

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

Shelby City Council Agenda

Monday, February 1, 2021

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 January 19, 2021

Moved _____ 2ND _____

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

Public Comment

Christina Drain—Shelby Historic Preservation Commission

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

STATE OF THE CITY

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business
Charter centennial timeline

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 1-2021

**AMENDING SECTION 258.01 (SALARIES OF MEMBERS
OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS'
SALARIES) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY**

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 2-2021

**ENACTING CHAPTER 216 (CREDIT CARD POLICY) OF
THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 4-2021

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

ORDINANCE NO 5-2021

**ENACTING SECTION 242.08 (WAIVE THE UTILITY BILL
LATE FEE) OF CHAPTER 242 (DIRECTOR OF PUBLIC
SERVICE) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY AND REPEALING RESOLUTION NO 2-
2021**

1ST READING

Moved _____ 2ND _____

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

RESOLUTION NO 3-2021

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A CERTIFIED LOCAL GOVERNMENT GRANT FOR CREATION OF LOCAL DESIGN GUIDELINES AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

RESOLUTION 4-2021

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURCHASE OF TURNOUT GEAR AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
1/4/2021

2nd Reading
1/19/2021

ORDINANCE NO. 1-2021
(Sponsor – Councilmember Gates)

AMENDING SECTION 258.01 (SALARIES OF MEMBERS OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, currently, Chapter 258 (Elected Officials' Salaries) contains no provision for compensation for members of Council whose terms begin in 2022; 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 258 be amended so as to provide compensation for members of Council whose terms begin in 2022.

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 SALARIES OF MEMBERS OF COUNCIL.

- (a) Effective January 1, 2018, through January 6, 2020, the salary for each member of City Council shall be \$7,415 annually, to be paid biweekly.
- (b) Effective January 6, 2020, through January 3, 2022, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.
- (c) Effective January 3, 2022, through January 1, 2024, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

1st Reading

1/4/2021

2nd Reading

1/19/2021

ORDINANCE NO. 2 -2021
(Sponsors – Councilmembers Gates & Martin)

ENACTING CHAPTER 216 (CREDIT CARD POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Director of Finance and Public Record recommends that the City of Shelby acquire a credit card; and

WHEREAS, Ohio Revised Code Section 9.21 states, in part, “a legislative authority shall adopt a written policy before first holding a credit card account”; 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 216 of the Codified Ordinances of the City of Shelby be enacted to adopt a credit card policy.

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

Section 1: That Chapter 216 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

CHAPTER 216: CREDIT CARD POLICY

216.01 GENERAL OVERVIEW.

(a) As a public institution, the City is held to a high degree of public scrutiny and accountability for its purchasing practices. Issuance of a credit card for the use of City business is a privilege, and every reasonable effort must be made to ensure that funds are used responsibly and in a manner consistent with the City's procedures, applicable laws, and ethical practices.

(b) The City recognizes that the credit card provides convenience to employees in acquiring goods and services for the City. The City also recognizes the additional risk inherent with credit card usage. Therefore, whenever a vendor will accept a City purchase order, a purchase order should be used in lieu of a City credit card.

216.02 CARD TYPE, LIMITS AND ELIGIBILITY.

(a) Card Type.

(1) The issued card will be a bank-issued credit card that will be administered by the Finance Director's office and in the name of the Finance Director and the Mayor.

(2) The card's limit, allowable purchases, and places the card can be used will be limited by this policy, other applicable City policies, and the Finance Director.

(b) Limit. The credit card limit will be set by the Finance Director.

(c) Eligibility. Any City employee, with the approval of his/her department head or appointing authority as indicated, may use City credit cards for authorized City expenditures.

216.03 CARD USAGE LIMITATIONS AND PROCEDURES.

(a) Credit cards are used to support the City's purchasing and payable processes.

(b) Card issuance is limited to employees as indicated in Section 216.02(c).

(c) Goods and services must be authorized by the department head or appointing authority before purchase.

(d) When possible, card users should take reasonable steps to obtain the best pricing.

(e) Credit cards shall be kept in the Finance Director's office. City employees must come to the Finance Director's office to sign out a credit card. A sign out sheet must be filled out including employee signature, vendor, and time of sign out of card. Card is to be returned by end of business day. Finance Director's office personnel will note time of return and initial off.

216.04 APPLICATION PROCESS.

(a) Transactions are approved for appropriateness and policy compliance by the department head or appointing authority.

(b) Appointing authorities and department heads must authorize use of a credit card by employees. Any City employee with City ID and proper identification is eligible to use City credit cards.

216.05 TRANSACTION AND RETENTION DOCUMENTATION.

(a) An original itemized receipt or equivalent documentation is required for any and all transactions and must be submitted to the City department head or appointing authority upon return of the card for purchase order processing.

(b) Transactions involving the purchase and delivery of goods must also be documented by a packing slip to validate receipt of goods and must be submitted to the City department head or appointing authority upon return of the card.

(c) If documentation is not available, an explanation must be submitted in writing for the lack of documentation. Upon review of the undocumented transaction by the Finance Director, the credit card user may be required to reimburse the City for the transaction.

216.06 MONITORING.

(a) Account statements are issued monthly by the bank to the Finance Director.

(b) Any unapproved or unauthorized transactions must be documented in writing and submitted to the Finance Director for his/her review.

216.07 UNALLOWABLE CREDIT CARD USES AND/OR PURCHASES.

(a) Alcoholic beverages/tobacco products.

(b) Construction renovations/upgrades.

