

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

**Shelby City Council Agenda
Monday, February 3, 2025
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 January 21, 2025

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember Cutlip

Public Works & General Operation Committee—Councilmember Roub

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF STEVE LIFER TO THE INCOME TAX
REVIEW BOARD FOR A TERM ENDING 12/31/2025**

Moved _____ 2ND _____

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

STATE OF THE CITY – ANNUAL REPORT TO COUNCIL

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Council appointment to the Community Reinvestment Area Housing Council

Unfinished Business

Future use of Main Street Fire Station

Legislation

ORDINANCE NO 1-2025

AMENDING SECTION 258.01 (SALARIES OF MEMBERS OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 2-2025

ENACTING SECTION 1296.19 (SOLAR ENERGY SYSTEMS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 3-2025 **ENACTING SECTION 1296.20 (TRAFFIC IMPACT STUDIES AND ACCESS MANAGEMENT POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

2ND READING

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

ORDINANCE NO 4-2025 **VACATING AN ALLEY THAT RUNS PARALLEL TO EAST MAIN STREET BETWEEN LOTS 103, 104, 105, 106, 1396, PART OF OL45 S.D. 5, & PART OF OL48 S.D. 2 WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO**

1ST READING

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

ORDINANCE 5-2025 **AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2492, AND DECLARING AN EMERGENCY**

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

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 1-2025

APPROVING THE ASSESSMENTS FOR THE DEMOLITION OF A DESIGNATED DWELLING AT 50-52 EAST MAIN STREET AND CERTIFYING SAID ASSESSMENTS TO THE RICHLAND COUNTY AUDITOR AND DECLARING AN EMERGENCY

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

RESOLUTION NO 2-2025

SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T'S TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO AND DECLARING AN EMERGENCY

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE

Moved _____ 2ND _____
Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____
PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT

Adjournment at _____ p.m.

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

1st Reading
11/21/2025

ORDINANCE NO. 1 -2025
(Sponsor: Councilmember McLaughlin)

AMENDING SECTION 258.01 (SALARIES OF MEMBERS OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, it is necessary to make provision for compensation for members of Council whose terms begin in 2026, and attaching the correct dates of January 1 through December 31 as terms of office; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 258 be amended so as to provide compensation for members of Council whose terms begin in 2026.

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 SALARIES OF MEMBERS OF COUNCIL.

- (a) Effective January 1, 2024, through December 31, 2024, the salary for each member of City Council shall be \$8,658 annually, to be paid biweekly.
- (b) Effective January 1, 2025, through December 31, 2025, the salary for each member of City Council shall be \$8,809 annually, to be paid biweekly.
- (c) Effective January 1, 2026, through December 31, 2026, the salary for each member of City Council shall be \$8,973 annually, to be paid biweekly.
- (d) Effective January 1, 2027, through December 31, 2027, the salary for each member of City Council shall be \$9,130 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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

1st Reading
1/21/2025

ORDINANCE NO. 2 -2025
(Sponsors: Councilmembers Roberts and Roub)

ENACTING SECTION 1296.19 (SOLAR ENERGY SYSTEMS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, property owners are increasingly using solar systems, which necessitates the creation of a new section of the Zoning Code of the City of Shelby, Ohio to regulate their use; and

WHEREAS, The Shelby City Planning Commission at its meeting held on January 7, 2025, 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 for the citizens of the City of Shelby that Section 1296.19 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 1296.19 (Solar Energy Systems) of Chapter 1296 (Supplementary Regulations) of the Codified Ordinances of the City of Shelby be enacted so that said section shall read as follows:

1296.19 SOLAR ENERGY SYSTEMS.

The City of Shelby has determined to permit property owners in the city to install solar energy systems on their property to provide electric power for the principal and accessory uses of the property and prohibit the use of solar energy systems for the commercial generation of power for sale or use off the property.

