

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

Shelby City Council Agenda

Monday, June 1, 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 May 18, 2020**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

**Reports of City Officials**

Steven L. Schag—Mayor

**Proclamation**

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 12-2020**

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

**3RD READING**

Moved        2<sup>ND</sup>       

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

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

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

**ORDINANCE NO 15-2020**

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

**1ST READING**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 24-2020**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2021 BUCKET TRUCK THROUGH THE STATE OF OHIO PROCUREMENT STATE TERM SCHEDULE FOR THE DIVISION OF ELECTRICITY AND COMMUNICATIONS DEPARTMENT**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_

**RESOLUTION NO 25-2020**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT FOR THE HOUSING OF PRISONERS**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_

**RESOLUTION NO 26-2020**

**AUTHORIZING THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT WITH LLOYD REBAR COMPANY, LLC AND SHELBY IRON WORKS PROPERTIES, LLC. FOR A NEW LIGHT MANUFACTURING AND WAREHOUSING ADDITION, PURSUANT TO CHAPTER 5709 OF THE OHIO REVISED CODE- ENTERPRISE ZONES**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_

**RESOLUTION NO 27-2020**

**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 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_

Miscellaneous Business

Adjournment at \_\_\_\_\_ p.m.  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_

1st Reading

5/4/2020

2nd Reading

5/18/2020

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

ORDINANCE NO. 15 -2020  
(Sponsors: Councilmember Martin)

**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, 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 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

RESOLUTION NO. 24 -2020  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2021 BUCKET TRUCK THROUGH THE STATE OF OHIO PROCUREMENT STATE TERM SCHEDULE FOR THE DIVISION OF ELECTRICITY AND COMMUNICATIONS DEPARTMENT.**

WHEREAS, the Shelby Division of Electricity and Communications Department is desirous of purchasing a bucket truck with specified accessories for the operation of the department; and

WHEREAS, the requirements of advertising and bidding is dispensed with the event that said bucket truck is purchased through the State of Ohio Procurement program, State Term Schedule STS515, Contract Number 800795; 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 purchase a 2021 International Truck with an Altec Model AA60E Articulating Non-Overcenter Aerial Device and specified accessories (bucket truck).

**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 purchase a 2021 International Truck with an Altec Model AA60E Articulating Non-Overcenter Aerial Device with specified accessories (bucket truck) from Altec Industries, Inc. as awarded in the State of Ohio Procurement purchasing program, State Term Schedule, Index Number STS515, Contract Number 800795.

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

RESOLUTION NO. 25 -2020  
(Sponsors – Councilmembers Gates and Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT FOR THE HOUSING OF PRISONERS.**

WHEREAS, the City of Shelby from time to time does not have enough facilities within which to house prisoners who have been convicted of violations of the criminal law in the Shelby Municipal Court; and

WHEREAS, so that the Judge of the Shelby Municipal Court may continue to sentence those convicted of offenses to terms of incarceration, it is necessary that provisions be made for the housing of said individuals in jail space in locations other than the City of Shelby, Ohio; and

WHEREAS, Knox County, Ohio currently operates its own prisoner confinement facility and is willing to make said facility available for the confinement of Shelby's prisoners by virtue of contract; 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 be authorized to enter into an agreement for the housing of prisoners.

**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 shall be and is hereby authorized to enter into an agreement with Knox County, Ohio, for the housing of prisoners.

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 D. 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. 26 -2020  
(Sponsor- Councilmember McLaughlin)

**AUTHORIZING THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT WITH LLOYD REBAR COMPANY, LLC AND SHELBY IRON WORKS PROPERTIES, LLC. FOR A NEW LIGHT MANUFACTURING AND WAREHOUSING ADDITION, PURSUANT TO CHAPTER 5709 OF THE OHIO REVISED CODE- ENTERPRISE ZONES.**

WHEREAS, the State of Ohio through its urban jobs an enterprise zone program (The "Program"), pursuant to Ohio Revised Code 5709.66 (The "Act"), has provided for the establishment of urban jobs and enterprise in order to promote and encourage expansion programs by private enterprise in such zones and creation and/or preservation of jobs and economic development in connection therewith; and

WHEREAS, pursuant to the Program and the Act, the City Council of the City of Shelby (The "City"), pursuant to Resolution No. 13-88 passed March 21, 1988, has designated areas of the City as an Urban Jobs and Enterprise Zone (The "Zone") and the Director of Development of the Ohio Department of Development has approved and certified the Zone as qualifying as an Urban Jobs and Enterprise Zone in accordance with the Program and Act; and

WHEREAS, the City of Shelby has complied with the notice requirements set forth in Ohio Revised Code Sections 5709.62 and 5709.83 regarding the provision of notice to any and all board(s) of education of any school district located within the territory of which the property upon which Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is to be located and/or said board(s) of education have waived any and all necessary notice requirements; and

WHEREAS, Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC has proposed the retention of 11 full-time employment positions as a part of the Project; and

WHEREAS, Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC submitted a proposal regarding the project to the City pursuant to 5709.62(B) of the Act; and

WHEREAS, the City is desirous of providing Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC with the incentive available for development in the Zone pursuant to Chapter 5709 of the Ohio Revised Code and desirous of entering into an agreement with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC granting tax exemptions for real and tangible property comprising the project.

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

Section 1: That the Council of the City of Shelby, Ohio, after receipt and investigation of the Proposal, finds and determines that Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is qualified by financial responsibility and business experience to create employment opportunities in the Zone and improve the economic climate of the City.

Section 2: That based upon the aforesaid facts, data, informational materials and reports, City Council hereby finds and determines that Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC is an "enterprise" and the Project is a "project" within the meaning of the Act and that all conditions required by the Act to be satisfied prior to the City entering into an agreement with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC under 5709.62(C) of the Ohio Revised Code have been satisfied.

Section 3: That the Mayor of the City of Shelby is hereby authorized and directed to enter into an agreement (The "Agreement") with Lloyd Rebar Company, LLC and Shelby Iron Works Properties, LLC upon substantially the same terms and conditions and in substantially the same form as set forth in the agreement which is attached hereto and incorporated by reference as Exhibit A, and which is presently on file with the Clerk of the City of Shelby, which such changes thereto as the person or persons executing the Agreement may approve, such execution thereof being conclusive of such approval.

Section 4: That the Mayor of the City of Shelby, Ohio, and/or his designee is hereby authorized and directed to execute and deliver all instruments and to take all other actions necessary to satisfy the obligations of the City under the Agreement and to cause the City to obtain the benefits to which it is entitled under the Agreement, all on behalf of the City of Shelby.

Section 5: That the boards of education of both the Shelby City School District and the Pioneer Career and Technology Center have been provided and/or waived the necessary notices as required by Ohio Revised Code Sections 5709.62 and 5709.83.

Section 6: That the Council of the City of Shelby forward a copy of the Agreement to the Director of Development and to the Tax Commissioner of Ohio within fifteen (15) days after the Agreement is entered into.

Section 7: 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 8: 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

RESOLUTION NO. 27 -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 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, plans and specifications have been completed for the 2020 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; 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 made to said streets within the City of Shelby.

**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 Paving 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 paving 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

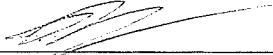
APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law