

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

**Shelby City Council Agenda
Monday, June 7, 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 _____

Motion to excuse Councilman Martin

Moved _____ 2ND _____

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

Dispense with Reading of Journal from May 17, 2021

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilman McLaughlin

Public Works & General Operation Committee—Councilman Roub—NO MEETING

Safety Committee—Councilman Roberts

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF RANDY SAMPSEL TO THE SHELBY HISTORIC PRESERVATION COMMISSION

Moved _____ 2ND _____

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

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

Charter centennial timeline

McBride Park Baseball Field

Health Department/State Budget

Legislation

ORDINANCE NO 14-2021

AUTHORIZING THE DIRECTOR OF FINANCE TO LEVY ASSESSMENTS FOR THE IMPROVEMENT OF A PORTION OF WEST MAIN STREET WITH A SANITARY SEWER AND ITS APPURTENANCES

2ND READING

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

ORDINANCE NO 15-2021

AMENDING TITLE FOUR (SUBDIVISION REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

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

ORDINANCE NO 16-2021

AMENDING CHAPTER 1044 (SEWER CHARGES), SECTION 1044.02 (CONDITIONS OF SERVICE; RATE SCHEDULE), (f) PRODUCTION COST ADJUSTER OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

1ST READING

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

RESOLUTION NO 31-2021

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACCEPT AN ALLEY AND STREET PAVING PROPOSAL FROM MID-STATE BLACKTOP, INC

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

RESOLUTION NO 32-2021

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF SHELBY RIC-SR39-3.35 SHELBY STREETScape PROJECT AND DECLARING AN EMERGENCY

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:

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

TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL, OR THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL, UNLESS THE PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL REQUESTS A PUBLIC HEARING

Adjournment at _____ p.m.

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

1st Reading
5/17/2021

ORDINANCE NO. 14-2021
(Sponsor- Councilmember Gates)

AUTHORIZING THE DIRECTOR OF FINANCE TO LEVY ASSESSMENTS FOR THE IMPROVEMENT OF A PORTION OF WEST MAIN STREET WITH A SANITARY SEWER AND ITS APPURTENANCES.

WHEREAS, this Council did on March 19, 2018 (Resolution No. 18-2018) duly adopt a resolution declaring the necessity of the improvements noted therein and hereinafter described; and

WHEREAS, the Board of Revision of Assessments has held meetings and conducted hearings concerning said improvements and has considered claims and objections thereto associated with the character of the improvements, the necessity thereof, and the equity of the assessments as provided in the assessment report; and

WHEREAS, the Board of Revision of Assessments has reported its findings to the Council of the City of Shelby; and

WHEREAS, this Council did on September 4, 2018 (Ordinance No. 19-2018) duly adopt an ordinance authorizing the Mayor as Director of Public Service to advertise for bids and enter into a contract for said project; and

WHEREAS, all of the work has been completed on said project; 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 Director of Finance be authorized to levy assessments for these improvements.

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

Section 1: That the assessment of the cost of the improvement of a portion of West Main Street with a sanitary sewer and appurtenances as heretofore reported to this Council and now on file in the office of the Clerk and aggregating in the amount of Three Hundred Sixty Thousand Eight Hundred Fifteen and 28/100 Dollars (\$360,815.28) be, and the same is hereby adopted and confirmed.

Section 2: That there be and is hereby levied and assessed upon the lots and lands bounding and abutting upon said improvement the amount set forth below.

<u>Richland County Parcel ID No.</u>	<u>Assessment</u>
0460819818000	\$15,033.97
0460819512000	\$15,033.97
0460820218000	\$15,033.97
0460819608000	\$15,033.97
0460804308000	\$15,033.97
0460806810000	\$15,033.97
0460819614000	\$15,033.97
0460819614001	\$15,033.97
0460816417000	\$15,033.97
0460802308000	\$15,033.97
0460810210000	\$15,033.97
0460820215002	\$15,033.97
0460815310000	\$15,033.97
0460815511002	\$15,033.97
0460815511001	\$15,033.97

0460815512002	\$15,033.97
0460821911000	\$15,033.97
0460813001000	\$15,033.97
0460822012000	\$15,033.97
0460815401000	\$15,033.97
0460802617000	\$15,033.97
0460806214000	\$15,033.97
0460804118000	\$15,033.97
0460813614000	\$15,033.97

Said special assessments upon said properties deeded to be benefited by the public improvement have been assessed herein in proportion to the benefits which may result from the improvement.

Section 3: That it is hereby determined that the assessments hereinbefore referred to are in the same proportion to the estimated assessments as the actual cost of said improvement bears to the estimated cost of said improvement upon which assessments are based.

Section 4: That the total assessment against each lot and parcel of the land shall be payable in cash to the Treasurer of said City within thirty (30) days after passage of this Ordinance, or at the option of the property owner assessed, in twenty (20) semi-annual installments with interest at the same rate as is borne by the securities issued or the loan or loans incurred by the City in anticipation of the collection of such assessments. All assessments and installments thereof which have not been paid at the expiration of said 30-day period shall be certified by the Clerk of Council to the Richland County Auditor to be placed by him on the tax duplicate and collected at the same time in the same manner as other taxes are collected, as provided by law.

Section 5: That the Clerk of this Council shall be and is hereby authorized and directed to cause notice of the passage of this Ordinance to be published once in a newspaper of general circulation in said City as required by law.

Section 6: That the Clerk of this Council shall be and is hereby authorized and directed to keep said assessments on file in his office for so long as any of them remain unpaid.

