

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

Shelby City Council Agenda

Monday, April 20, 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 April 6, 2020

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates—

Utilities & Streets Committee—Nathan Martin— No Report

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

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

ORDINANCE NO 10-2020

ENACTING SECTION 230.04 (FEDERAL UNIFORM GUIDANCE POLICIES) OF CHAPTER 230 (MAYOR) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 11-2020

AMENDING CHAPTER 1050 (ELECTRICITY) SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (b) (1) (GENERATION CHARGE) 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 16-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020 AND DECLARING AN EMERGENCY

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

RESOLUTION NO 17-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH AEP ON THE CITY OF SHELBY MAIN STREET PROPERTY AND REFERENCED BY THE LEGAL PROPERTY DESCRIPTION AND DECLARING AN EMERGENCY

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

RESOLUTION NO 19-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO WAIVE THE LATE PAYMENT CHARGE (PENALTY) FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UTILITY ACCOUNT HOLDERS FOR THE MAY BILLING PERIOD AND DECLARING AN EMERGENCY

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

RESOLUTION NO 20-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO REDUCE THE ELECTRIC FUEL AND PURCHASE POWER ADJUSTMENT PORTION OF THE UTILITIES BILL FOR ALL ELECTRIC ACCOUNT HOLDERS BY FIFTY PERCENT (50%) FOR THE MAY BILLING PERIOD AND DECLARING AN EMERGENCY

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

RESOLUTION NO 21-2020

**AUTHORIZING THE MAYOR AS DIRECTOR OF
PUBLIC SERVICE TO ENTER INTO A CONTRACT
WITH VANTAGE POINT SOLUTIONS, INC. TO
PERFORM A BROADBAND NEEDS ASSESSMENT
AND FEASIBILITY STUDY**

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 _____

ORDINANCE NO. 10-2020
(Sponsors – Councilmembers Gates & Martin)

ENACTING SECTION 230.04 (FEDERAL UNIFORM GUIDANCE POLICIES) OF CHAPTER 230 (MAYOR) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, implementation of policies is essential in ensuring compliance with federal grant requirements since the lack of policy implementation could result in noncompliance with federal Uniform Guidance requirements; and

WHEREAS, because failure to have formal written policies and procedures in place could result in noncompliance with federal grant requirements, the Auditor of the State of Ohio recommended that the City adopt written policies over its controls and procedures required by the Code of Federal Regulations.

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

Section 1: That Section 230.04 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

230.04 FEDERAL UNIFORM GUIDANCE POLICIES.

The Mayor shall adopt and implement policies and/or procedures to ensure that the City complies with the following sections of the Code of Federal Regulations (CFR) regarding federal grant requirements:

(a) CFR Section 200.302 (b)(7) – written procedures for determining the allowability of costs in accordance with Subpart E – Cost Principles of this part and the terms and conditions of the Federal award,

(b) CFR Section 200.302 (b)(6) – written procedures to minimize the time elapsing between the transfer of funds,

(c) CFR Section 200.318(c)(1)-(2) – written procurement policies for employee conflicts of interest and for organizational conflicts of interest,

(d) CFR Section 200.320 (d)(3) – written policies for selection and awarding of competitive contracts, and

(e) CFR Section 200.319(c) – written policies for minimum evaluation criteria for bids and proposals.

Section 2: That all other sections of Chapter 230 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 of Law

ORDINANCE NO: 11-2020
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1050 (ELECTRICITY) SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (b) (1) (GENERATION CHARGE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to modify Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (b) (1) (Generation Charge) to decrease the charge from \$0.0055 kWh to \$0.00450 kWh; 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), (b) (1) (Generation Charge) 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 Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (b) (1) (Generation Charge) be amended to read as follows:

(b) Generation Charges, Fuel and Purchased Power, and Transition Cost Rider.

The Generation Charge, Fuel and Purchase Power Charge, and the Transition Cost Rider shall be applied to the A, A-D, B, C and D Schedules. The rate design of the generation charge and fuel and purchase power charge may be changed from time to time as approved by Council.

(1) *Generation Charge.* The generation charge shall be \$0.00450 kWh

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

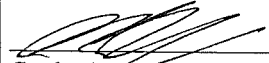
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 16 -2020
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby is desirous to participate with the Ohio Department of Transportation to purchase salt; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Ohio Department of Transportation for the purchase of rock salt.