(a) As used in this chapter, the following words and terms shall have the definitions indicated:

- 1) "Ground Mounted Solar Energy Systems": means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- 2) "Large solar Facility": means a solar facility of fifty (50) or more megawatts which is required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.
- 3) "Integrated Solar Energy Systems": means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- 4) "Rooftop Solar Energy Systems": means a solar energy system that is mounted to a structure or building's roof.
- 5) "Small Solar Facility": means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- 6) "Solar Energy": means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- 7) "Solar Energy System": means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

(b) *Permitted Solar Energy Systems*: The construction, erection, or siting of an Integrated Solar Energy System, Rooftop Solar Energy System, or a Ground Mounted Solar Energy System shall be a permitted principal or accessory use in all zoning districts, except for all residential districts, in the city only if the following requirements are met: (1) the Solar Energy System is sized and used to provide electric power only for the uses on the property on which the System is

located, unless specifically approved by the Director of Public Service or his or her designee per Section (c) herein, and not for the generation of power for sale off the property except for sale to the power company resulting from occasional incidental excess power generation, and (2) the Solar Energy System complies with all of the requirements set forth in this Section.

(c) *Off-premises Connection:* A property owner may be permitted to utilize power generated by a Solar Energy System for use on a separate property as long as the following conditions are met:

- 1) The property where the Solar Energy System is located and the property where the generated power is to be used are under common ownership.
- 2) The Director of Public Service or his or her designee affirmatively finds that connections can be attached on poles or lines owned by the City without causing any disruption to City services or other detrimental impact to the community.
- 3) The City grants a license per a pole attachment agreement to the property owner allowing the owner's requested access to and use of the City's poles or lines for the purposes set forth therein. The license shall be set forth in a written agreement between the City and owner, setting for terms and conditions governing the owner's access to and use of the City's utility facilities.
- 4) Installation of lines to allow for an Off-Premises Connection as addressed herein will be either: 1) Installed by the City with costs paid by the property owner requesting the connection, or 2) Installed property owner's contractor with prior written permission by the Director of Public Service or his or her designee. Which installation process is used will be selected by the Director of Public Service or his or her designee.

(d) *Prohibited Uses:* The construction, erection, or siting of any Solar Energy System, including any Large Solar Facility, Small Solar Facility or any Integrated, Rooftop, or Ground Mounted Solar Energy System which does not meet the requirements to be a permitted use as defined in Section B above, is prohibited in all zoning districts in the city.

(e) *Requirements for permitted Solar Energy Systems:* A Solar Energy System must comply with the following requirements:

1) Integrated or Rooftop Solar Energy Systems:

A. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System shall not vertically exceed seven (7) feet above the highest point of the roof of the building to which it is attached.

2) Ground Mounted Solar Energy Systems:

A. Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed the maximum height applicable to principal structures located in the zoning district where located.

B. Coverage: The Ground Mounted Solar Energy System shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event the zoning district does not have a restriction limiting the ground area permitted to be occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, the Ground Mounted Solar Energy System(s) shall not exceed in the aggregate 25% of the total area of the lot or tract.

C. Location: Ground Mounted Solar Energy Systems installed as an accessory use are permitted only in the rear yard area. In the case of a corner lot, no Ground Mounted Solar Energy System installed as an accessory use shall be located between a principal building or structure and a public right-of-way. Ground Mounted Solar Energy Systems installed as a principal use may be located on the lot subject to any location restrictions applicable to other principal uses allowed in the zoning district.

D. Glare: Any Solar Energy System shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

E. Setbacks: Any Ground Mounted Solar Energy System must comply with the setback requirements applicable to the zoning district where located.

3) Applicable to all permitted Solar Energy Systems

A. Maintenance: All Solar Energy Systems must be maintained in good working order at all times. The owner of the property shall, within three months of permanently ceasing use of the Solar Energy System, dismantle and remove the Solar Energy System and, in the case of Ground Mounted Solar Energy Systems, return the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.

B. Building Permits and Inspections: The installation of any Solar Energy System shall not commence until the property owner has obtained all applicable required Building Permits from all relevant agencies, and all wiring and electrical apparatuses associated with the operation of the Solar Energy System shall meet all applicable local, state and federal codes.

C. Advertising: Solar Energy Systems and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

D. Other Restrictions: Solar Energy Systems shall comply with all applicable federal, state, and local laws, rules, and regulations

Section 2: That all other sections of Chapter 1296 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.

