

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

Shelby City Council Agenda
Monday, December 21, 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. Roberts

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

Dispense with Reading of Journal from December 7, 2020

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF EDWARD DETILLION TO THE BUILDING AND GROUNDS COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF JONATHON ELGIN TO THE CIVIL SERVICE COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF GEOFFREY ALLEN TO THE BOARD OF PARK COMMISSIONERS

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

MOTION TO CONFIRM THE APPOINTMENT OF KEVIN ERNST TO THE PLANNING COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF DUSTIN VOUSDEN TO THE PLANNING COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF GUS HEYDINGER TO THE PLANNING COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF JOE GIES TO THE RICHLAND COUNTY REGIONAL PLANNING COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF CAROL MCLAUGHLIN TO THE SHADE TREE COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF EDWARD FRIEBEL TO THE BOARD OF ZONING APPEALS

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

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 31-2020

AMENDING CHAPTER 1050 (ELECTRICITY) SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (b) TRANSITION COST RIDER, FUEL AND PURCHASED POWER AND GENERATION CHARGES, (2) (DETERMINATION OF FUEL AND PURCHASE POWER CHARGE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 32-2020

**PROVIDING FOR THE ESTABLISHMENT AND
IMPLEMENTATION OF AN ENVIRONMENTAL/WATER
QUALITY PROTECTION GRANT PROGRAM**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 37-2020

**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. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

RESOLUTION NO 51-2020

**REQUESTING THAT THE PLANNING COMMISSION
REVIEW AND UPDATE THE OPEN SPACE AND
THOROUGHFARE PLAN AND THE PARKS AND
TRANSPORTATION PLAN**

Moved _____ 2ND _____

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

RESOLUTION NO 52-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO FILE A DITCH PETITION FOR A SECTION OF THE BLACK FORK RIVER WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:

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

1st Reading
11/16/2020

2nd Reading
12/7/2020

ORDINANCE NO: 31 -2020
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1050 (ELECTRICITY) SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (b) TRANSITION COST RIDER, FUEL AND PURCHASED POWER AND GENERATION CHARGES, (2) (DETERMINATION OF FUEL AND PURCHASE POWER CHARGE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, a study was performed by Metis Energy Solutions to determine the power loss within the electric distribution system; and

WHEREAS, the power loss study concluded the energy loss across the City's electric distribution system to be less than the present power loss multiplier as stated in the *Determination of fuel and purchase power charge*; and

WHEREAS, the power loss multiplier is stated at six percent (6%) in the present language within the *Determination of fuel and purchase power charge*; and

WHEREAS, the findings from the study indicate the loss has been determined to be four percent (4%); and

WHEREAS, the lower power loss registers an increase in energy efficiencies in regard to the amount of actual energy consumed compared to the energy lost within the electric distribution system; and

WHEREAS, a lower power loss multiplier will reduce the cost per kWh to the electric rate payers; 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) (*Transition Cost Rider, Fuel and Purchased Power and Generation Charges*), (2) (*Determination of fuel and purchase power charge*) be amended to adjust the power loss multiplier from 0.94 to 0.96.

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) *Transition Cost Rider, Fuel and Purchased Power and Generation Charges*, (2) (*Determination of fuel and purchase power charge*) be amended to read as follows:

(b) *Transition Cost Rider, Fuel and Purchased Power and Generation Charges*. The Transition Cost Rider, Generation Charge and Fuel and Purchased Power Charge shall be applied to the A, A-D, B, C and D Schedules. The rate design of the generation charge and fuel and purchased power charge may be changed from time to time as approved by Council.

(2) *Determination of fuel and purchase power charge*. The Fuel and Purchase Power Charge shall be derived every three months by dividing (1) the past 12 months' cost of fuel and purchased power, including the cost associated with transmission-related services (hereinafter referred to as "previous 12 months' cost", by (2) the sum of the past 12 months' net kilowatt hours generated and purchased multiplied by 0.96 (hereinafter referred to as "previous 12 months' net kWh").

$$\begin{array}{l} \text{Previous 12 months' cost} \\ \text{(numerator)} \\ \hline \text{Previous 12 months' net kWh x 0.96} \\ \text{(denominator)} \end{array} = \frac{\text{Fuel/} \\ \text{Purchased} \\ \text{Power} \\ \text{Charge}}$$

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 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

1st Reading
11/14/2020
2nd Reading
12/7/2020

ORDINANCE NO. 32-2020

(Sponsors- Councilmembers Martin and McLaughlin)

PROVIDING FOR THE ESTABLISHMENT AND IMPLEMENTATION OF AN ENVIRONMENTAL/WATER QUALITY PROTECTION GRANT PROGRAM.

