

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

Shelby City Council Agenda
Monday, September 16, 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 September 3, 2024

Moved _____ 2ND _____

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

Moved _____ 2ND _____

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

Future use of Main Street Fire Station

Legislation

ORDINANCE NO 21-2024

**ENACTING SECTION 1296.18 (MINIMUM LOT WIDTH
REQUIREMENT) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

1ST READING

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

ORDINANCE NO 22-2024

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

RESOLUTION NO 43-2024

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

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

RESOLUTION NO 44-2024

ACCEPTING BY DONATION REAL PROPERTY AND POSTHUMOUSLY THANKING JAMES L. SWANGER

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

RESOLUTION 45-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY, STATE STREET AND CONSOLIDATED DRIVE DRAINAGE IMPROVEMENTS PROJECT

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 _____

ORDINANCE NO. 21 -2024
(Sponsors: Councilmembers Roberts and Roub)

ENACTING SECTION 1296.18 (MINIMUM LOT WIDTH REQUIREMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, changes in the real estate market and the selling of homes requires an enactment of a new chapter in the Zoning Code of the City of Shelby, Ohio; and

WHEREAS, the Shelby City Planning Commission at its meeting held on August 27, 2024, made a recommendation to the Shelby City Council to enact said section; and

WHEREAS, in accordance with mandates of the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning the proposed enactment; and

WHEREAS, it is in the public health, safety, morals and general welfare of the citizens of the City of Shelby that Section 1296.18 of Chapter 1296 of the Codified Ordinances of the City of Shelby be enacted.

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

Section 1: That Section 1296.18 (Minimum Lot Width Requirement) of Chapter 1296 (Supplementary Regulations) of the Codified Ordinances of the City of Shelby be enacted so that said section shall read as follows:

1296.18 MINIMUM LOT WIDTH REQUIREMENT.

(a) All buildings except accessory buildings shall be located on a lot that meets the minimum lot width requirement at the minimum building setback line for the zoning district in which the lot is located.

(b) Zero Lot Line - Common Wall Business. When zoning regulations permit a lot split for construction of a common wall business with a "zero lot line setback", then the City Engineer and Zoning Inspector shall approve a preliminary survey plat of such lot providing, said final survey plat will be attached to the deed and contains information to show compliance. Once the City Engineer and Zoning Inspector have approved the preliminary plat the final approval will be given at planning commission with the following requirements:

(1) The size of each resulting parcel must have frontage located on a primary street. Lots that do not have frontage located along a primary street must seek an easement from the contiguous property owner for ingress/egress purposes to access said lot that is being split.

(2) Separate water service lines shall be installed to each unit. The service lines shall have a separate curb type shut-off valve for each unit.

(3) Separate sanitary sewer laterals to each unit shall be installed using a wye with a clean out to be located at the property line or easement line.

(4) Electrical service shall be from a common point and a conduit raceway shall be installed for the conductors serving the unit farthest from the meters.

(5) Separate gas lines shall be installed for each unit.

(6) An easement shall be provided for the installation of telephone and television cables.

(7) An easement of at least five feet in width for each side of the common wall shall be provided for maintenance purposes.

(8) Notice in bold lettering shall advise each owner of the businesses of the responsibility for common maintenance and insurance for the structure.

(c) Zero Lot Line - Common Wall Residences. When zoning regulations permit a lot split for construction of a common wall two family residence with a "zero lot line setback", then the city engineer and zoning inspector shall approve a survey plat of such lot providing said survey plat is attached to the deed and contains information to show compliance with the following requirements:

(1) The size of each resulting parcel, not one of which shall be less than 7,500 square feet in area and have a minimum frontage width of fifty feet.

(2) Separate water service lines shall be installed to each unit from the front property line or the side or rear easement line. The service lines shall have a separate curb type shut-off valve for each unit.

- (3) Separate sanitary sewer laterals to each unit shall be installed using a wye with a clean out to be located at the property line or easement line.
- (4) Electrical service shall be from a common point and a conduit raceway shall be installed for the conductors serving the unit farthest from the meters.
- (5) Separate gas lines shall be installed for each unit.
- (6) An easement shall be provided for the installation of telephone and television cables.
- (7) No driveways having common ownership shall be permitted.
- (8) An easement of at least five feet in width for each side of the two-family residence shall be provided for maintenance of the common wall.
- (9) Notice in bold lettering shall advise each owner of the two-family residence of the responsibility for common maintenance and insurance for the structure.

