

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

**Shelby City Council Agenda
Monday, July 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 July 1, 2024

Moved _____ 2ND _____

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

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 JUNE 30, 2024, BE
RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember Cutlip

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

Legislation

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 17-2024

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

PASSAGE OF ORDINANCE

Moved 2ND

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

RESOLUTION NO 31-2024

REPEALING RESOLUTION NO 24-2024 AND DECLARING AN EMERGENCY

Moved 2ND

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

RESOLUTION NO 32-2024

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY CITY HEALTH DEPARTMENT IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.26 AND DECLARING AN EMERGENCY

Moved 2ND

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

RESOLUTION NO 33-2024

REPEALING RESOLUTION NO 25-2024 AND DECLARING AN EMERGENCY

Moved 2ND

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

RESOLUTION NO 34-2024

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS IN ACCORDANCE WITH OHIO REVISED CODE §5705.19(H), 5705.191, AND 5705 AND DECLARING AN EMERGENCY

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

Miscellaneous Business

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

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. 17 - 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

225-HEA-493	HEALTH CONTRACT	\$ 10,000.00
225-HEA-625	NUISANCE ABATEMENT	\$ 75,000.00

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. 31 -2024
(Sponsors: Councilmembers McLaughlin and Martin)

REPEALING RESOLUTION NO. 24-2024 AND DECLARING AN EMERGENCY.

WHEREAS, on June 3, 2024, the Council of the City of Shelby passed Resolution No. 24-2024 declaring the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors to be insufficient and declaring the necessity of a levy in excess of such rate for the general operation of the Shelby City Health Department in accordance with Ohio Revised Code Sections 5705.19, 5705.191 and 5705.26; and

WHEREAS, the language in the existing resolution needs modified per the Richland County Board of Elections; 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 Resolution No. 24-2024 be repealed.

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 Resolution No. 24-2024 is hereby repealed.

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. 32 -2024
(Sponsor: Councilmember Martin)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY CITY HEALTH DEPARTMENT IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.26 AND DECLARING AN EMERGENCY.

WHEREAS, in order for the Shelby City Health Department to maintain a standard of excellence and in order for the department to provide general health services to the community, additional funding (as a renewal levy) is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby City Health Department; and

WHEREAS, the current levy of one (1) mil for operation of the Shelby City Health Department will expire at the end of tax year 2024; 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 Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby City Health Department is insufficient and that, therefore, a ballot issue (as a renewal levy) needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

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 amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law, to wit: Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26 on taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby City Department of Health that taxes be levied on the taxable property in said City for a period of tax years 2025-2029, first collected in 2026 (as a renewal levy) at the rate in excess of such maximum rate authorized by Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2025, 2026, 2027, 2028, and 2029 at the rate for each year of one (1) mil on each dollar of tax, valuation of the taxable property with the City of Shelby, Ohio, in excess of the rate authorized by law said excess rate being authorized by said Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certification to the Board of Election of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such question to the electors of said City as provided by law, at the November 5, 2024 General Election.

Section 5: 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 6: 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

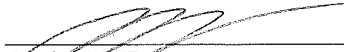
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 33-2024
(Sponsors: Councilmembers McLaughlin and Martin)

REPEALING RESOLUTION NO. 25-2024 AND DECLARING AN EMERGENCY.

WHEREAS, on June 3, 2024, the Council of the City of Shelby passed Resolution No. 25-2024 declaring the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors to be insufficient and declaring the necessity of a levy in excess of such rate for the general operation of the Shelby Board of Park Commissions in accordance with Ohio Revised Code §5705.19 (H), 5705.191 and 5705; and

WHEREAS, the language in the existing resolution needs modified per the Richland County Board of Elections; 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 Resolution No. 25-2024 be repealed.

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 Resolution No. 25-2024 is hereby repealed.

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. 34-2024
(Sponsor: Councilmember Martin)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS IN ACCORDANCE WITH OHIO REVISED CODE §5705.19(H), 5705.191, AND 5705 AND DECLARING AN EMERGENCY.

WHEREAS, in order for the Shelby Board of Park Commissioners to maintain its standard of excellence and in order for said Board to provide parks and parkways for the community, additional funding (as a renewal levy) is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for necessity requirements of said Shelby Board of Park Commissioners; and

WHEREAS, the current levy of one (1) mil for operation of the Shelby Board of Park Commissioners will expire at the end of tax year 2024; 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 Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby Board of Park Commissioners is insufficient and that, therefore, a ballot issue (as a renewal levy) needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

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 amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law on the taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Board of Park Commissioners that taxes be levied on the taxable property in said City for a period of tax years 2025-2029, first collected in 2026 (as a renewal levy) at a rate in excess of such maximum rate said excess rate being authorized by Ohio Revised Code §5705.19(H), 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2025, 2026, 2027, 2028, and 2029, at a rate for each year of 1 mil on each dollar of the tax valuation of the taxable property within the City of Shelby, in excess of the rate authorized by law said excess rate being authorized by Ohio Revised Code §5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certifications to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for submission of such questions to the electors of said City as provided by law, at the November 5, 2024 General Election.

Section 5: 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 6: 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