

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

Shelby City Council Agenda
Monday, August 18, 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 August 4, 2025

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember McLaughlin

**MOTION THAT THE COMBINED FINANCIAL STATEMENT AND THE
CASH/INVESTMENT RECONCILIATION STATEMENT DATED JULY 31, 2025, BE
RECEIVED, PLACED ON FILE, AND POSTED TO THE CITY WEBSITE.**

Moved _____ 2ND _____

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

Utilities & Streets Committee—Councilmember McLaughlin

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Motion that City Council declines an exit conference with the Auditor team concerning the 2024 Audit

Moved _____ 2ND _____

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

Unfinished Business

Smokestack

Legislation

ORDINANCE NO 16-2025

DETERMINING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY BE LEASED AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE LEASE AGREEMENT

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 23-2025

VACATING A PORTION OF SPRUCE STREET WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO

2ND READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 24-2025

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.04 (METERING AND BILLING), (g) (DEPOSITS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 25-2025

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM), RULE 47 AND RULE 59 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 26-2025

AMENDING CHAPTER 1044 (SEWER CHARGES), SECTION 1044.08 (DEPOSITS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 27-2025

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (e) MISCELLANEOUS CHARGES (1) RECONNECTION CHARGE AND (6) APPLICATION FEE OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 28-2025

**AMENDING CHAPTER 1044 (SEWER CHARGES),
SECTION 1044.02 (CONDITIONS OF SERVICE; RATE
SCHEDULE), (f) PRODUCTION COST ADJUSTER OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 29-2025

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2025
AND DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

RESOLUTION NO 25-2025

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SAFETY TO ACCEPT THE MATERIAL TERMS OF THE
NEW NATIONAL OPIOID SETTLEMENT: PURDUE
PURSUANT TO THE MEMORANDUM OF
UNDERSTANDING AND CONSISTENT WITH THE TERMS
OF THE NEW NATIONAL OPIOID SETTLEMENT:
PURDUE AGREEMENT**

Moved _____ 2ND _____

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:

Moved _____ 2ND _____

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

TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR THE SALE OF PROPERTY AT COMPETITIVE BIDDING, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
8/4/2025

ORDINANCE NO: 16 -2025
(Sponsor: Councilmember Martin)

DETERMINING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY BE LEASED AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE LEASE AGREEMENT.

WHEREAS, the City of Shelby owns a parcel of land within the City available for lease, and which is more particularly described in the attached Exhibit 1; and

WHEREAS, the Charter of the City of Shelby provides, in Section 1, that the City may acquire property if fee simple or lesser interest and may sell, convey, lease, hold, manage, and control such property; and

WHEREAS, Ohio Revised Code Section 1724.10 authorizes the Council to designate the Community Improvement Corporation of Shelby, Ohio, Inc., as its agent for the sale or lease of lands which have been determined not to be required by the political subdivision for its purposes; and

WHEREAS, the lease of the property described in the attached Exhibit 1 will promote the welfare of the people of the City of Shelby; and

WHEREAS, Ohio Revised Code Section 1724.10 allows for the sale or lease of real property that will promote the welfare of the people of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that this property be leased and that the Community Improvement Corporation of Shelby, Ohio, Inc., be designated the agent for the City for the lease of the property.

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

Section 1: That the property attached hereto as Exhibit 1 may be leased, with the understanding same is for the purpose of a cell phone tower, with the ability of the City to co-locate on said facility.

Section 2: That the City designates the Community Improvement Corporation of Shelby, Ohio, Inc. (CIC) as its agent in the lease of the above-described real property and building in accordance with Ohio Revised Code 1724.10(B), subject to the following conditions:

- a. The CIC's charge for services pursuant to Ohio Law shall be no greater than \$1,000.00.
- b. Any lease shall obtain a Certificate of Insurance naming the City as an "Additional Insured." Further any Lessee shall, prior to occupancy, provide the City with a copy of an endorsement of insurance which provides the following minimum amounts of insurance: \$1M/\$2M General Liability limits; \$1M Automobile limits; \$1M/\$1M/\$1M Employers Liability limits; and Workers Compensation coverage.

Section 3: That the Director of Finance and Public Record shall deposit any lease payments into the General Fund.

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.

