

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

Shelby City Council Agenda

Monday, August 3, 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 \_\_\_\_\_

**Motion to excuse Mr. McLaughlin**

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

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

**Dispense with Reading of Journal from July 20, 2020**

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

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

**Public Comment**

Mr. Jay Sell, Aspen Energy – Natural Gas Aggregation Program

**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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

Committee of the Whole -- Weber Alley

**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 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**

**3RD READING**

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

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

**PASSAGE OF ORDINANCE**

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

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

**RESOLUTION NO 32-2020**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GOVERNMENTAL AGGREGATION PROGRAM AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC**

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

**RESOLUTION NO 33-2020**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FROM THE OFFICE OF CRIMINAL JUSTICE SERVICES (OCJS) AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 34-2020**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MODIFICATION AGREEMENT WITH RICHLAND ENGINEERING LIMITED FOR DESIGN SERVICES FOR THE SMILEY/GAMBLE INTERSECTION PROJECT IN THE AMOUNT OF FIVE THOUSAND THREE HUNDRED SEVENTY-NINE AND 00/100 DOLLARS (\$5,379.00) AS AN INCREASE AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 35-2020**

**APPROVING PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR A RESURFACING PROJECT WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 36-2020**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A FORD F250 PICK-UP TRUCK FOR THE OPERATION OF THE SERVICE DEPARTMENT FROM DONLEY FORD OF SHELBY**

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

**Miscellaneous Business**

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

1st Reading  
7/6/2020

2nd Reading  
7/20/2020

**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	
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	
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	
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. 32 -2020**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GOVERNMENTAL AGGREGATION PROGRAM AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC.**

WHEREAS, the City of Shelby previously enacted a Governmental Aggregator Service Agreement; and

WHEREAS, the City of Shelby is required and previously entered into a Governmental Aggregation Program Agreement in order to properly effectuate the City's natural gas aggregation; and

WHEREAS, the City desires to renew their contract with Volunteer Energy Services, Inc. under the terms set forth in the Governmental Aggregation Program Agreement attached hereto.

**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 Governmental Aggregation Program Agreement with Volunteer Energy Services, Inc.

Section 2: That a copy of said Governmental Aggregation Program Agreement be attached hereto and made part of this Resolution as if fully written herein.

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 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. 33 - 2020  
(Sponsors: Councilmembers Roberts and Gates)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FROM THE OFFICE OF CRIMINAL JUSTICE SERVICES (OCJS) AND DECLARING AN EMERGENCY.**

WHEREAS, the Office of Criminal Justice Services, provides financial assistance Corona Virus Relief without funds from the City; and

WHEREAS, the City of Shelby desires financial assistance under the 2020 Coronavirus Emergency Supplemental Funding Program; 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 funds under said 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 approve an application for financial assistance for the 2020 Coronavirus Emergency Supplemental Funding Program.

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

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. 34 -2020  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MODIFICATION AGREEMENT WITH RICHLAND ENGINEERING LIMITED FOR DESIGN SERVICES FOR THE SMILEY/GAMBLE INTERSECTION PROJECT IN THE AMOUNT OF FIVE THOUSAND THREE HUNDRED SEVENTY-NINE AND 00/100 DOLLARS (\$5,379.00) AS AN INCREASE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has entered into a contract with Richland Engineering Limited for design services for the Gamble/Smiley Intersection Project, and said contract provides for a written modification; and

WHEREAS, it has become necessary to make modifications to the project and adjust the contract as detailed in the attached Modification #1; 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 this modification be approved.

**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 shall be and is hereby authorized to enter into a modification to the contract with Richland Engineering Limited for the total amount of Five Thousand Three Hundred Seventy-Nine and 00/100 Dollars (\$5,379.00) as an increase.

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

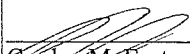
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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

**RESOLUTION NO. 35-2020**  
**(Sponsor: Councilmember Martin)**

**APPROVING PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR A RESURFACING PROJECT WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, the following Final Resolution enacted by the City of Shelby, Ohio, hereinafter referred to as the Legislative Authority/Local Public Agency or "LPA", in the matter of the stated described project; and

WHEREAS, on the 2<sup>ND</sup> day of March, 2020, the LPA enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of resurfacing S.R. 61 between the Shelby western corporation limit and Bistline Road, and S.R. 96 between 800 feet west of Technology Parkway and the Shelby eastern corporation limit, including pavement repairs and pavement markings, lying within the City of Shelby; and

WHEREAS, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement within Shelby city limits, less the amount of Federal-Aid and State funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation.

The share of the cost of the LPA is now estimated in the amount of Forty-Five Thousand Nine Hundred Forty and 00/100 Dollars, (\$45,940.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined, and

WHEREAS, the Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement; 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 a contract for the project herein above described.

**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 estimated sum of Forty-Five Thousand Nine Hundred Forty and 00/100 Dollars (\$45,940.00) is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasure for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

Section 2: That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

Section 3: That the LPA enter into a contract with the State, and that the Mayor as Director of Public Service be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

Section 4: That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

Section 5: 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 6: 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: \_\_\_\_\_

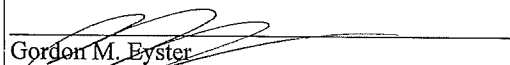
\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Brian Crum  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 36 -2020  
(Sponsor: Councilmember Roub)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A FORD F250 PICK-UP TRUCK FOR THE OPERATION OF THE SERVICE DEPARTMENT FROM DONLEY FORD OF SHELBY.**

WHEREAS, the Shelby Service Department is desirous of purchasing a pick-up truck for the operation of the department; and

WHEREAS, Donley Ford of Shelby offered the best quote for providing the same; 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 2020 Ford F250 Super Duty pick-up truck from Donley Ford of Shelby.

**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 2020 Ford F250 Super Duty pick-up truck for the operation of the Service Department from Donley Ford of Shelby.

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