

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

**Shelby City Council Agenda
Monday, June 21, 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 June 7, 2021.

Moved 2ND

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilman Gates

Utilities & Streets Committee—Councilman Martin—NO MEETING

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

Application for Amendment to the City Zoning Code for Jerald L. & Deborah J. Schumacher

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 15-2021

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

2ND READING

Moved 2ND

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

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**

2ND READING

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

ORDINANCE NO 17-2021

**AMENDING ORDINANCE NO 8-2021 (ANNUAL
APPROPRIATIONS) AND DECLARING AN EMERGENCY**

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

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 18-2021

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

1ST READING

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

RESOLUTION NO 30-2021

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

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

RESOLUTION NO 33-2021

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2022

Moved _____ 2ND _____

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

RESOLUTION NO 34-2021

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH MOSIER INDUSTRIAL SERVICE CORP. TO REMOVE RETIRED AND OBSOLETE EQUIPMENT FROM THE MUNICIPAL LIGHT PLANT BUILDINGS

Moved _____ 2ND _____

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

RESOLUTION NO 35-2021

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH SOUTHSIDE EXCAVATING TO REMOVE LIME SLUDGE FROM THE WATER TREATMENT PLANT SLUDGE DRYING LAGOONS 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
6/7/2021

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. Eyster
Director of Law

1st Reading
6/17/2021

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

ORDINANCE NO. 17 - 2021
(Sponsor – Councilmember Martin)

**AMENDING ORDINANCE NO.: 8-2021 (ANNUAL APPROPRIATIONS) AND
DECLARING AN EMERGENCY.**

WHEREAS, on March 15, 2021, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, it is necessary to increase a line item within the 2021 budget and to fund said line item with previously unappropriated monies; 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 these additional appropriations be made effective so as to balance the books for the calendar year 2021 and so as to fund necessary expenditure and/or projects.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO
CONCURRING:**

Section 1: The Ordinance No.: 8-2021 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

230-CAP-587	SELTZER PARK REHAB	\$ 145,000.00
253-FDF-531	MISCELLANEOUS	\$ 45,000.00
400-MFG-526	DIESEL FUEL	\$ 20,000.00
600-DIS-400	WAGES	\$ 40,000.00
600-DIS-418	HOSPITALIZATION	\$ 10,000.00

Section 2: That all other portions of Ordinance No.: 8-2021, not modified expressly herein, 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 is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

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 enterprising 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

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. 33-2021
(Sponsor – Councilmember Gates)

ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2022.

WHEREAS, the Director of Finance and Public Record has submitted a revenue budget for the year 2022, to the Council of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, and general welfare of the citizens of the City of Shelby that the revenue budget for the year 2022 be adopted.

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

Section 1: That the revenue budget for the year 2022 has been submitted to City Council by the Director of Finance and Public Record, and the same is hereby adopted.

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
Director of Finance

Steven L. Schag
Mayor

Prepared by:

Gordon Eyster
Director of Law

RESOLUTION NO. 34-2021
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH MOSIER INDUSTRIAL SERVICE CORP. TO REMOVE RETIRED AND OBSOLETE EQUIPMENT FROM THE MUNICIPAL LIGHT PLANT BUILDINGS.

WHEREAS, the turbine/generators and the 3 MW Cooper Bessemer Diesel/Generator at the Municipal Light Plant are retired from service; and

WHEREAS, the said equipment is obsolete and no longer needed for municipal use; 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 enter into an agreement with Mosier Industrial Services Corp. to remove Turbine/Generator Number 2, Turbine/Generator Number 4, and the 3 MW Cooper Bessemer Diesel/Generator from the Municipal Light Plant buildings.

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

Section 1: That ongoing efforts are eradicating the retired and obsolete equipment from the Municipal Light Plant property.

Section 2: That the Mayor as Director of Public Service is hereby authorized to enter into an agreement with Mosier Industrial Services Corp. to remove Turbine/Generator Number 2, Turbine/Generator Number 4, and the 3 MW Cooper Bessemer Diesel/Generator from the Municipal Light Plant property at 34 Mansfield Avenue.

Section 3: That Mosier Industrial Services Corp. shall retain any and all scrap materials generated from the removal process.

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. Eyster
Director of Law