Section 5: 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
7/21/2025

2nd Reading
8/4/2025

ORDINANCE NO. 23-2025
(Sponsor: Councilmember McLaughlin)

**VACATING A PORTION OF SPRUCE STREET WITHIN THE CITY OF SHELBY,
RICHLAND COUNTY, OHIO.**

WHEREAS, on the 2nd day of June 2025, the Council of the City of Shelby adopted Resolution No. 19-2025 declaring its intent to vacate a portion of Spruce Street; 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 July 14, 2025 and voted to approve and recommend the vacation of a portion of Spruce Street; 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 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 MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That a portion of Spruce Street as set forth in the plat and legal description as prepared by Hanning Surveying, LLC- Matt Hanning, Registered Surveyor on April 28, 2025 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

1st Reading
8/4/2025

ORDINANCE NO: 24 -2025
(Sponsors: Councilmembers McLaughlin and Cutlip)

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.04 (METERING AND BILLING), (g) (DEPOSITS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is crucial to the electric fund that responsible actions be taken to minimize the negative financial impact from cumulative outstanding balances due to delinquent accounts; 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 1050 (Electricity), Section 1050.04 (Metering and Billing), (g) (Deposits) be amended to establish the amount of the deposit and the period of time before the deposit is returned to the utility customer/payee to help prevent and lower total outstanding balances due to delinquent accounts.

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

Section 1: That Chapter 1050 (Electricity), Section 1050.04 (Metering and Billing), (g) (Deposits) be amended to read as follows:

(g) *Deposits.*

- (1) Residential electricity - \$300.00
- (2) Residential electricity and water - \$300.00
- (3) Residential electricity and sewer - \$300.00
- (4) Residential electricity, water and sewer - \$400.00
- (5) Commercial and Industrial electricity - A deposit not exceeding 150% of an estimated average bill for commercial and industrial customers (unless the service is temporary), may be required of the customer at any time, or from time to time before or after service is commenced. Deposit criteria will be affected by, but not limited to:
 - A. Past general credit history;
 - B. Past payment history (with the utility);
 - C. End use of service; and
 - D. Duration of service.
- (6) The utility office shall have a reasonable time to ascertain that the obligations of the customer have been fully performed before being required to return any deposit. The deposit shall be credited to the customer's account when payments have been made in full by the due date on 24 consecutive months, unless the customer's account has been terminated. Where the account has been terminated, any remaining deposit not used to credit the account shall be directly reimbursed to the customer or payee within 30 calendar days.
- (7) There shall be no interest paid or accrued on deposits.
- (8) Losses incurred by the utilities because of the insufficiency of the utilities deposit to cover unpaid charges shall be distributed proportionately among the three utilities.

Section 2: That all other language in Chapter 1050 (Electricity), Section 1050.04 (Metering and Charges) 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

(Ord. 16-2001, passed 5-8-2001; Ord. 33-2001, passed 8-20-2001; Ord. 49-2003, passed 12-1-2003; Ord. 28-2004, passed 9-20-2004; Ord. 18-2005, passed 6-6-2005; Ord. 12-2006, passed 6-5-2006; Ord. 14-2008, passed 5-5-2008; Ord. 31-2008, passed 9-15-2008)

1st Reading
8/4/2025

ORDINANCE NO. 25 -2025
(Sponsors: Councilmembers McLaughlin and Cutlip)

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM), RULE 47 AND RULE 59 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the current language in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 47, establishes the fee to reimburse the Division of Water Distribution for the expense sustained when shutting off and turning the water on due to payment delinquency; and

WHEREAS, the current language in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 59 establishes the Deposit for the water utility; 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 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 47 and Rule 59 be amended to establish the charges for the respective Rules.

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

Section 1: That Chapter 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 47 and Rule 59 be amended to establish the charges for the respective Rules.

Section 2: That Rule 47 shall read as follows:

Rule 47

All water bills become due and payable on the first day of the month of issue and must be paid on or before the fifteenth day of the month of issue. A 10% penalty shall be applied to all unpaid bills after the fifteenth day of the month. Bills remaining unpaid after the twentieth day of the month may be shut off without further notice. When water is shut off, it shall not be turned on again until the amount of all charges, plus penalty, is paid in full together with an additional charge of \$50.00 to reimburse the Division of Water for the sustained expense in shutting off and turning on the water supply. If the water shut off or turn on is requested after regular business hours, the charge shall be \$125.00. Failure to receive notice by mail shall not excuse consumers from paying the water bill. No person who has a delinquent account with the Division of Water shall be given water service at any other service or location until all delinquent accounts have been paid in full.

