

6:59pm-The Lord's Prayer & Moment of Silence
AMENDED Shelby City Council Agenda
Monday, May 4, 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 20, 2020

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin— No Report

Public Works & General Operation—Charlie Roub—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

2ND READING

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

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

2ND READING

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

ORDINANCE NO 12-2020

**AMENDING SECTION 1482.06 OF CHAPTER 1482
(SWIMMING POOLS) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

1ST READING

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

RESOLUTION NO 22-2020

**AUTHORIZING THE MAYOR AS DIRECTOR OF
PUBLIC SERVICE TO ENTER INTO AN
AGREEMENT WITH SOUTHSIDE EXCAVATING TO
REMOVE LIME SLUDGE FROM THE WATER
TREATMENT PLANT LARGE SLUDGE DRYING
LAGOON AND DECLARING AN EMERGENCY**

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

RESOLUTION NO 23-2020

**AUTHORIZING THE MAYOR AS DIRECTOR OF
PUBLIC SAFETY TO APPLY FOR A GRANT
THROUGH THE UNITED STATES DEPARTMENT
OF JUSTICE, OFFICE OF JUSTICE PROGRAMS,
BUREAU OF JUSTICE ASSISTANCE AND
DECLARING AN EMERGENCY**

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

Miscellaneous Business

Adjournment at _____ p.m.

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

1st Reading
4/20/2020

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

1st Reading
4/20/2020

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. Byster
Director of Law

ORDINANCE NO. 12-2020
(Sponsor: Councilmember Roub)

**AMENDING SECTION 1482.06 OF CHAPTER 1482 (SWIMMING POOLS) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, advances have been made in protective coverings for swimming pools; 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 1482 (Swimming Pools), Section 1482.06 (Fences; Retractable-Step Pools) be amended.

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

Section 1: That Section 1482.06 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1482.06 FENCES; RETRACTABLE-STEP POOLS.

All private residential below-the-ground swimming pools shall be completely enclosed by a fence erected along the periphery of the pool. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence and gates shall not be less than four feet, six inches and not over six feet in height above grade level, and shall be constructed of not less than a number nine (9 AWG) gauge corrosion resistant woven wire mesh material, or equivalent material approved by the County Department of Building Regulations. All gates shall be equipped with self-closing and self-latching devices placed at top of the gate and made inaccessible to small children. All fence posts shall be decay or corrosion resistant and shall be set in concrete bases. Swimming Pools with a power safety cover complying with ASTM F 1346 shall be exempt from the barrier requirement. The retractable steps of an above-the-ground pool shall be removed or ingress into the pool locked so as to prevent a child from crawling or otherwise entering into the pool.

Section 2: That all other sections of Chapter 1482 shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of the Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 22 -2020

(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH SOUTHSIDE EXCAVATING TO REMOVE LIME SLUDGE FROM THE WATER TREATMENT PLANT LARGE SLUDGE DRYING LAGOON AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Water Treatment Plant desperately needs to excavate and remove the lime sludge from the large drying lagoon located at the treatment facility; and

WHEREAS, the three (3) sludge lagoons at the treatment facility are at full capacity; and

WHEREAS, the treatment facility needs ample space to store the lime sludge from the daily operation; 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 Southside Excavating to remove the sludge from the large lagoon.

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 agreement with Southside Excavating to remove the lime sludge from the large lagoon.

Section 2: That Southside Excavating has provided a price of \$47,400 to remove the lime sludge from the large lagoon.

Section 3: That Southside will work with area farmers to utilize and apply the sludge onto farm fields.

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. 23-2020
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO APPLY FOR A GRANT THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Police Department's body-worn camera system has increased accountability and transparency, has elevated the department's image, and has been used in countless criminal cases; and

WHEREAS, of the department's seventeen body-worn cameras, only eight are currently operational; and

WHEREAS, it is estimated that the cost to restore all body-worn cameras to operational condition is \$10,000; 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 apply for funding through the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

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 Council approve an application for financial assistance to restore the Shelby Police Department's body -worn cameras to operational condition.

Section 2: That the Mayor as Director of Public Safety shall be and is hereby authorized and directed to execute and file a grant application with the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of said grant.

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

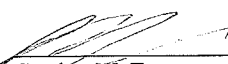
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law