WHEREAS, under State law (ORC 3718) and administrative rules (OAC 3701-29) governing Household Sewage Treatment Systems (HSTS) local health departments are required to perform site evaluations, inspect existing systems, investigate complaints of malfunctioning systems, and issue new permits; and

WHEREAS, in accordance with those requirements, in 2016 and 2017 the Shelby City Health Department performed and caused to be performed site inspections on properties along a portion of West Main Street in the City and those inspections revealed significant HSTS malfunctions and failures; and

WHEREAS, to assist in addressing those conditions and thereby carrying out the City's public purposes of protecting the environment, improving water quality and protecting the public health and welfare of the citizens of the City of Shelby, this Council adopted RESOLUTION 18-2018 declaring the necessity of (I) improving a portion of West Main Street by constructing a sanitary sewer line (the West Main Street Sanitary Sewer) that would be available to serve properties on which such significant HSTS malfunctions and failures were found and others in close proximity to those properties and (II) levying special assessments against properties abutting on that sewer line to pay a portion of its costs; and

WHEREAS, the City has since caused the West Main Street Sanitary Sewer to be constructed and special assessments therefor to be levied on the abutting properties, and the West Main Street Sanitary Sewer is now available to serve those properties; and

WHEREAS, owners of properties in the City with household sewage treatment systems are required by Ordinance to connect to a municipal sanitary sewer line if it is within 200 feet of their properties, including those with properties within 200 feet of the West Main Street Sanitary Sewer; and

WHEREAS, it is in the City's interest to encourage compliance with that requirement, for the City's public purposes identified in the third recital above and to gain new customers for its sanitary sewer system; and

WHEREAS, the Shelby City Health Department has accordingly secured, and is administering , WPCLF financial assistance in the form of a principal forgiveness subsidy to enable it to assist income eligible homeowners with the decommissioning of their existing septic systems and the installation of sanitary sewer laterals connecting their homes to the West Main Street Sanitary Sewer; and

WHEREAS, not every owner of a property abutting on the West Main Street Sanitary Sewer qualified for any level of such WPCLF Grant assistance; and

WHEREAS, this Council has determined that, for all of the City's public purposes stated above, it is appropriate that the City supplement the assistance the Health Department is able to provide as a result of the WPLCF subsidy to assure that every homeowner connecting to the West Main Street Sanitary Sewer receives financial assistance in an amount of not less than 85% of the cost for decommissioning of existing septic systems and installing sanitary sewer laterals connecting homes to that Sewer; and

WHEREAS, this Council has determined to authorize the Mayor as Director of Public Service to make grants of moneys from the Fund 402 (Sewer Improvement Fund) for that purpose.

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

Section 1: That it is hereby determined to establish an Environmental/Water Quality Protection Grant Program for the City's public purposes set forth above to assure that every property owner connecting to the West Main Street Sanitary Sewer receives financial assistance

in an amount of not less than 85% of the cost of decommissioning of septic systems and installing sanitary sewer laterals connecting residences to that Sewer. The grant shall be funded from the Sanitary Sewer Improvement Fund 402.

Section 2: That the Mayor as Director of Public Service is hereby authorized and directed to take such further actions as may be required to complete the grant transactions and all related actions on the part of the City contemplated in this ordinance. An amount not to exceed \$71,353.79 is hereby appropriated from the unencumbered balance in the City's Sanitary Sewer Improvement Fund 402 for grants under the Environmental/Water Quality Protection Grant Program in Fiscal Years 2020 and 2021, and the expenditure of up to that amount for such grants is authorized and approved. The Director of Finance and Public record is authorized to provide for the payment of any such grants from the amount in the Sanitary Sewer Improvement Fund 402 available and appropriated therefor.

