

6:45 Public Hearing

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

Shelby City Council Agenda

Monday, July 6, 2020

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. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from June 15, 2020

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Safety Committee—Derrin Roberts

Public Works & General Operation Committee—Charlie Roub

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

Shelby City Health District audit

Unfinished Business

Future Use of Main Street Fire Station—ORC Section 721.01—Future letter in regard to real estate as needed or not needed for any municipal purpose

Exterior Property Maintenance—59 West Main Street

Legislation

AMENDED ORDINANCE NO 15-2020 AMENDING SECTION 276.03 (INVESTIGATION OF COMPLAINTS; CORRECTION; REPORTS TO COUNCIL)

3RD READING

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

ORDINANCE NO 16-2020

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM), PRODUCTION COST ADJUSTER; RULE 35, RULE 36 AND RULE 37 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

1ST READING

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

RESOLUTION NO 28-2020

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2021

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

RESOLUTION NO 29-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE OHIO EMERGENCY MANAGEMENT AGENCY FEMA-DR-4507-OH PUBLIC ASSISTANCE GRANT FOR THE REIMBURSEMENT OF EMS SUPPLIES, AND OVERTIME AND DECLARING AN EMERGENCY

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

RESOLUTION NO 30-2020

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2020 WEST MAIN STREET SANITARY SEWER LATERAL INSTALLATION PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY

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

RESOLUTION NO 31-2020

**APPROVING PLANS AND AUTHORIZING THE MAYOR
AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR
BIDS AND ENTER INTO A CONTRACT FOR THE EAST
MAIN STREET SANITARY SEWER REPLACEMENT
PROJECT**

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

Miscellaneous Business

Adjournment at p.m.
Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

1st Reading
6/1/2020
2nd Reading
6/15/2020

AMENDED ORDINANCE NO. 15-2020
(Sponsors: Councilmembers Martin and Roub)

AMENDING SECTION 276.03 (INVESTIGATION OF COMPLAINTS; CORRECTION; REPORTS TO COUNCIL)

WHEREAS, procedure and process is fundamental to the necessity for proper due process and Constitutional protections; and

WHEREAS, the health department is failing to keep proper records of those filing complaints and this is a result of a vague law and also a potential desire to skirt public records law; 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 Section 276.03 (Investigation of complaints; correction; reports to Council) of Chapter 276 (Division of Health) be amended and/or modified.

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

Section 1: That Section 276.03 (Investigation of complaints; correction; reports to Council) of Chapter 276 (Division of Health) be amended to read as follows:

The Health Commissioner and his or her designee in order to investigate a complaint of nuisance shall record for public record, the name of the complainant, the complaint, and the outcome of the investigation.

The Health Commissioner and his or her designee shall investigate, as soon as possible, all complaints eligible for investigation of nuisances reported to him or her and shall take immediate measures to remove or abate the same when found to exist. He or she shall make such reports to Council as Council may from time to time require.

Section 2: That all other Sections of Chapter 276 (Division of Health) 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. 16 -2020
(Sponsors: Council Members Martin and McLaughlin)

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM), PRODUCTION COST ADJUSTER; RULE 35, RULE 36 AND RULE 37 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System), Production Cost Adjuster; Rules 35, Rule 36, and Rule 37 to establish a Production Cost Adjuster within the first tier of the rate schedule; and

WHEREAS, the Production Cost Adjuster (PCA) does not collect a rate for service in the first tier of the rate schedule in Rule 35, Rule 36 and Rule 37; and

WHEREAS, the Production Cost Adjuster is designed to recover the cost of electricity, sludge removal, chemicals, lab supplies and lab testing; and

WHEREAS, it is necessary a Production Cost Adjuster rate be implemented within the first tier of the rate schedule to collect revenue to recover the expenses as stated in the above list; 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 35, Rule 36 and Rule 37 be amended to establish a Production Cost Adjuster rate within the first tier of the water rate schedule.

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 (Rule, Regulations, and Fixed Charges for Municipal Water System), Rule 35 (Rates for Customers with One Inch or Smaller Water Meters), Rule 36 (Rates for Elderly or Totally Disabled) and Rule 37 (Rates for Customers with Water Meters Larger than One Inch) of the Codified Ordinances of the City of Shelby shall be amended to implement the Production Cost Adjuster rate within the first tier of the rate schedule.