Section 7: That the Clerk of this Council be and is hereby authorized and directed to cause notice of the levy of the assessments herein provided for to be filed with the Richland County Auditor within twenty (20) days after the passage of this Ordinance.

Section 8: 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 9: 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

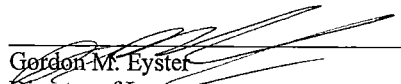
APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

ORDINANCE NO 15 -2021
(Sponsor: Councilmember Gates)

AMENDING TITLE FOUR (SUBDIVISION REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Subdivision Regulations of the City of Shelby were adopted by the Council of the City of Shelby on June 6, 1983 through Ordinance 17-1983; and

WHEREAS, certain portions of the regulations were amended by the Council of the City of Shelby on February 2, 2004 through Ordinance 1-2004; and

WHEREAS, certain portions of the regulations were amended by the Council of the City of Shelby on July 15, 2019 through Ordinance 13-2019; and

WHEREAS, certain portions of the regulations need to be amended and modified so as to make the regulations, as a whole, more pertinent to the subdivisions of today; and

WHEREAS, The Shelby City Planning Commission on May 11, 2021, reviewed the proposed amendments and referred them to Shelby City Council with their recommendation for adoption.

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

Section 1: That Appendix V: OPEN SPACE AND THOROUGHFARE PLAN of Title Four (Subdivision Regulations) of the Codified Ordinances of the City of Shelby be amended as shown on Exhibit 1 which is attached to this Ordinance.

Section 2: That Appendix VI: PARKS AND TRANSPORTATION PLAN of Title Four (Subdivision Regulations) of the Codified Ordinances of the City of Shelby be amended as shown on Exhibit 2 which is attached to this Ordinance;

Section 3: That all other Sections of Title Four (Subdivision 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 M. Byster
Director of Law

ORDINANCE NO. 16-2021
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1044 (SEWER CHARGES), SECTION 1044.02 (CONDITIONS OF SERVICE; RATE SCHEDULE), (f) PRODUCTION COST ADJUSTER OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the Production Cost Adjuster currently recovers the cost for electricity, water and sewer, natural gas, chemicals, lab supplies and lab testing and sludge; and

WHEREAS, the recently completed upgrade at the wastewater treatment plant had changed some of the operating measures in the treatment process thus making it necessary to amend the establish language in Chapter 1044 (Sewer Charges), Section 1044.02, (Conditions of Service; Rate Schedule) (f) Production Cost Adjuster; 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 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (f) Production Cost Adjuster be amended to recover the cost for diesel fuel used in the manufacturing process and the costs for the bulbs associated with the ultraviolet light system.

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

Section 1: That Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (f) Production Cost Adjuster be amended to read as follows:

(f) *Production cost adjuster.* The Production Cost Adjuster shall be derived every three months by dividing (1) the past 12 months cost of electricity, water and sewer, and natural gas utilized at the Waste Water Treatment Plant, the cost for diesel fuel used in the manufacturing process, the cost of all chemicals used in the waste water treatment process, the cost for the bulbs associated with the operation of the ultraviolet light system used to sterilize the effluent waste water, the cost of lab testing and supplies required for the waste water treatment process, and the cost of the sludge removal process (hereinafter referred to as "previous 12 months cost") by (2) the sum of the past 12 months cubic feet of water billed for the sewer charges (hereinafter referred to as "previous 12 months cubic feet billed").

$$\frac{\text{Previous 12 months' cost (numerator)}}{\text{Previous 12 months' cubic feet billed (denominator)}} = \text{Production Cost Adjuster}$$

Section 2: That all other provisions in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule) 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 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. 30 -2021
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR ELECTRIC LINES IN THE WOLF RUN SUBDIVISION.

WHEREAS, The City of Shelby Division of Electric and Telecommunications is desirous of easements so as to install electric lines, it is necessary to secure rights of easement across private acreage within the Wolf Run Subdivision; 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 acquire rights of easement for the extension of electric lines in the Wolf Run Subdivision.

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 be authorized to acquire rights of easement for the extension of electric lines in the Wolf Run Subdivision.

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. 31-2021
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACCEPT AN ALLEY AND STREET PAVING PROPOSAL FROM MID-STATE BLACKTOP, INC.

WHEREAS, Mid-State Blacktop Inc. has provided a proposal to pave two alleys and a street; and

WHEREAS, two alleys to be paved are located as follows; alley connecting Broadway Street and Second Street, specifically between the addresses of 57 and 59 Broadway Street and the alley between Park Avenue and Mack Avenue, and the street to be paved is Fish Avenue; 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 accept the proposal from Mid-State Blacktop Inc. to pave the said alleys and street.

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 accept the paving proposal from Mid-State Blacktop Inc. to pave the following alleys and street; alley connecting Broadway Street and Second Street, specifically between the addresses of 57 and 59 Broadway Street or the 5th alley north of East Whitney Avenue, the alley between Park Avenue and Mack Avenue, and the street to be paved is Fish Avenue.

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. Byster
Director of Law

RESOLUTION NO. 32-2021
(Sponsor: Councilmember Martin)

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF SHELBY RIC-SR39-3.35 SHELBY STREETScape PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into an agreement with the Ohio Department of Transportation to serve as the lead agency for the Shelby Streetscape Project; and

WHEREAS, plans and specifications have been prepared for said project; 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 advertise for bids and enter into a contract for the improvements herein above described.

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 City of Shelby RIC-SR39-3.35 Shelby Streetscape Project 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 the City of Shelby RIC-39-3.35 Streetscape 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 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 Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law