

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

Shelby City Council Agenda

Tuesday, September 8, 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 August 17, 2020

Moved 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Safety Committee—Derrin Roberts

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 19-2020

AMENDING CHAPTER 1466 (FLOOD DAMAGE PREVENTION) SECTION 1466.24 (USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION) (D)(4) (RESIDENTIAL STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

Moved 2ND

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

ORDINANCE NO 21-2020

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 22-2020

AMENDING ORDINANCE NO 8-2020 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 23-2020

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT, WITH THE RICHLAND AREA CHAMBER OF COMMERCE, TO ASSIST THE CITY IN THE PLANNING AND ADMINISTRATION OF CARES ACT FUNDS DEVOTED TO THE SMALL BUSINESS COMMUNITY FUND TO ASSIST IN RECOVERY, AND DECLARING AN EMERGENCY

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 40-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH BCC OHIO INC. TO MAKE REPAIRS TO THE EAST WHITNEY AVENUE BRIDGE AND THE WEST WHITNEY AVENUE BRIDGE

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

Miscellaneous Business

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

1st Reading
8/11/2020

ORDINANCE NO. 19 -2020
(Sponsors: Councilmembers Roberts and Roub)

AMENDING CHAPTER 1466 (FLOOD DAMAGE PREVENTION) SECTION 1466.24 (USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION) (d)(4) (RESIDENTIAL STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, changes have been made to the requirements of National Flood Insurance Program Community Rating System administered by the United States Federal Emergency Management Agency; 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 1466 (Flood Damage Prevention) be amended.

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

Section 1: That Chapter 1466 (Flood Damage Prevention), Section 1466.24 (Use and Development Standards For Flood Hazard Reduction), (d) (4) (Residential Structures) be amended to read as follows:

(4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one foot above the flood protection elevation.

Section 2: That all other language in Chapter 1466 (Flood Damage Prevention), Section 1466.24 (Use and Development Standards For Flood Hazard Reduction) 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 Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full 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. Hyster
Director of Law

ORDINANCE NO. 21 -2020
(Sponsor: Councilmember Gates)

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (January 22, 2019) and have been included in the Codified Ordinances of the City.

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF SHELBY, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
1-2019	2-4-2019	258.01-258.04
4-2019	2-4-2019	TSO VI
9-2019	5-6-2019	246.01-246.07
12-2019	6-17-2019	1050.02
13-2019	7-15-2019	1240.09, 1244.02, 1244.04, 1244.05, 1248.03, Subdiv. Appx VI
14-2019	7-1-2019	1024.01-1024.07, 1024.99
17-2019	7-15-2019	TSO III
18-2019	8-5-2019	TSO IX
19-2019	8-5-2019	TSO VI
20-2019	8-5-2019	210.01-210.09
22-2019	9-3-2019	238.01
27-2019	10-21-2019	276.04
28-2019	10-21-2019	276.10
29-2019	10-21-2019	1056.01-1056.06, 1056.99
31-2019	11-4-2019	Repeals 292.02
36-2019	12-16-2019	TSO IX

Section 2: That pursuant to Section 17 of the City Charter and R.C. §731.23, the Clerk of Council shall cause to be published a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to December 16, 2019.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, R.C. §121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and 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

ORDINANCE NO. 22 - 2020
(Sponsor- Councilmember Gates)

AMENDING ORDINANCE NO.: 8-2020 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 23, 2020, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, on August 17, 2020, the Council of the City of Shelby passed ORDINANCE NO. 20-2020 affirming funds received from the County Coronavirus Relief Distribution Fund may be expended to cover costs of the subdivision consistent with the requirements of section 5001 of the "Coronavirus Aid, Relief and Economic Security Act," (CARES) as described in 42 U.S.C. 601 (d), and any applicable regulations; and

WHEREAS, monies received from the County Coronavirus Relief Distribution Fund have been received and deposited into a fund entitled "Local Coronavirus Relief Fund"; and

WHEREAS, it is necessary to create line items within the 2020 budget and to fund said line items with CARES ACT monies; 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 these additional appropriations be made effective so as to fund CARES ACT expenditures and/or projects and to balance the books for the calendar year 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: The Ordinance No.: 8-2020 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO CREATE AN EXPENDITURE LINE ITEM

283-LCR-472	Supplies	\$ 25,408.00
283-LCR-473	Office Supplies	\$ 5,000.00
283-LCR-485	Maintenance Autos	\$ 5,000.00
283-LCR-486	Maintenance Equipment	\$ 5,000.00
283-LCR-487	Prisoner Supplies	\$ 5,000.00
283-LCR-501	Computer Support	\$ 50,000.00
283-LCR-507	Maintenance Buildings/Grounds	\$ 15,000.00
283-LCR-515	Equipment	\$ 15,000.00
283-LCR-528	Postage	\$ 100.00
283-LCR-529	Small Tools and Equipment	\$ 15,000.00
283-LCR-530	Office Equipment/Furn/Fixtures	\$ 50,000.00
283-LCR-531	Miscellaneous	\$ 7,000.00
283-LCR-546	Economic Development	\$100,000.00

Section 2: That all other portions of Ordinance No.: 8-2020, not modified expressly herein, 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 is hereby deemed to be an emergency so as to meet the October 15, 2020 encumbrance deadline as set forth by the Ohio General Assembly 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NO. 23 - 2020
(Sponsor- Councilmember Gates)

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT, WITH THE RICHLAND AREA CHAMBER OF COMMERCE, TO ASSIST THE CITY IN THE PLANNING AND ADMINISTRATION OF CARES ACT FUNDS DEVOTED TO THE SMALL BUSINESS COMMUNITY FUND TO ASSIST IN RECOVERY, AND DECLARING AN EMERGENCY.

WHEREAS, the Richland Area Chamber & Economic Development is administering a program for CARES Act eligible grants using funds pooled from Richland County CARES Act recipient governmental entities; and

WHEREAS, small businesses in the (Municipality) have been adversely impacted by the COVID-19 pandemic; and

WHEREAS, the City has received CARES Act funds and wishes to join Richland County in the program and to assist small businesses affected by the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor is hereby, authorized to enter into a contract, with the Richland County Area Chamber of Commerce to assist the City in the planning and administration of CARES Act funds devoted to the Small Business Community Fund to Assist in Recovery.

Section 2: That City Council does hereby approve the expenditure of funds received under the CARES Act, in accordance with the requirements of section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as described in 42 U.S.C. 601(d), and any applicable regulations.

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 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 40-2020
(Sponsor – Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH BCC OHIO INC. TO MAKE REPAIRS TO THE EAST WHITNEY AVENUE BRIDGE AND THE WEST WHITNEY AVENUE BRIDGE.

WHEREAS, appropriations were included in the Capital Improvement Fund to make repairs to the City owned East Whitney Avenue bridge and West Whitney Avenue bridge; and

WHEREAS, the repairs are necessary to maintain the integrity of the bridges; 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 BCC Ohio Inc. to make the repairs to the East Whitney Avenue bridge and the West Whitney Avenue bridge.

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 an agreement with BCC Ohio Inc. to make the repairs as stated in their quotation to the East Whitney Avenue bridge (Whitney/Black Fork Structure) and the West Whitney Avenue bridge (Whitney/Railroad Structure).

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