Section 3: That Rule 59 shall read as follows:

Rule 59

Deposits for water service

- (1) Residential water - \$200.00
- (2) Residential water and sewer - \$300.00
- (3) Residential water and electricity - \$300.00
- (4) Residential water, sewer and electricity - \$400.00
- (5) Commercial and Industrial water - A deposit not exceeding 150% of an estimated average bill for commercial and industrial customers (unless the service is temporary), may be required of the customer at any time, or from time to time before or after service is commenced. Deposit criteria will be affected by, but not limited to:
 - A. Past general credit history;
 - B. Past payment history (with the utility);
 - C. End use of service; and
 - D. Duration of service.
- (6) The utility office shall have a reasonable time in which to ascertain that the obligations of the customer have been fully performed before being required to return any deposit. The deposit shall be credited to the customer's account when payments have been made in full by the due date on 24 consecutive months, unless the customer's account has been terminated. Where the account

has been terminated, any remaining deposit not used to credit the account shall be directly reimbursed to the customer or payee within 30 calendar days.

(7) There shall be no interest paid or accrued on deposits.

Section 4: That all other provisions in Chapter 1040 (Water) and Section 1040.04 (Rule, Regulations and Fixed Charges for Municipal Water Service) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 5: 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 6: 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
8/4/2025

ORDINANCE NO. 26 -2025
(Sponsors: Councilmembers McLaughlin and Cutlip)

AMENDING CHAPTER 1044 (SEWER CHARGES), SECTION 1044.08 (DEPOSITS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

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 1044 (Sewer Charges), Section 1044.08 (Deposits) be amended to establish the amount of deposit for sewer service and the period of time before the deposit is returned to the utility customer/payee to help prevent and lower the outstanding balances due to delinquent accounts.

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

Section 1: That Chapter 1044 (Sewer Charges), Section 1044.08 (Deposits) be amended to establish the deposit for sewer services and the time for returning the deposit to the customer or payee.

Section 2: That Chapter 1044 (Sewer Charges), Section 1044.08 (Deposits) shall read as follows:

§ 1044.08 DEPOSITS.

- (a) Residential sewer - \$200.00
- (b) Residential sewer and water - \$300.00
- (c) Residential sewer and electricity - \$300.00
- (d) Residential sewer, water and electricity - \$400.00
- (e) Commercial and Industrial sewer - A deposit not exceeding 150% of an estimated average bill for commercial and industrial customers (unless the service is temporary), may be required of the customer at any time, or from time to time before or after service is commenced. Deposit criteria will be affected by, but not limited to:
 - 1. Past general credit history;
 - 2. Past payment history (with the utility);
 - 3. End use of service; and
 - 4. Duration of service.
- (f) The utility office shall have a reasonable time in which to ascertain that the obligations of the customer have been fully performed before being required to return any deposit. The deposit shall be credited to the customer's account when payments have been made in full by the due date on 24 consecutive months, unless the customer's account has been terminated. Where the account has been terminated, any remaining deposit not used to credit the account shall be directly reimbursed to the customer or payee within 30 calendar days.
- (g) There shall be no interest paid or accrued on deposits.

Section 3: That all other provisions in Chapter 1044 (Sewer Charges) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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 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
8/4/2025

ORDINANCE NO: 27 - 2025
(Sponsors: Councilmembers McLaughlin and Cutlip)

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (e) MISCELLANEOUS CHARGES (1) RECONNECTION CHARGE AND (6) APPLICATION FEE OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the Reconnection Charge and Application Fee have not been adjusted for inflation in over two decades; 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 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (e) Miscellaneous Charges, (1) Reconnection Charge and (6) Application Fee be amended to maintain a proper amount for the respected service.

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

Section 1: That Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (e) Miscellaneous Charges, (1) Reconnection Charge and (6) Application Fee be amended to read as follows:

(e) *Miscellaneous charges (applicable to all customers).*

(1) *Reconnection charge.* When a customer has previously requested a disconnect and desires to be reconnected at the same address, or if a reconnection is made subsequent to a service disconnection made in violation of provisions of these rules and regulations, a reconnection charge of \$50.00 will be made if the reconnection is made during regular business hours. If the reconnection is requested and made after regular business hours, the charge is \$125.00.

