

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

Shelby City Council Agenda  
Monday, March 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 February 16, 2021**

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

**Public Comment**

Ohio Health Representative

**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

**Proclamation**

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

Charter centennial timeline

**Legislation**

**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**

**3RD READING**

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 6-2021**

**AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (d) (BALANCE LEVELIZATION RATE RIDER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO**

**2ND READING**

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

**ORDINANCE NO 7-2021**

**ENACTING SECTION 1486.18 (STORMWATER MANAGEMENT SURCHARGE) OF CHAPTER 1486 (STORMWATER MANAGEMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO**

**2ND READING**

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

**RESOLUTION NO 8-2021**

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2021 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

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

RESOLUTION NO 9-2021

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE ADDITIONAL ROCK SALT FROM CARGILL, INC. IN CONJUNCTION WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS' PURCHASE OF ROCK SALT AND DECLARING AN EMERGENCY**

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

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.

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

1st Reading  
2/11/2021

2nd Reading  
2/16/2021

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

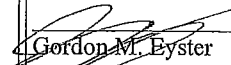
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

  
Gordon M. Byster  
Director of Law

1st Reading  
2/16/2021

ORDINANCE NO: 6-2021  
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (d) (BALANCE LEVELIZATION RATE RIDER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

WHEREAS, it is necessary to modify Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) to increase the negative rate rider from \$0.0020/kWh to \$0.0022/kWh; 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), (d) (Balance Levelization Rate Rider) be amended and/or modified.

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), (d) (Balance Levelization Rate Rider) be amended to read as follows:

(d) *Balance Levelization Rate Rider*

(1) Service Schedules A, A-D, B, C, and D shall have a negative rate *rider* in the amount of \$0.0022/kWh. The negative rate *rider* shall be implemented for a period of five years. The *rider* shall be itemized on the utility bill as a credit and identified as Balance Levelization.

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

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

Brian Crum  
Clerk of Council

Approved: \_\_\_\_\_

Steven L. Schag  
Mayor

Prepared by:

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

1st Reading  
2/16/2021

**ORDINANCE NO. 7 - 2021**  
**(Sponsor: Councilmember Martin)**

**ENACTING SECTION 1486.18 (STORMWATER MANAGEMENT SURCHARGE) OF CHAPTER 1486 (STORMWATER MANAGEMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, the development of a Stormwater Management Surcharge is necessary for the collection of funds to support the repairs, maintenance, and capital improvements associated with stormwater management; and

WHEREAS, the funds collected from the surcharge will help provide financial support for the ongoing efforts to manage the stormwater sewer infrastructure and for the maintenance needed to help prevent stormwater from infiltrating the sanitary sewer; 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 Section 1486.18 (Stormwater Management Surcharge) of Chapter 1486 (Stormwater Management) be enacted.

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

Section 1: That Section 1486.18 (Stormwater Management Surcharge) of Chapter 1486 (Stormwater Management) of the Codified Ordinances of the City of Shelby shall be and is hereby enacted as set forth herein.

Section 2: That the funds collected from the surcharge shall be used to provide financial support for the ongoing efforts to repair, maintain, and improve the stormwater sewer infrastructure and to help mitigate the infiltration and inflow of stormwater from the sanitary sewer infrastructure.

Section 3: That the monthly surcharge shall be enacted per the utility classification schedule as set forth; Senior Citizen/Disabled \$1.75, Residential \$1.75, Commercial \$1.75, Industrial \$3.00.

Section 4: That the funds collected from the Stormwater Management Surcharge shall be posted to Fund 402 (Sewer Improvement Fund) under a revenue line item associated to the Stormwater Management Surcharge and the funds shall be dispersed from the expenditure line items in Fund 402 (Sewer Improvement Fund).

Section 5: 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 6: 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

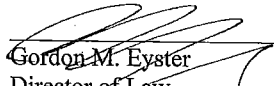
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

  
Gordon M. Eyster  
Director of Law



RESOLUTION NO. 8-2021  
(Sponsor- Councilmember Martin)

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2021 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, plans and specifications have been completed for the 2021 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said improvements be made to said streets within the City of Shelby.

**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 plans and specifications for the 2021 Paving Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said paving project.

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 therefor, 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. 9 -2021**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE ADDITIONAL ROCK SALT FROM CARGILL, INC. IN CONJUNCTION WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS PURCHASE OF ROCK SALT AND DECLARING AN EMERGENCY.**

WHEREAS, additional salt purchases are needed to fulfill the salting needs to treat the city streets; and

WHEREAS, Ohio Revised Code 125.04 authorizes political subdivisions to purchase supplies or services from one another as long as the said purchase is on equivalent terms, conditions, and specifications (but at a lower price) than could be purchased by bidding or through the state cooperative purchase plan; and

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer have completed the necessary steps to purchase rock salt for both the county and the City of Shelby all in accordance with the terms of the Ohio Revised Code and, specifically, 125.04; and

WHEREAS, the Richland County Board of Commissioners received a low bid of \$39.79 per ton from Cargill, Inc. and can be purchased at the said price through April 15, 2021; 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 additional rock salt from Cargill, Inc.

**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 additional rock salt from Cargill Inc.

Section 2: That the price for the rock salt per the Richland County Agreement is \$39.79/ton and can be purchased through April 15, 2021, unless modified by the Richland County Engineer's Office.

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