(c) Controlled substances.

(d) Items or services on term contracts.

(e) Maintenance agreements.

(f) Personal items or loans.

(g) Purchases involving the trade-in of government property.

(h) Rentals (other than short term auto).

(i) Telephone related equipment or services.

(j) Cash advances.

(k) Personal purchases.

(l) Capital assets.

216.08 ALLOCATION AND APPROVAL.

(a) Transactions should be allocated to the appropriate purchase order.

(b) Transactions must be compliant and appropriate with the City's procedures.

216.09 SALES TAX.

(a) The City does not pay sales tax or use tax in Ohio or other states that have a sales tax exemption. Users of the credit card are responsible for ensuring that tax is not charged and for making reasonable attempts to recover any tax charged. They may obtain, as necessary, copies of the Blanket Certificate of Tax Exemption from the Finance Department.

(b) If sales tax is charged in error, the Finance Director's Office will send a reminder to the credit card user to reinforce the tax exemption status of the City. It is the department's responsibility to have sales tax removed from the bill.

(c) The approved credit card user will be required to reimburse the City for the unrecovered sales tax.

216.10 TRAVEL.

The use of credit card while on City business travel must follow the procedural requirements of the expense reimbursement in accordance with the City's procedures.

216.11 CARD SECURITY AND TRACKING.

(a) The credit card must always be stored in a secure place when checked out from the Finance Director's office.

(b) Personnel with access to a credit card or any documentation showing a credit card account number must protect the account number from fraud or any other inappropriate use.

(c) Card users must immediately contact the issuing bank and the appropriate department head or appointing authority if the credit card is lost or stolen. Local police should be notified as appropriate.

(d) While in possession of the credit card, the user is responsible for card usage and for preventing fraud.

216.12 CONDUCT AND CONSEQUENCES.

(a) All purchases made with a credit card must be for official City business only. Personal use is strictly prohibited.

(b) Disciplinary actions for inappropriate use or policy infractions can result in disciplinary action, including termination, depending on the severity of the action.

(c) Personal or fraudulent use of a credit card may result in corrective action up to and including termination and/or criminal action. In addition, the City will seek restitution for any inappropriate charge.

(d) Failure to return the credit card immediately upon returning to work can result in disciplinary action as indicated in division (b) of this section including revocation of credit card privileges.

(e) All personal or fraudulent use of a credit card is the sole responsibility of the card user and not the responsibility of the Finance Director, appointing authority, or department head.

216.13 TRANSACTION DISPUTES.

The credit card user is responsible for resolution of any disputed charges. If the credit card user is unable to reach an agreement with the supplier, a formal dispute must be filed with the bank within 60 days of the statement date.

216.14 CREDIT CARD ISSUANCE, REISSUANCE, CANCELLATION, AND REPORTING OF LOST OR STOLEN CARD.

All above transactions will be handled through the credit card issuer and the Finance Director.

Section 2: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

Section 3: 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

1st Reading
1/19/2021

ORDINANCE NO. 4 -2021
(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 machinery, equipment, and 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 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. Byster
Director of Law

ORDINANCE NO. 5 -2021
(Sponsors – Councilmembers Gates & Martin)

ENACTING SECTION 242.08 (WAIVE THE UTILITY BILL LATE FEE) OF CHAPTER 242 (DIRECTOR OF PUBLIC SERVICE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY AND REPEALING RESOLUTION NO. 2-2021.

WHEREAS, on January 19, 2021, Council passed Resolution No. 2-2021, "Authorizing the Mayor as Director of Public Service or His or Her Designee to Have the Ability to Waive the Utility Payment Late Fee One Time Per Calendar Year for a Residential, Commercial, or Industrial Account Holder"; 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 Resolution No. 2-2021 be codified.

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

Section 1: That Section 242.08 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

242.08 WAIVE THE UTILITY BILL LATE FEE.

(a) The Director of Public Service or his or her designee shall have the authority to waive the utility bill late fee once per calendar year for a residential, commercial, or industrial utility account holder pursuant to City ordinance.

(b) The waiver for the late fee shall be for these utilities as stated in the Codified Ordinance of the City of Shelby: Chapter 1040 (Water), Chapter 1044 (Sewer Charges), Chapter 1050 (Electricity), and Chapter 1056 (Internet Services).

Section 2: That all other sections of Chapter 242 remain in full force and effect.

Section 3: That Resolution No. 2-2021 be repealed in its entirety.

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.

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 M. Eyster
Director of Law

RESOLUTION NO. 3 - 2021
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A CERTIFIED LOCAL GOVERNMENT GRANT FOR CREATION OF LOCAL DESIGN GUIDELINES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio State Historic Preservation Office provides financial assistance for the creation of local design guidelines through the Certified Local Government Grant; and

WHEREAS, the City of Shelby Historic Preservation Commission desires financial assistance under the Certified Local Government Grant Program to create local design guidelines; 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 of City of Shelby apply for a Certified Local Government Grant.

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 approves an application for financial assistance for local design guidelines.

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

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Certified Local Government Grant.

Section 4: 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 5: 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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

RESOLUTION NO. 4 -2021
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURCHASE OF TURNOUT GEAR AND DECLARING AN EMERGENCY.

WHEREAS, the United States Department of Homeland Security provides financial assistance for fire department purposes through the Assistance to Firefighters Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Assistance to Firefighters Grant Program to purchase of turnout gear; 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 an Assistance to Firefighters Grant.

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 turnout gear.

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

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project.

Section 4: 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 5: 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