(6) *Application fee.* An application fee of \$10.00 shall be assessed to customers at the time of application for service.

Section 2: That all other language in Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service) 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

(Ord. 16-2001, passed 5-8-2001; Ord. 33-2001, passed 8-20-2001; Ord. 49-2003, passed 12-1-2003; Ord. 28-2004, passed 9-20-2004; Ord. 18-2005, passed 6-6-2005; Ord. 12-2006, passed 6-5-2006; Ord. 14-2008, passed 5-5-2008; Ord. 31-2008, passed 9-15-2008)

1st Reading
8/4/2025

ORDINANCE NO. 28 -2025
(Sponsor: Councilmember McLaughlin)

AMENDING CHAPTER 1044 (SEWER CHARGES), SECTION 1044.02 (CONDITIONS OF SERVICE; RATE SCHEDULE), (f) PRODUCTION COST ADJUSTER OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the Production Cost Adjuster currently recovers the cost for electricity, water and sewer, natural gas, diesel fuel, ultraviolet lights, chemicals, lab supplies and lab testing and sludge; and

WHEREAS, a recent boiler upgrade at the wastewater treatment plant changed the secondary fuel source from diesel fuel to propane thus making it necessary to amend the establish language in Chapter 1044 (Sewer Charges), Section 1044.02, (Conditions of Service; Rate Schedule), (f) Production Cost Adjuster to include propane; 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 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (f) Production Cost Adjuster be amended to recover the cost for propane used in the manufacturing process at the Waste Water Treatment Plant.

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

Section 1: That Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (f) Production Cost Adjuster be amended to read as follows:

(f) *Production cost adjuster.* The Production Cost Adjuster shall be derived every three months by dividing (1) the past 12 months cost of electricity, water and sewer, and natural gas utilized at the Waste Water Treatment Plant, the cost for diesel fuel used in the manufacturing process, the cost for propane fuel used in the manufacturing process, the cost of all chemicals used in the waste water treatment process, the cost for the bulbs associated with the operation of the ultraviolet light system used to sterilize the effluent waste water, the cost of lab testing and supplies required for the waste water treatment process, and the cost of the sludge removal process (hereinafter referred to as "previous 12 months cost") by (2) the sum of the past 12 months cubic feet of water billed for the sewer charges (hereinafter referred to as "previous 12 months cubic feet billed").

$$\frac{\text{Previous 12 months cost (numerator)}}{\text{Previous 12 months cubic feet billed (denominator)}} = \text{Production Cost Adjuster}$$

Section 2: That all other provisions in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule) 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: 29 -2025
(Sponsors: Councilmembers McLaughlin & Martin)

TRANSFERRING APPROPRIATIONS FOR THE YEAR 2025 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2025 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2025 and so as to fund necessary expenditures and/or projects; 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 funds be transferred.

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 Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	101-CRT-530	OFFICE EQUIPMENT	\$ 8,000.00
	101-ECD-546	ECONOMIC DEVELOPMENT	\$ 6,000.00
	101-FIR-531	MISCELLANEOUS	\$ 4,000.00
	101-FIR-471	EDUCATION, MTGS. & RELATED	\$ 3,000.00
	101-POL-400	WAGES	\$ 16,000.00
	215-FIR-418	HOSPITALIZATION	\$ 10,000.00
	353-SAC-535	STREET RESURFACING	\$ 70,000.00
	353-SAC-536	CONSTRUCTION	\$ 15,000.00

TO	101-CRT-501	COMPUTER SUPPORT	\$ 8,000.00
	101-ENG-500	ENGINEERING	\$ 6,000.00
	101-FIR-532	LABOR RELATIONS	\$ 7,000.00
	101-MIS-531	MISCELLANEOUS	\$ 10,000.00
	101-MIS-657	LEGAL COUNSEL FEES	\$ 6,000.00
	215-FIR-417	FICA	\$ 10,000.00
	353-SAC-500	ENGINEERING	\$ 85,000.00

Section 2: That all other portions of Ordinance No. 8-2025, not modified 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. 25-2025
(Sponsors: Councilmembers McLaughlin & Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE MATERIAL TERMS OF THE NEW NATIONAL OPIOID SETTLEMENT: PURDUE PURSUANT TO THE MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE NEW NATIONAL OPIOID SETTLEMENT: PURDUE AGREEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4: That this Resolution 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