Section 3: That the amount of grant assistance provided to each property owner shall be determined by City Council utilizing the methodology outlined in the Grant Application document (see Exhibit A)

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 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. 37 - 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, it is necessary to increase line items within the 2020 budget and to fund said line items with previously unappropriated 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 balance the books for the calendar year 2020 and so as to fund necessary expenditure and/or projects.

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 INCREASE EXPENDITURES

101-CRT-418	Hospitalization	\$ 8,000.00
220-CIT-418	Hospitalization	\$ 6,000.00
283-LCR-400	Wages	\$125,000.00
400-DIS-400	Wages	\$ 17,000.00
400-DIS-418	Hospitalization	\$ 7,000.00
500-OFC-404	Clerks Wages	\$ 7,000.00
500-OFC-531	Miscellaneous	\$ 2,000.00
600-MFG-400	Wages	\$ 10,000.00

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 ongoing contractual and/or monetary obligations of the City of Shelby Ohio 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. 51 -2020
(Sponsor – Councilmember Gates)

REQUESTING THAT THE PLANNING COMMISSION REVIEW AND UPDATE THE OPEN SPACE AND THOROUGHFARE PLAN AND THE PARKS AND TRANSPORTATION PLAN.

WHEREAS, when the Subdivision Regulations (Chapters 1240 through 1250 of the Codified Ordinances of the City of Shelby) were enacted in 1983, they included Appendix V: Open Space and Thoroughfare Plan and Appendix VI: Parks and Transportation Plan; 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 said appendices be reviewed and updated.

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

Section 1: That the Planning Commission review and update Appendix V: Open Space and Thoroughfare Plan and Appendix VI: Parks and Transportation Plan to the Subdivision Regulations of the City of Shelby.

Section 2: That the Planning Commission complete its review and update and report its recommendations to the Council no later than one hundred twenty days after the effective date of this Resolution.

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.

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 McLaughlin
Vice President of Council

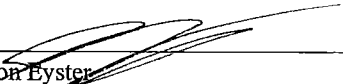
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

RESOLUTION NO. 5a -2020
(Sponsor – Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO FILE A DITCH PETITION FOR A SECTION OF THE BLACK FORK RIVER WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS.

WHEREAS, a ditch petition is a legal process to construct and maintain a designated area of a waterway to help control the flow of the water by the means of removing log jams, silt bars, brush, and felled trees from the river including the measure of removing leaning and dead trees from along the river banks and the construction of bank armoring to provide bank stabilization to prevent erosion; and

WHEREAS, the City desires to file a ditch petition with the Richland County Board of Commissioners for the section of the Black Fork River with the designation being the Mickey Road bridge to the State Route 13 road/river intersection; and

WHEREAS, the petition, if found to be in agreement and executed by the Richland County Board of Commissioners, would provide the necessary improvements to the river and be conducive to the public welfare for parcel owners in the designated watershed jurisdiction; 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 file a Ditch Petition on behalf of the City of Shelby for the construction and maintenance of the Black Fork River from the Mickey Road bridge to the State Route 13 road/river intersection.

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 file a Ditch Petition with the Richland County Board of Commissioners for the designated portion of the Black Fork River covering the area from the Mickey Road bridge within the City of Shelby to the road/river intersection at St. Rt. 13 in Richland County.

Section 2: That the Ditch Petition requires the petitioner(s) to submit a bond for the filing at a fixed cost of five hundred dollars (\$500.00) plus two dollars (\$2.00) per parcel within the petitioned area and known to be fully refundable with an executed petition.

Section 3. That City of Shelby funds shall only cover the bond expense for the parcels within the City of Shelby corporation limit and it has been determined at this time there are five thousand one hundred and three (5,103) parcels in the designated petitioned area within the City proper.

Section 4. That the final designated area for the ditch petition is determined and executed by Richland County Officials serving from the offices of the County Commissioner's, County Engineer, and the County Prosecutor.

Section 5. That a successful petition would create an annual maintenance program for the determined area of the Black Fork River with the supporting funds populated from an assessment by parcel delineation.

Section 6: 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 7: 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