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: The City of Shelby (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon an award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 24 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any

request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

Section 2: That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract and authorizes the Mayor as Director of Public Service to sign the agreement.

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.

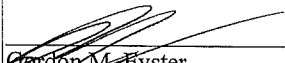
Section 4: That this Resolution is hereby deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council
Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 17 -2020
(Sponsor - Councilmember Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH AEP ON THE CITY OF SHELBY MAIN STREET PROPERTY AND REFERENCED BY THE LEGAL PROPERTY DESCRIPTION AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby owns land for which AEP receives an easement; and

WHEREAS, AEP will construct, operate, and maintain an electric transmission facility and its related equipment and facilities on real property owned by the City of Shelby; and

WHEREAS, said real property is located on Main Street and shown per the legal property description in Exhibit A; 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 enter into an Easement Agreement with AEP to grant permission to construct, operate, and maintain a safe and reliable electric transmission facility on the City of Shelby's said property located on Main Street per the legal description.

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 enter into an Easement Agreement with AEP to grant permission for the construction, operation, maintenance, repair, enlarge, replace, add or remove facilities to the AEP electric transmission facility on the City of Shelby property, located at Main Street and referenced by the property description in Exhibit A, contingent upon AEP paying the City to the 402-SIF-536 fund, the amount of \$1,000.00 for said easement.

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, 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. 19-2020

(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO WAIVE THE LATE PAYMENT CHARGE (PENALTY) FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UTILITY ACCOUNT HOLDERS FOR THE MAY BILLING PERIOD AND DECLARING AN EMERGENCY.

WHEREAS, the COVID-19 pandemic has created financial hardships for Shelby area residential, commercial, and industrial utility account holders; and

WHEREAS, the City of Shelby Administration and Council recognizes the need for financial forgiveness for residential, commercial, and industrial utility account holders; 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 waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the May billing period.

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 waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the May billing period.

Section 2: That this authorization shall be for these utilities as stated in the codified ordinances: Chapter 1040 (Water), Chapter 1044 (Sewer Charges), and Chapter 1050 (Electricity).

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:



Gorden M. Eyster
Director of Law

RESOLUTION NO. 20-2020
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO REDUCE THE ELECTRIC FUEL AND PURCHASE POWER ADJUSTMENT PORTION OF THE UTILITIES BILL FOR ALL ELECTRIC ACCOUNT HOLDERS BY FIFTY PERCENT (50%) FOR THE MAY BILLING PERIOD AND DECLARING AN EMERGENCY.

WHEREAS, the COVID-19 pandemic has created financial hardships for Shelby area residents and businesses; and

WHEREAS, non-essential businesses were ordered to cease their operations and a state wide Stay At Home order was implemented to fight the COVID-19 crisis which has undoubtedly caused financial strains to Shelby families and businesses alike; and

WHEREAS, the City of Shelby Administration and Council recognize the need for financial assistance for all electric account holders due to the COVID-19 pandemic counter measures issued upon the state and the Shelby community; 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 reduce the Electric Fuel and Purchase Power adjustment portion of the electric bill by fifty percent (50%) for all electric account holders for the May billing period.

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 reduce the Electric Fuel and Purchase Power adjustment portion of the electric bill by fifty percent (50%) for all Shelby electric account holders for the May billing period.

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 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. 21 -2020
(Sponsor – Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH VANTAGE POINT SOLUTIONS, INC. TO PERFORM A BROADBAND NEEDS ASSESSMENT AND FEASIBILITY STUDY.

WHEREAS, the City of Shelby is seeking a qualified consultant to conduct a Broadband Needs Assessment and Feasibility Study; and

WHEREAS, Vantage Point Solutions, Inc., submitted a proposal for the Broadband Needs Assessment and Feasibility Study; and

WHEREAS, the request for proposal submittal from Vantage Point Solutions, Inc., was reviewed and determined to meet the qualifications to perform the Broadband Needs Assessment and Feasibility Study; 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 enter into an agreement with Vantage Point Solutions, Inc., for the Broadband Needs Assessment and Feasibility Study.

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 Service is hereby authorized to enter into a Consulting Service Agreement with Vantage Point Solutions, Inc., for the Broadband Needs Assessment and Feasibility Study.

Section 2: That the provided flat fee structure for the project is \$46,400.

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 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