

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

Shelby City Council Agenda

Monday, November 2, 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 October 19, 2020

Moved _____ 2ND _____

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

Public Comment

IKE HICKMAN-CACEHR, RICHLAND COUNTY PROGRAMS COORDINATOR

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

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

2019 State Audit

Legislation

ORDINANCE NO 25-2020

AMENDING CHAPTER 1474 (NUMBERING OF STRUCTURES) SECTION 1474.07 (NONCOMPLIANCE; REMEDY OF CITY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 26-2020

AMENDING CHAPTER 1040 (WATER), SECTIONS 1040.04 (RULES, REGULATIONS, & FIXED CHARGES FOR MUNICIPAL WATER SYSTEM) RULE 35, RULE 36 AND RULE 37 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

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

ORDINANCE NO 27-2020

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM) RULE 43 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

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

ORDINANCE NO 30-2020

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 48-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PURCHASE A ZOLL DEFIBRILLATOR WITH ACCESSORIES FOR THE OPERATION OF THE SHELBY FIRE DEPARTMENT FROM ZOLL MEDICAL CORPORATION

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

RESOLUTION NO 49-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE AN ITRON MC3 LITE AND THE ASSOCIATED EQUIPMENT FROM ANIXTER, INC., FOR MOBILE METER READING AND DECLARING AN EMERGENCY

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:

Moved 2ND
Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates
PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT

Adjournment at p.m.

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

1st Reading
10/5/2020
2nd Reading
10/19/2020

ORDINANCE NO. 25 -2020
(Sponsor: Councilmember Roub)

AMENDING CHAPTER 1474 (NUMBERING OF STRUCTURES) SECTION 1474.07
(NONCOMPLIANCE; REMEDY OF CITY) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY, OHIO.

WHEREAS, the enforcement of the requirement of house numbers is a function that can best be performed by the Building and Zoning Inspector; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1474 (Numbering of Structures) 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 1474.07 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1474.07 NONCOMPLIANCE; REMEDY OF THE CITY

Upon the failure of the owner, occupant, lessee or agent to affix the proper number ^{to the structure} ~~thereto~~ within 30 days, the same may be done immediately by the Building and Zoning Inspector at the expense of the city, and the cost of the numbering shall be paid for by the owner or lessee of the house or building on which the same has been placed, and if not paid for on demand, may be charged as an ~~additional~~ ^{assessment} tax upon the property and be collected ~~with such other taxes as~~ ^{as City Assessor, et al} may be chargeable thereon.

Section 2: That all other Sections of Chapter 1474 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 effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

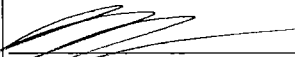
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

1st Reading
10/19/2020

ORDINANCE NO. 26 -2020
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1040 (WATER), SECTIONS 1040.04 (RULES, REGULATIONS, & FIXED CHARGES FOR MUNICIPAL WATER SYSTEM) RULE 35, RULE 36 AND RULE 37 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, Ordinance 42-2000 and Ordinance 36-2004 implemented a charge for the "Water Treatment Plant Construction Fund" for capital improvements to the water treatment facility; and

WHEREAS, the improvements to the water treatment facility from the "Water Treatment Plant Construction Fund" collections have been completed and the final note payment for the construction will be made in January 2021; and

WHEREAS, it is no longer necessary to collect the fees for the "Water Treatment Plant Construction Fund" as designed in Ordinance 42-2000 and Ordinance 36-2004; and

WHEREAS, though it is necessary to collect fees to maintain the assets within the Water Treatment Plant, reservoirs and the water distribution system per an Ohio EPA mandated Asset Management directive; and

WHEREAS, it is necessary to rename the collection fee from the "Water Treatment Plant Construction Fund" to the "Water Asset Management Fund"; 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 (1) and (2), Rule 36 and Rule 37 be amended to rename the collection fee from the "Water Treatment Plant Construction Fund" to "Water Asset Management Fund" and amend the fee amount for collection.

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

Section 1: That the "Water Treatment Plant Construction Fund" name in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System), Rule 35 (1) and (2), Rule 36 and Rule 37 shall be and is hereby renamed to the "Water Asset Management Fund", effective with the January 2021 utilities billing.

Section 2: That the Shelby Utilities Office shall no longer collect a "Water Treatment Plant Construction Fund" fee as stated in Ordinance 42-2000 and Ordinance 36-2004, effective on the January 2021 utilities bill and thereafter.

Section 3: That the Shelby Utilities Office shall collect a "Water Asset Management Fund" fee per this ordinance, effective on the January 2021 utilities bill and thereafter. The fees collected and spent on improvements shall be reviewed annually by City Council.