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 Law

1st Reading
11/21/2025

ORDINANCE NO. 3 -2025
(Sponsors: Councilmembers Roberts and Roub)

ENACTING SECTION 1296.20 (TRAFFIC IMPACT STUDIES AND ACCESS MANAGEMENT POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, current growth has and changes in transportation methods have made it necessary for the City to require Traffic Impact Studies and Access Management Policy; and

WHEREAS, The Shelby City Planning Commission at its meeting held on January 7, 2025, 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 for the citizens of the City of Shelby that Section 1296.20 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 1296.20 (Traffic Impact Studies & Access Management Policy) of Chapter 1296 (Supplementary Regulations) of the Codified Ordinances of the City of Shelby be enacted so that said section shall read as follows:

1296.20 TRAFFIC IMPACT STUDIES AND ACCESS MANAGEMENT POLICY.

(a) To protect the integrity of the roadway system within the City of Shelby, all developments requiring City review will be subject to the processes set forth in the Traffic Impact Studies and Access Management Policy prepared by TMS Engineers, Inc (Attached as Exhibit 1) regarding access request studies (ARS) or traffic impact studies (TIS). Reviews possibly requiring an ARS and/or TIS would include any development requiring:

- 1) Site Plan Review
- 2) Zoning Requests
- 3) Change of Use
- 4) Special Permit Use
- 5) Planned Use Developments
- 6) Variances, and Remodeling/Additions to Existing Properties and Structures

(b) The purpose of these studies is to evaluate anticipated traffic impacts by the proposed use or change of use for a currently developed property. The existing driveway number and location will be reviewed and shall be modified as required to conform to the requirements of the City as provided in the Traffic Impact Studies and Access Management Policy.

(c) Traffic Impact Studies will be required for developments involving a peak hour traffic generation of more than 100 new trips in the peak hour or more than 800 trips on an average day. Developments involving less than this will be required to provide an access request study.

Section 2: That all other sections of Chapter 1296 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.

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 Law

ORDINANCE NO. 4 -2025
(Sponsor: Councilmember McLaughlin)

VACATING AN ALLEY THAT RUNS PARALLEL TO EAST MAIN STREET BETWEEN LOTS 103, 104, 105, 106, 1396, PART OF OL45 S.D. 5, & PART OF OL48 S.D. 2 WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO.

WHEREAS, on the 16th day of December 2024, the Council of the City of Shelby adopted Resolution No. 59-2024 declaring its intent to vacate an alley that runs parallel to East Main Street between lots 103, 104, 105, 106, 1396, PART OF OL45 S.D. 5, & PART OF OL48 S.D. 2; and

WHEREAS, notice of adoption of the above resolution has been given to the owners of property abutting said roadways effected by said resolution, notifying said property owners of the time and place at which objections could be presented to the Board of Revision of Assessments (pursuant to Section 105 of the Charter of the City of Shelby); and

WHEREAS, the Board of Revision of Assessments met on January 23, 2025 and voted to approve and recommend the vacation of an alley that runs parallel to East Main Street between lots 103, 104, 105, 106, 1396, PART OF OL45 S.D. 5, & PART OF OL48 S.D. 2; said hearing and procedure being in accordance with the provisions of Section 105 of the Charter of the City of Shelby, Ohio; and

WHEREAS, this Council is satisfied that there is good cause for vacating said roadways hereinafter described and that said vacation will not be detrimental to the general interest and public welfare.

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

Section 1: That an alley that runs parallel to East Main Street between lots 103, 104, 105, 106, 1396, PART OF OL45 S.D. 5, & PART OF OL48 S.D. 2 as set forth in the plat and legal description as prepared by Seiler & Craig Surveying, Inc.- Chad Craig, Registered Surveyor on December 6, 2024 is hereby vacated.

Section 2: That in accordance with Section 105 of the Charter of the City of Shelby, Ohio, the City shall retain any and all easements necessary for the maintenance of utilities currently located within said roadway.

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. 5 -2025
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2492, AND DECLARING AN EMERGENCY.

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Association of Firefighters, Local 2492, as the bargaining representatives for certain employees of the Fire Department; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement(s).

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 the Mayor is hereby authorized and directed to enter into agreement(s) with the International Association of Firefighters, Local 2492 on behalf of certain employees of the Fire Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as though fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

Section 4: 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 5: 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

Postponed
until
2/3/2025

RESOLUTION NO.: 1-2025

(Sponsor: Councilmember Roberts)

APPROVING THE ASSESSMENTS FOR THE DEMOLITION OF A DESIGNATED DWELLING AT 50-52 EAST MAIN STREET AND CERTIFYING SAID ASSESSMENTS TO THE RICHLAND COUNTY AUDITOR AND DECLARING AN EMERGENCY.