Rule 35
Rates for Customers with One Inch or Smaller Water Meter

Amount Consumed in Cubic Feet	Billing Unit	Base	PCA	PER	4/30/2020
First 200	Min. Charge	\$9.9064	\$1.0315		\$10.9379
Next 1,800	per 100 cu. ft.	\$2.7887	\$1.0315	\$1.7145	\$5.5347
Next 17,000	per 100 cu. ft.	\$1.8875	\$1.0315	\$0.8572	\$3.7762
Next 461,000	per 100 cu. ft.	\$1.1910	\$1.0315	\$0.3814	\$2.6039
Over 480,000	per 100 cu. ft.	\$1.1910	\$0.9799	\$0.3814	\$2.5523

Rule 36
Rates for Elderly or Totally Disabled

Available to residential customers who are served through individual meters of one inch or smaller that meet age, income and other prerequisites as determined by the Director of Public Service or his or her appointed designee.

Amount Consumed in Cubic Feet	Billing Unit	Base	PCA	PER	4/30/2020
First 300	Min. Charge	\$7.9478	\$0.5158		\$8.4636
Next 1,800	per 100 cu. ft.	\$2.7887	\$1.0315	\$1.6013	\$5.4215

Next 17,000	per 100 cu. ft.	\$1.8833	\$1.0315	\$0.8007	\$3.7155
Over 19,100	per 100 cu. ft.	\$1.1910	\$1.0315	\$0.4147	\$2.6372

Rule 37
Rates for Customers with Water Meter Larger than One Inch

Amount Consumed in Cubic Feet	Billing Unit	Base	PCA	PER	4/30/2020
First 500	Min. Charge	\$19.6734	\$1.0315		\$20.7049
Next 1,500	per 100 cu. ft.	\$3.1296	\$1.0315	\$1.6013	\$5.7624
Next 18,000	per 100 cu. ft.	\$1.8833	\$1.0315	\$0.8007	\$3.7155
Next 460,000	per 100 cu. ft.	\$1.1296	\$1.0315	\$0.3570	\$2.5181
Over 480,000	per 100 cu. ft.	\$1.1296	\$0.9799	\$0.3570	\$2.4665

Section 2: 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 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 Eyster
Director of Law

RESOLUTION NO. 28-2020
(Sponsor – Councilmember Gates)

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2021.

WHEREAS, the Director of Finance and Public Record has submitted a revenue budget for the year 2021, to the Council of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, and general welfare of the citizens of the City of Shelby that the revenue budget for the year 2021 be adopted.

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

Section 1: That the revenue budget for the year 2021 has been submitted to City Council by the Director of Finance and Public Record, and the same is hereby adopted.

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 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 Eyster
Director of Law

RESOLUTION NO. 29 - 2020
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE OHIO EMERGENCY MANAGEMENT AGENCY FEMA-DR-4507-OH PUBLIC ASSISTANCE GRANT FOR THE REIMBURSEMENT OF EMS SUPPLIES, AND OVERTIME AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Emergency Management Agency provides financial assistance for fire department purposes through the FEMA-DR-4507-OH Public Assistance Grant Program; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the FEMA-DR-4507-OH Public Assistance Grant Program to reimburse the City for supplies and overtime accumulated during the COVID-19 crises; 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 of City of Shelby apply for the FEMA-DR-4507-OH Public Assistance Grant Program.

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 City of Shelby Council approves an application for financial assistance for EMS Supplies and overtime.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Emergency Management Agency and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the FEMA-DR-4507-OH Public Assistance Grant Program.

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

RESOLUTION NO. 30 -2020
(Sponsor- Councilmember Martin)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2020 WEST MAIN STREET SANITARY SEWER LATERAL INSTALLATION PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY

WHEREAS, plans and specifications have been completed for the 2020 West Main Street Sanitary Sewer Lateral Installation Project; and

WHEREAS, the City of Shelby has obtained funding for the decommissioning of septic tanks and installation of laterals from the Ohio Water Development Authority for certain residents of the West Main Sanitary Sewer Project; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said improvements be.

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 plans and specifications for the 2020 West Main Street Sanitary Sewer Lateral Installation Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said project.

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 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

RESOLUTION NO. 31 -2020
(Sponsor: Councilmember Martin)

APPROVING PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE EAST MAIN STREET SANITARY SEWER REPLACEMENT PROJECT.

WHEREAS, a portion of the sanitary sewer system in the City of Shelby is in need of replacement; 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 advertise for bids and enter into a contract for the improvements herein above described.

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

Section 1: That the plans and specifications are approved and that the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the East Main Street Sanitary Sewer Replacement Project.

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 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