SCI-536	CONSTRUCTION	\$	25,000.00
501-WTP-536	CONSTRUCTION	\$	20,000.00
501-WTP-563	STREET VALVES	\$	20,000.00
353-SAC-500	ENGINEERING	\$	25,000.00

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 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. 27 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO (CIC) FOR AN ECONOMIC DEVELOPMENT MANAGER AND DECLARING AN EMERGENCY.

WHEREAS, on May 21, 2018, Shelby City Council passed Resolution No. 28-2018 authorizing the Mayor as Director of Public Service to enter into an agreement with the Community Improvement Corporation of Shelby, Ohio; and

WHEREAS, said agreement has expired requiring a new agreement to be executed; 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 enter into an agreement with the CIC for purposes of an economic manager.

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 enter into the attached agreement with the Community Improvement Corporation of Shelby, Ohio for the purpose of hiring an economic development manager.

Section 2: 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 3: 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. 28 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROJECT MODIFICATION REQUEST WITH RICHLAND ENGINEERING LIMITED FOR THE SHELBY STREETScape PROJECT IN THE AMOUNT OF FORTY-THREE THOUSAND TWO HUNDRED FIFTY-FIVE AND 00/100 DOLLARS (\$43,255.00) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with Richland Engineering Limited for Construction Administration for the Shelby Streetscape Project, and said contract provides for a written Project Modification Request; and

WHEREAS, it has become necessary to have additional services for the Shelby Streetscape Project and adjust the contract as detailed in the attached Project Modification Request; 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 project modification request be approved.

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 shall be and is hereby authorized to enter into Project Modification Request with Richland Engineering Limited for the total amount of Forty-Three Thousand Two Hundred Fifty-Five and 00/100 Dollars (\$43,255.00) as an increase.

Section 2: 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 3: 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

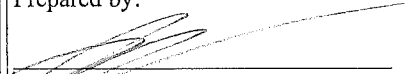
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 29-2024
(Sponsors: Councilmembers McLaughlin & Martin)

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2025.

WHEREAS, the Director of Finance and Public Record has submitted a revenue budget for the year 2025, to the Council of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, and general welfare of the citizens of the City of Shelby that the revenue budget for the year 2025 be adopted.

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

Section 1: That the revenue budget for the year 2025 has been submitted to City Council by the Director of Finance and Public Record, and the same is hereby adopted.

Section 2: 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 3: 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. Byster
Director of Law

RESOLUTION NO. 30 -2024
(Sponsors: Councilmembers McLaughlin & Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE MATERIAL TERMS OF THE NEW NATIONAL OPIOID SETTLEMENTS PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE MARCH 22, 2024, NEW NATIONAL OPIOID SETTLEMENTS AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby, Ohio (herein "Municipality") is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representative and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the Council of City of Shelby, Ohio has adopted, and hereby reaffirms its adoption of, a One Ohio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council of the City of Shelby, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by distributor Kroger (the "Settling Distributor") to resolve governmental entity claims in the State of Ohio using the structure of the One Ohio MOU and consistent with the material terms of the March 22, 2024, proposed New National Opioid Settlements Agreement; and

WHEREAS, the Council of the City of Shelby, Ohio wishes to agree to the material terms of the proposed New National Opioid Settlements Agreement with the Settling Distributor (the "Proposed Settlement").

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 Safety is authorized to accept the Proposed Settlement on behalf of the City of Shelby, Ohio, pursuant to the terms of the One Ohio MOU.

Section 2: That council intends that any financial proceeds from the Proposed Settlement be deposited into the DARE Fund.

Section 3: That all meetings and hearings concerning the adoption of the 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 so as to meet the ongoing contractual 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. Eyster
Director of Law