

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

**Shelby City Council Agenda  
Monday, May 5, 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 April 21, 2025**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**Public Comment**

Sherry Branham—Mental Health & Recovery Services

**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

**Proclamations**

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

Smokestack

**Legislation**

**ORDINANCE NO 9-2025**

**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 \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**ORDINANCE NO 10-2025**

**CORRECTING ORDINANCE 4-2025 AND CONFIRMING  
THE VACATION OF AN ALLEY AND DECLARING AN  
EMERGENCY**

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

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**RESOLUTION NO 11-2025**

**DECLARING A 1987 WINCO DIESEL GENERATOR WITH  
TRAILER USED BY THE SHELBY FIRE DEPARTMENT AS  
UNNEEDED AND AUTHORIZING THE MAYOR AS  
DIRECTOR OF PUBLIC SAFETY TO SELL THE  
UNNEEDED PROPERTY ON INTERNET AUCTION**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**RESOLUTION NO 12-2025**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO PARTICIPATE IN THE SOURCEWELL  
COOPERATIVE PURCHASING PLAN FOR THE  
PURCHASE OF AN E88 R2-SERIES BOBCAT COMPACT  
EXCAVATOR WITH ACCESSORIES FOR THE SERVICE  
DEPARTMENT AND DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**RESOLUTION NO 13-2025**

**DECLARING THE INTENT TO VACATE AN ALLEY  
RUNNING PERPENDICULAR TO WEST MAIN STREET  
BETWEEN LOTS 578, 575, 27, AND 576 IN THE CITY OF  
SHELBY, OHIO**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**Miscellaneous Business**

**MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_  
**TO CONSIDER THE PURCHASE OF PROPERTY (BOTH REAL AND PERSONAL,  
TANGIBLE OR INTANGIBLE), OR TO CONSIDER THE SALE OF PROPERTY (EITHER  
REAL OR PERSONAL) BY COMPETITIVE BID IF DISCLOSURE OF THE INFORMATION  
WOULD GIVE A COMPETITIVE ADVANTAGE TO THE OTHER SIDE BY DIVISION (G)(2)  
OF SECTION 121.22 OF THE REVISED CODE**

**Adjournment** at \_\_\_\_\_ p.m.

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Cutlip \_\_\_\_\_

**ORDINANCE NO. 9 -2025**  
**(Sponsor: Councilmember Cutlip)**

**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 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 (February 5, 2024) 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>
1-2024	2-20-2024	858.01-858.03, 858.99
2-2024	4-1-2024	Repeals Ch. 290
3-2024	4-1-2024	TSO IX
4-2024	4-15-2024	217.01
8-2024	6-3-2024	260.10
14-2024	6-3-2024	216.02, 216.03, 216.11
20-2024	9-3-2024	TSO IV
21-2024	11-18-2024	1296.18
23-2024	11-18-2024	1246.03, 1246.04, 1248.03
24-2024	11-4-2024	402.01
25-2024	11-4-2024	404.07
26-2024	11-4-2024	432.24
27-2024	11-4-2024	Repeals 444.06
28-2024	12-16-2024	276.04
29-2024	12-2-2024	276.05
30-2024	12-2-2024	276.07
31-2024	12-16-2024	452.01, 452.03, 452.04, 452.05, 452.061, 452.07, 452.10
34-2024	1-21-2025	1266.13

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 therefor. 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 January 21, 2025.

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. 10-2025**  
**(Sponsor: Councilmember McLaughlin)**

**CORRECTING ORDINANCE 4-2025 AND CONFIRMING THE VACATION OF AN ALLEY AND DECLARING AN EMERGENCY.**

WHEREAS, on the 16<sup>th</sup> 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 OL 45 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 OL 45 S.D.5, & PART OF OL48 S.D.2; and

WHEREAS, on the 3<sup>rd</sup> day March, 2025, Shelby City Council passed Ordinance 4-2025 vacating the alley that runs parallel to East Main Street between lots 103, 104, 105, 106, 1396, PART OF OL 45 S.D.5, & PART OF OL48 S.D.2; and

WHEREAS, the identifying lots numbers on Resolution No. 59-2024 and Ordinance 4-2025 contained the wrong lot numbers describing the alley to be vacated; and

WHEREAS, the correct description should be vacating an alley that runs parallel to East Main Street between lots 103, 104, 105, 1396, PART OF OL48 S.D. 2 & 5; and

WHEREAS, the Council is satisfied that there is good cause for vacating said roadway 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 TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That this Ordinance corrects the lot identifying numbers of Ordinance 4-2025 and confirms the vacation of an alley that runs parallel to East Main Street between lots 103, 104, 105, 1396, PART OF OL48 S.D. 2 & 5 as set forth in the plat and legal description as prepared by Seiler and Craig Surveying Inc.- Chad Craig, Registered Surveyor on December 6, 2024.