WHEREAS, on September 18, 2023, Shelby City Council Resolution No. 43-2023 declaring the dwelling to be insecure, unsafe, structurally defective and dangerous to life and other property; directing the Mayor as Director of Public Safety to enter into a contract with the Richland County Land Reutilization Corporation for its demolition; and

WHEREAS, October 27, 2023, the City of Shelby entered into a contract with the Richland County Land Reutilization Corporation for the demolition of said structure; and

WHEREAS, demand for payment of the above sums necessary to complete the contract were served upon the property owner and remain unpaid; 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 approve the assessments as submitted at Exhibit A and certify said assessments to the Richland County Auditor for inclusion on the tax duplicate.

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: Per ORC 715.261 (B)(1) the Council of the City of Shelby hereby approves the assessments as shown on Exhibit "A" for the demolition of the structure as described as follows: Situated in the City of Shelby, County of Richland and State of Ohio: being known as described as Parts of Lots Three Seventy-Eight and Three Seventy-Nine (#378 & 379) in the regular series of consecutive numbers in the said City of Shelby, Ohio.

Parcel Numbers: 046-08-119-10-000, 046-08-119-09-000, and 046-08-119-11-000

Owner (at time of assessment and current): Charles Warfel, Unknown Spouse of Charles Warfel, and Unknown Occupants.

Address: 50-52 East Main Street, Shelby, Richland County, Ohio.

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligation 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

Postponed
until
2/3/2025

RESOLUTION NO. 2 -2025
(Sponsor: Councilmember McLaughlin)

SUPPORTING THE OHIO MUNICIPAL LEAGUE'S CHALLENGE OF AT&T'S TARIFF APPLICATION AT THE PUBLIC UTILITIES COMMISSION OF OHIO AND DECLARING AN EMERGENCY.

WHEREAS, on December 18, 2024, the Ohio Bell Telephone Company dba AT&T Ohio ("AT&T") filed a Telecommunications Form related to a change in its tariff for "Construction Charges, Relocation of Facilities" with the Public Utilities Commission of Ohio (the "PUCO") in PUCO Case Nos. 24-1123-TP-ATA and 90-5032-TP-TRF (collectively referred to as "AT&T's Tariff Application"); and

WHEREAS, AT&T's Tariff Application proposes tariff changes which will require any municipality in which AT&T is located in the municipality's public right-of-way to pay the full cost of any relocation or undergrounding of AT&T's facilities, regardless of the reason for the relocation. This is in direct contradiction of current Ohio law; and

WHEREAS, AT&T's Tariff Application is subject to a thirty-day auto approval process, meaning that if the PUCO does not rule on the application, then the application is automatically approved, and the tariff change becomes effective on the thirty-first day after the filing of the application; and

WHEREAS, if AT&T's Tariff Application goes unchallenged and becomes automatically effective, municipalities throughout Ohio (and, subsequently, constituents who may or may not be AT&T customers) would be required to pay for any relocation of AT&T facilities in the public rights-of-way, even if the relocation or undergrounding is required for health, safety, or public welfare purposes; and

WHEREAS, any challenges to AT&T's application must be filed prior to January 17, 2025, to allow the PUCO to pause the automatic approval process, allow challengers to be heard through an evidentiary hearing, and consider legal arguments. To challenge AT&T's Tariff Application, an interested stakeholder must file a motion to intervene with the PUCO showing that it has a real and substantial interest in AT&T's Tariff Application and the intervener is so situated that the disposition of the proceeding may, as a practical matter, impair or impede its ability to protect that interest; and

WHEREAS, the Ohio Municipal League has engaged counsel to challenge AT&T's Tariff Application; 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 pass this resolution opposing the Tariff Application.

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 Council of the City of Shelby hereby finds that AT&T's Tariff Application directly changes and significantly impacts, to detriment to the City, how this City manages and administers its public rights-of-way.

Section 2: That the Council of the City of Shelby hereby authorizes and agrees to participate in and to intervene in the proceeding at the PUCO in order to challenge AT&T's Tariff Application and any subsequent and/or necessary legal, administrative, legislative efforts.

Section 3: That the Council of the City of Shelby has been advised by the Ohio Municipal League that future financial and/or other support from the City of Shelby may be necessary to the success of a challenge to AT&T's Tariff Application and any related legal, administrative, or legislative efforts. The City of Shelby may take under consideration the specific amount or form of such financial and/or other support from the City of Shelby at a subsequent meeting of this Council.

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, Ohio.

Section 5: 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