

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

**Shelby City Council Agenda
Monday, November 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 October 20, 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—Did not meet

Public Works & General Operation Committee—Councilmember Roub

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO REQUEST A LIQUOR PERMIT HEARING FOR 147 SHELBY LLC LUPES
MEXICAN RESTAURANT AND BAR 147 MANSFIELD AVENUE**

Moved _____ 2ND _____

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

**MOTION TO CONFIRM THE APPOINTMENT OF KENNETH PAPAY TO THE BOARD OF
PARK COMMISSIONERS TO FILL AN UNEXPIRED TERM ENDING 12/31/2028**

Moved _____ 2ND _____

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business
Smokestack

Legislation

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**

3RD READING

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 _____

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**

3RD READING

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 _____

ORDINANCE NO 26-2025

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

3RD READING

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 _____

ORDINANCE NO 32-2025

**AMENDING ORDINANCE NO 8-2025 (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. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

PASSAGE OF ORDINANCE

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

**ORDINANCE NO 33-2025 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. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

PASSAGE OF ORDINANCE

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

Miscellaneous Business

Adjournment at _____ p.m.

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

1st Reading
8/4/2025

2nd Reading
8/18/2025

9/2/2025
Postponed
9/15/2025
Postponed

10/6/2025
Referred
to U/S

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

2nd Reading
8/18/2025

9/2/2025

Postponed

9/15/2025

Postponed

10/6/2025

Referred

to U/S

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
2nd Reading
8/18/2025
9/2/2025
Postponed
9/15/2025
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Referred
to U/S

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

ORDINANCE NO. 32 - 2025
(Sponsors: Councilmembers McLaughlin & Martin)

**AMENDING ORDINANCE NO.: 8-2025 (ANNUAL APPROPRIATIONS) AND
DECLARING AN EMERGENCY.**

WHEREAS, on March 17, 2025, 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 a line item within the 2025 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 2025 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.: 8-2025 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

353-SAC-500	ENGINEERING	\$ 100,000.00
353-SAC-535	STREET RESURFACING	\$ 30,000.00

Section 2: That all other portions of Ordinance No.: 8-2025, 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. Byster
Director of Law

ORDINANCE NO: 33 -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	400-MFG-526	DIESEL FUEL	\$ 20,000.00
	101-MIS-442	ELECTION FEES	\$ 5,000.00
	101-MIS-652	HISTORIC PRESERVATION	\$ 3,000.00
	101-POL-400	WAGES	\$ 15,000.00
	250-CBG-579	HOME/BUILDING REPAIR	\$ 15,000.00
	502-WCI-500	ENGINEERING	\$ 15,000.00
TO	400-MFG-429	PROPANE	\$ 20,000.00
	101-MIS-531	MISCELLANEOUS	\$ 5,000.00
	101-MIS-657	LEGAL COUNSEL FEES	\$ 3,000.00
	101-POL-485	MAINTENANCE AUTOS	\$ 15,000.00
	250-CBG-621	GENERAL ADMINISTRATION	\$ 15,000.00
	502-WCI-536	CONSTRUCTION	\$ 15,000.00

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