

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

AMENDED

Shelby City Council Agenda

Tuesday, February 16, 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 1, 2021**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

**Public Comment**

Path Forward Committee of the CIC

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Garland John Gates

Utilities & Streets Committee—Nathan Martin

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

Charter centennial timeline

**Legislation**

**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**

**3RD READING**

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

**PASSAGE OF ORDINANCE**

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

**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**

**2ND READING**

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

**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**

**1ST READING**

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

**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**

**1ST READING**

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

**RESOLUTION NO 5-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE PRIORITY ONE GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES**

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

**RESOLUTION NO 6-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2021 MOSQUITO CONTROL GRANT FOR THE CONTROL OF MOSQUITOES AND DECLARING AN EMERGENCY**

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

**RESOLUTION NO 7-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO WAIVE THE LATE PAYMENT CHARGE (PENALTY) FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UTILITY ACCOUNT HOLDERS FOR THE FEBRUARY BILLING PERIOD AND DECLARING AN EMERGENCY**

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

**Miscellaneous Business**

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

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

1st Reading  
1/19/2021

2nd Reading  
2/11/2021

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

1st Reading  
2/11/2021

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

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

**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:

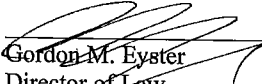
ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

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



Prepared by:

  
Gordon M. Eyster  
Director of Law

**RESOLUTION NO. 5 - 2021**  
**(Sponsors: Councilmembers Gates & Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE PRIORITY ONE GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES.**

WHEREAS, the Ohio Department of Public Safety provides financial assistance for emergency medical services through the Priority One Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Priority One Grant to purchase emergency medical service supplies; 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 a Priority One Grant.

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

Section 1: That the City of Shelby Council approves an application for financial assistance for emergency medical service supplies.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Public Safety 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 Priority One 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 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. Byster  
Director of Law

RESOLUTION NO. 6 -2021  
(Sponsors: Councilmembers Gates and Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2021 MOSQUITO CONTROL GRANT AND DECLARING AN EMERGENCY.**

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for health department purposes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program to control the mosquito population; 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 the City of Shelby apply for a Mosquito Control 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 the control of Mosquitos through the Ohio Environmental Protection Agency Mosquito Control Grant.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding assistance.

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

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

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO WAIVE THE LATE PAYMENT CHARGE (PENALTY) FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL UTILITY ACCOUNT HOLDERS FOR THE FEBRUARY BILLING PERIOD AND DECLARING AN EMERGENCY.**

WHEREAS, a delay in the postal service during the month of February may cause utility account holders to endure a late penalty charge on their utility bill; 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 waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the February billing period.

**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 waive the late payment charge (penalty) from residential, commercial, and industrial utility account holders for the February billing period.

Section 2: That this authorization shall be for these utilities as stated in the codified ordinances: Chapter 1040 (Water), Chapter 1044 (Sewer Charges), and Chapter 1050 (Electricity).

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

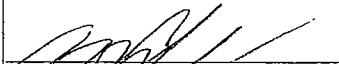
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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