Section 2: That all other Sections of Chapter 1296 of the Codified Ordinances of the City of Shelby 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 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

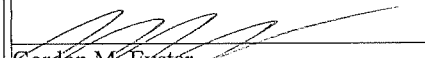
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 22 - 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

101-TRS-447	TRANSFER-CAPITAL IMPROVEMENT	\$ 20,000.00
220-CIT-501	COMPUTER SUPPORT	\$ 15,000.00
230-CAP-515	EQUIPMENT	\$ 25,000.00
230-CAP-587	SELTZER PARK REHABILITATION	\$ 50,000.00
238-DAR-471	EDUCATIONS, MTGS, & RELATED EXP	\$ 5,000.00
238-DAR-472	SUPPLIES	\$ 10,000.00
238-DAR-531	MISCELLANEOUS	\$ 5,000.00
300-POL-515	EQUIPMENT	\$ 10,000.00
353-SAC-536	CONSTRUCTION	\$ 15,000.00
706-USF-646	UTILITY PAYMENTS	\$ 15,000.00

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. 43-2024

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
Sponsor: Councilmember Martin & McLaughlin
(CITY COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the City of Shelby, Richland

County, Ohio, met in Regular session on September 16, 2024
(Regular Or Special)

at the office of Shelby City Council Chambers with the following members present:

- Mr. Charles Roub, First Ward
- Mr. Derrin Roberts, Second Ward
- Mr. Eric Cutlip, Third Ward
- Mr. Nathan Martin, Fourth Ward
- Mr. Steven McLaughlin, Councilmember at Large

Mr./Mrs. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted

a Tax Budget for the next succeeding fiscal year commencing January 1st 2025; and
Year

WHEREAS, The Budget Commission of Richland County, Ohio, has

certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Shelby

Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate

of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
 SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
 COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$265,000.00		2.00	
Police Pension	\$40,000.00		0.30	
Fire Pension	\$40,000.00		0.30	
Park Fund		\$172,000.00		1.50
Health Fund		\$210,000.00		1.90
TOTAL	\$345,000.00	\$382,000.00	2.60	3.40

**SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
GENERAL FUND:		
Current Expense Levy authorized by voters on for not to exceed years.		
SPECIAL LEVY FUNDS:		
Park Fund Levy authorized by voters on November 2, 2021 for not to exceed 5 years. TY 22-26	0.50	\$172,000.00
Park Fund Levy authorized by voters on November 4, 2019 for not to exceed 5 years. TY 20-24	1.00	
Health Fund Levy authorized by voters on November 2, 2021 for not to exceed 5 years. TY 22-26	0.90	\$210,000.00
Health Fund Levy authorized by voters on November 4, 2019 for not to exceed 5 years. TY 20-24	1.00	

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. _____ seconded the Resolution and the roll being

called upon its adoption the vote resulted as follows:

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

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, Brian A. Crum, Clerk of the Council of

City of Shelby, in said County, and in whose custody the Files

and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby

certify that the foregoing is taken and copied from the original Resolution No. 43-2024

now on file with said Board, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this 16th day of September, 2024

Brian A. Crum, Clerk of Council

City of Shelby of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 5705.84, or at such a later date as may be approved by the Board of Tax Appeals

No. _____

(CITY COUNCIL)

City of Shelby
Richland County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY AUDITOR.

(CITY COUNCIL)

RESOLUTION NO. 44 - 2024
(Sponsor: Councilmember Roberts)

**ACCEPTING BY DONATION REAL PROPERTY AND POSTHUMOUSLY
THANKING JAMES L. SWANGER.**

WHEREAS, James L. Swanger was the owner of real estate located at 17 Mohican Street, Shelby, Ohio; and

WHEREAS, pursuant to the Last Will and Testament of James L. Swanger, he desired to donate the said property to the City of Shelby; and

WHEREAS, Richland County Probate Court through the estate of James L. Swanger transferred said property to the City of Shelby via Certificate of Transfer; and

WHEREAS, the City desires to accept said property and thank James L. Swanger for his donation; 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 accept by donation real property from James L. Swanger.

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

Section 1: The City does accept title to the real estate located at 17 Mohican Street, Shelby, Ohio.

Section 2: The City hereby acknowledges and thanks James L. Swanger for his generous donation to the citizens of Shelby.

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.

Section 4: That this Resolution shall be in full force and effect from an after its passage, approval by the mayor, and 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. 45 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY, STATE STREET AND CONSOLIDATED DRIVE DRAINAGE IMPROVEMENTS PROJECT.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivision for capital improvement to public infrastructures; and

WHEREAS, the City of Shelby is planning to make capital improvements with the Shelby Avenue Waterline Replacement Project; 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 apply for said funds.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure for the State Street and Consolidated Drive Drainage Improvements Project.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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 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