Section 4: That the following language shall be amended in Rule 35 (1) and (2), Rule 36 and Rule 37:

Rule 35

Rates for Customers with One Inch or Smaller Water Meter

(1) "Residential" customers who are billed under Rule 35 shall pay a charge of Three and 75/100 (\$3.75) Dollars per meter per month. This charge shall be shown on the billing statement and shall be designated as Water Asset Management Fund. In addition, a Customer Service charge of Five (\$5.00) Dollars shall be paid per meter per month. This charge shall be shown on the billing statement and shall be designated as Customer Charge.

(2) "Commercial" customers who are billed under Rule 35 shall pay a charge of Four and 75/100 (\$4.75) Dollars per meter per month. This charge shall be shown on the billing

statement and shall be designated as Water Asset Management Fund. "Commercial" shall be defined as any structure with a one-inch or smaller water meter and that has a business that either is located in that structure or is served with water from the meter located in that structure. In addition, a Customer Service charge of Seven and 50/100 (\$7.50) Dollars shall be paid per meter per month. This charge shall be shown on the billing statement and shall be designated as Customer Charge.

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.

Customers billed under Rule 36 shall pay a charge of One and 75/100 (\$1.75) Dollars per meter per month. This charge shall be shown on the billing statement and shall be designated as Water Asset Management Fund. In addition, a Customer Service charge of Three (\$3.00) Dollars shall be paid per meter per month. This charge shall be shown on the billing statement and shall be designated as Customer Charge.

Rule 37

Rates for Customers with Water Meter Larger than One Inch

(1) Customers billed under Rule 37 shall pay a charge of Six and 75/100 (\$6.75) Dollars per meter per month. This charge shall be shown on the billing statement and shall be designated as Water Asset Management Fund. In addition, a Customer Service charge of Fifteen (\$15.00) Dollars shall be paid per meter per month. This charge shall be shown on the billing statement and shall be designated as Customer Charge.

(2) The lowest rate charged per cubic foot of water shall reflect the actual cost of production, plus 2%. This cost shall be reviewed annually and shall be adjusted accordingly.

Section 5: That all other provisions in Chapter 1040 (Water) and Section 1040.04 (Rules, 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 6: 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 7: 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

1st Reading
10/19/2020

ORDINANCE NO. 27 -2020
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM) RULE 43 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the bulk water rate was established in Ordinance 2-2020; and

WHEREAS, the bulk water station programming will only allow the station to operate in purchase increments of \$0.25; and

WHEREAS, Rule 43 in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System) adjusts the bulk water rate annually by the most current Consumer Price Index (CPI) as determined by the government of the United States; and

WHEREAS, the annual Consumer Price Index (CPI) adjustment will populate a bulk water rate outside of the station programming purchase increments; 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), to remove Rule 45 from the language in Rule 43.

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 (Rules, Regulations, and Fixed Charges for Municipal Water System) be amended to remove Rule 45 from the language in Rule 43.

Section 2: That Rule 43 shall read as follows:

Rule 43

Beginning January 1, 2008, and on every January 1 thereafter, the Rules 38, 39, 41 and the Minimum, the Base, and the Project and Equipment Rider portion of the effective rates for Rules 35, 36, and 37 shall be adjusted upwards by a factor equal to 100% of the most current Consumer Price Index (CPI), as determined by the government of the United States, if the number is positive (+). If the CPI is negative (-), then the effective rates as stated above shall be adjusted downward by a factor equal to 100% of the CPI. In no event shall the effective rates as stated above be adjusted upward by more than 3% in any one year.

Section 3: That all other sections of Chapter 1040 (Water) and 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water Service) (a) Definitions and Regulations of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 4: 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 5: 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

ORDINANCE NO. 30 - 2020

(Sponsors- Councilmembers McLaughlin, Roberts & Martin)

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. 48 -2020
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PURCHASE A ZOLL DEFIBRILLATOR WITH ACCESSORIES FOR THE OPERATION OF THE SHELBY FIRE DEPARTMENT FROM ZOLL MEDICAL CORPORATION.

WHEREAS, the Shelby Fire Department is desirous of obtaining a new defibrillator with accessories for the operation of the department; and

WHEREAS, Zoll Medical Corporation has provided a 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 Safety be authorized to purchase a defibrillator with accessories from Zoll Medical Corporation.

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 is hereby authorized to purchase a defibrillator with accessories for the operation of the Shelby Fire Department from Zoll Medical Corporation.

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. 49 -2020
(Sponsor – Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE AN ITRON MC3 LITE AND THE ASSOCIATED EQUIPMENT FROM ANIXTER, INC., FOR MOBILE METER READING AND DECLARING AN EMERGENCY.

WHEREAS, the Utility Departments can utilize the abilities of an Itron MC3 Lite to assist with reading water and electric meters; and

WHEREAS, the purchase of an Itron MC3 Lite for mobile meter reading collection would provide the utility department the necessary electronic device for safe and social distancing during their meter reading procedure; 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 an Itron MC3 Lite and the associated equipment for utility meter reading.

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 purchase an Itron MC3 Lite and the associated equipment from Anixter, Inc., for the collection of utility meter readings.

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 Eyster
Director of Law