

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

**Shelby City Council Agenda**  
**Monday, July 19, 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 July 6, 2021**

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

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilman Gates

Utilities & Streets Committee—Councilman Martin

Safety Committee—Councilman 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

Charter centennial timeline

McBride Park Baseball Field

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

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

**ORDINANCE NO 18-2021**

**ESTABLISHING A TEMPORARY SEWER SURCHARGE  
FOR THE SEWER FUND**

**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 19-2021**

**AMENDING SECTION 260.09 (HOLIDAYS) OF CHAPTER  
260 (EMPLOYEES GENERALLY) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**2ND READING**

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

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

**RESOLUTION NO 44-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A  
WATER SUPPLY REVOLVING LOAN ACCOUNT FOR THE  
CONSTRUCTION OF THE MAIN STREET LEAD SERVICE  
LINE REPLACEMENT PROJECT AND DESIGNATING A  
DEDICATED REPAYMENT SOURCE FOR THE LOAN 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  
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

1st Reading  
6/21/2021

2nd Reading  
7/6/2021

**ORDINANCE NO. 18-2021**  
**(Sponsor: Councilmember Martin)**

**ESTABLISHING A TEMPORARY SEWER SURCHARGE FOR THE SEWER FUND.**

WHEREAS, the sewer fund balance has been losing revenue from the loss of collections due to the decrease in water sales and the deficiencies of leachate deliveries from area landfills; and

WHEREAS, the municipal sewer division is an enterprise fund and shall be financially self-sustaining; 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 development of a temporary sewer surcharge is necessary to help maintain the financial stability of the sewer fund.

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

Section 1: That a temporary sewer surcharge shall be established to financially assist the sewer fund due to a down turn in revenue collections.

Section 2: That the temporary sewer surcharge shall be allocated for a six (6) month period for all rate schedules within the sewer fund.

Section 3: That the temporary sewer surcharge shall be billed to sewer customers as follows:

Residential -	\$1.99
Residential Country -	\$2.49
Senior Citizen -	\$0.49
Commercial -	\$4.49
Industrial -	\$6.49

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 Eyster  
Director of Law



1st Reading  
7/6/2021

ORDINANCE NO. 19 -2021  
(Sponsor – Councilmember Gates)

**AMENDING SECTION 260.09 (HOLIDAYS) OF CHAPTER 260 (EMPLOYEES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, Congress has passed and the President has signed Public Law 117-17 to designate June 19 as a legal public holiday known as Juneteenth; and

WHEREAS, It is in the interest of the public health, safety, morals, and general welfare that Codified Ordinances of the City of Shelby be amended to provide for this holiday.

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

Section 1: That Section 260.09 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**260.09 HOLIDAYS.**

(a) The official paid holidays of the city are as follows:

- (1) New Year's Day – January 1;
- (2) Martin Luther King Day – third Monday in January;
- (3) Presidents' Day – third Monday in February;
- (4) Memorial Day – last Monday in May;
- (5) Juneteenth – June 19 (provided, however, that in 2021 said holiday shall be celebrated on November 26);
- (6) Independence Day – July 4;
- (7) Labor Day – first Monday in September;
- (8) Veterans Day – November 11;
- (9) Thanksgiving Day – fourth Thursday in November; and
- (10) Christmas Day – December 25.

(b) In addition to the ten holidays set forth in division (a) hereof, all employees covered by this chapter shall, after one continuing year of service, receive two floating holidays per calendar year, which shall be taken off anytime during the calendar year and prior to December 31 of any given year. An employee must clear his or her date selection with the Mayor or department head. Each department head shall keep accurate records of all time taken off within his or her department.

(c) An employee shall be paid the holidays as aforesaid and shall not be required to work any such holidays, unless, in the opinion of the Director of Public Service, failure to work on the holiday would impair public service or safety. Each employee working on such a holiday shall receive compensation time in lieu of overtime pay.

Section 2: That all other section of Chapter 260 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.

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 Law

**RESOLUTION NO. 44-2021**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT FOR THE CONSTRUCTION OF THE MAIN STREET LEAD SERVICE LINE REPLACEMENT PROJECT AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby desires to construct the Main Street Lead Service Line Replacement project; and

WHEREAS, the City of Shelby intends to apply for a Water Supply Revolving Loan Account Fund (WSRLA) for the construction of the drinking water facilities; and

WHEREAS, the Ohio Water Supply Revolving Loan Account requires the government authority to pass legislation for the application of a loan and the execution of an agreement as well as designating a dedicated repayment source; 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 apply for, accept, and enter into Water Supply Revolving Loan Account for the construction of the Main Street Lead Service Line Replacement Project.

**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 apply for a WSRLA loan, sign all documents for and enter into a Water Supply Revolving Loan Account with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the construction of the Main Street Lead Service Line Replacement Project.

Section 2: That the dedicated source of repayment will be Fund 502 - Water Capital Improvement.

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

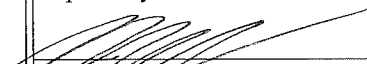
APPROVED:

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

Brian Crum  
Clerk of Council

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

Prepared by:

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