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 is hereby deemed to be an emergency so as to provide for the usual daily operations of municipal government 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

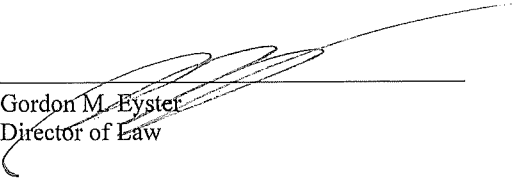
APPROVED:

ATTEST:

\_\_\_\_\_  
Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law



**RESOLUTION NO. 11 -2025**  
**(Sponsors: Councilmembers Martin and Roberts)**

**DECLARING A 1987 WINCO DIESEL GENERATOR WITH TRAILER USED BY THE SHELBY FIRE DEPARTMENT AS UNNEEDED AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO SELL THE UNNEEDED PROPERTY ON INTERNET AUCTION.**

WHEREAS, the City of Shelby owns a 1987 Winco Diesel Generator with trailer used by the Shelby Fire Department that is no longer needed for municipal use; and

WHEREAS, Ohio Revised Code, Section 721.15 (D) states that property can be sold via internet auction; 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 Safety or his designee sell the 1987 Winco Diesel Generator with trailer as listed in Exhibit A under the terms authorized by the Mayor and in compliance with Ohio Law.

**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 Safety or his designee shall be and is hereby authorized to sell the unneeded property as listed in Exhibit A via internet auction.

Section 2: That the Director of Finance and Public Record shall deposit the proceeds from the sale of the property in 703 Fire Equipment Fund.

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 the 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

ATTEST: \_\_\_\_\_  
Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 12 -2025  
(Sponsor: Councilmember McLaughlin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE SOURCEWELL COOPERATIVE PURCHASING PLAN FOR THE PURCHASE OF AN E88 R2-SERIES BOBCAT COMPACT EXCAVATOR WITH ACCESSORIES FOR THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the Shelby Service Department is desirous of purchasing an E88 R2-Series Bobcat compact excavator with accessories for the operation of the department; and

WHEREAS, the requirements of advertising and accepting bids for the specified equipment are dispensed due to said compact excavator with accessories is to be purchased through the Sourcewell Cooperative Purchase Plan, Contract number 020223-CEC; 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 purchase one (1) E88 R2-Series Bobcat compact excavator with accessories as detailed in the product quotation provided by Bobcat of Wooster.

**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 purchase an E88 R2-Series Bobcat compact excavator with accessories from Doosan Bobcat North America, Inc. through the Sourcewell Cooperative Purchase Program, contract number 020223-CEC, term ending 4/17/2027.

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 due to the need for the equipment to complete summer utility projects, 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. 13 - 2025**  
**(Sponsor: Councilmember McLaughlin)**

**DECLARING THE INTENT TO VACATE AN ALLEY RUNNING PERPENDICULAR TO WEST MAIN STREET BETWEEN LOTS 578, 575, 27, AND 576 IN THE CITY OF SHELBY, OHIO.**

WHEREAS, the plats of the City of Shelby, Ohio, indicate that a dedicated alley runs perpendicular of West Main Street between Lots 578, 575, 27, and 576; and

WHEREAS, a majority of the owners of property bounding and abutting upon said alley have submitted a "Petition to Vacate Street or Alley" to Council of the City of Shelby, Ohio, asking the alley to be vacated; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate an alley and sets forth the procedure for doing so; 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 alley running perpendicular of West Main Street between Lots 578, 575, 27, and 576 within the City of Shelby, Ohio, be vacated.

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

Section 1: That it is the intent of the Council of the City of Shelby that the alley running perpendicular to West Main Street between lots 578, 575, 27, and 576 as shown on Exhibit A within the City of Shelby, Ohio be vacated.

Section 2: That the Clerk of Council is hereby instructed to cause notice of Council's intent to vacate said alley to be served upon those persons mandated by the terms of the Charter of the City of Shelby.

Section 3: That the Board of Revision of Assessments shall hold a meeting to consider Council's intent to vacate as well as any objections which may be lodged concerning said intent and that said Board of Revision of Assessments submit a report to the council of the City of Shelby following said meeting.

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 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