

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

Shelby City Council Agenda
Monday, October 4, 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 Roub

Moved _____ 2ND _____

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

Dispense with Reading of Journal from September 20, 2021

Moved _____ 2ND _____

Mr. Martin _____ Mr. McLaughlin _____ 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

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

AMP annual conference

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

McBride Park Baseball Field

Legislation

ORDINANCE NO 26-2021

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

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

Moved 2ND

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

PASSAGE OF ORDINANCE

Moved 2ND

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

RESOLUTION NO 65-2021

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO JOIN THE BEE CITY USA ORGANIZATION

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

RESOLUTION NO 66-2021

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT TO ADOPT A NEW SECTION 125 FLEXIBLE BENEFIT PLAN AND VOLUNTARY BENEFITS PROVIDED BY AMERICAN FIDELITY FOR THE EMPLOYEES OF THE CITY OF SHELBY, OHIO, TO BE EFFECTIVE ON JANUARY 1, 2022, AND DECLARING AN EMERGENCY

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

RESOLUTION NO 67-2021

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY BROADWAY SANITARY SEWER REPLACEMENT PROJECT

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

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roberts _____ Mr. Gates _____

ORDINANCE NO. 26 -2021
(Sponsor: Councilmember Gates)

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (January 22, 2020) and have been included in the Codified Ordinances of the City.

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

Section 1: That the editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2-2020	2-18-2020	1040.04
3-2020	2-18-2020	1042.24
4-2020	2-18-2020	1044.09
5-2020	2-18-2020	234.11
6-2020	3-2-2020	1050.02
7-2020	3-2-2020	TSO VII
9-2020	4-6-2020	1050.02
10-2020	5-18-2020	230.04
11-2020	5-18-2020	1050.02
12-2020	6-1-2020	1482.06
15-2020	7-6-2020	276.03
16-2020	8-3-2020	1040.04
19-2020	9-21-2020	1466.24
25-2020	11-2-2020	1474.07
26-2020	11-16-2020	1040.04
27-2020	11-16-2020	1040.04
31-2020	12-21-2020	1050.02

Section 2: That pursuant to Section 17 of the City Charter and R.C. §731.23, the Clerk of Council shall cause to be published a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 16, 2020.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, R.C. §121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and 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. 65 -2021

(Sponsors – Councilmembers Roberts and Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO JOIN THE BEE CITY USA ORGANIZATION.

WHEREAS, this resolution is designating the City of Shelby, Ohio as a BEE CITY USA affiliate; and

WHEREAS, the mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants nearly free of pesticides; and

WHEREAS, thanks to the more than 3,600 species of native bees in the United States, along with introduced honeybees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and

WHEREAS, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and

WHEREAS, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and

WHEREAS, ideal pollinator-friendly habitat (A) Is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season to provide diverse and abundant nectar and pollen, since many wild pollinators prefer or depend on the native plants with which they co-adapted; (B) is nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat; (C) comprises undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering; and (D) provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural, mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and

WHEREAS, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability; and

WHEREAS, The City of Shelby, Ohio should be certified a *BEE CITY USA* community because of the sustainable efforts of a city owned 13 acre pollinating field and the housing of privately owned beehives at the city owned wastewater treatment plant; and

WHEREAS, it is in the interest of 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 join the Bee City USA organization to be able to declare the City of Shelby as a Bee City USA city.

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

Section 1: That in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, the City of Shelby, Ohio chooses to support and encourage healthy pollinator habitat creation and enhancement, resolving as follows:

1. The City of Shelby Public Works and General Operations Committee is hereby designated as the BEE CITY USA sponsor and will provide oversight to the city's BEE CITY USA program affiliation. The Deputy Director of Public Service is designated as the BEE CITY USA Liaison.

2. The Public Works and General Operations Committee is authorized to and shall:
 - a. **Celebration:** Host at least one educational event or pollinator habitat planting or restoration each year to showcase Shelby, Ohio's commitment to raising awareness of pollinator conservation and expanding pollinator health and habitat.
 - b. **Publicity & Information:** Install and maintain at least one authorized BEE CITY USA street sign in a prominent location, and create and maintain a webpage on the City of Shelby, Ohio website which includes, at minimum a copy of this resolution and links to the national BEE CITY USA website; contact information for your BEE CITY USA Liaison and Committee; reports of the pollinator-friendly activities the community has accomplished the previous year(s); and your recommended native plant species list and integrated pest management plan (explained below).
 - c. **Habitat:** Develop and implement a program to create or expand pollinator-friendly habitat on public and private land, which includes, but is not limited to, identifying and inventorying Shelby, Ohio's real property that can be enhanced with pollinator-friendly plantings; creating a recommended locally native plant list to include wildflowers, grasses, vines, shrubs, and trees and a list of local suppliers for those species; and, tracking (by square footage and/or acreage) annual area of pollinator habitat created or enhanced.
 - d. **Pollinator-Friendly Pest Management:** Create and adopt an integrated pest management (IPM) plan designed to prevent pest problems, reduce pesticide use, and expand the use of non-chemical pest management methods.
 - e. **Policy & Plans:** Establish a comprehensive plan to acknowledge and commit to the BEE CITY USA designation and review the Pollinating Conservation Plan and other relevant documents to consider improvements to pest management policies and practices as they relate to pollinator conservation, identify appropriate locations for pollinator-friendly plantings, and consider other appropriate measures.
 - f. **Renewal:** After completing the first calendar year as a BEE CITY USA affiliate, the City shall apply for the annual renewal of Shelby, Ohio's BEE CITY USA designation following the format provided by BEE CITY USA, including a report of the previous year's BEE CITY USA activities, and paying the annual renewal fee based on Shelby, Ohio's population.

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 Eyster
 Director of Law

RESOLUTION NO. 46-2021
(Sponsors – Councilmembers Gates & Martin)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO AN AGREEMENT TO ADOPT A NEW SECTION 125 FLEXIBLE BENEFIT PLAN AND VOLUNTARY BENEFITS PROVIDED BY AMERICAN FIDELITY FOR THE EMPLOYEES OF THE CITY OF SHELBY, OHIO, TO BE EFFECTIVE ON JANUARY 1, 2022, AND DECLARING AN EMERGENCY.

WHEREAS, a service agreement has been created by American Fidelity to administer a new Section 125 Flexible Benefit Plan and Voluntary Benefits; and

WHEREAS, City Council and the Administration have reviewed such service agreement and desire to ratify and adopt such agreement(s).

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 service agreement for the new Section 125 Flexible Benefit Plan and Voluntary Benefits provided by American Fidelity for the employees of The City of Shelby, Ohio, to be effective on January 1, 2022 is hereby approved.

Section 2: That the Mayor is hereby authorized and directed to enter into an agreement with American Fidelity, a copy of the agreement is attached hereto and made a part hereof as though fully rewritten herein.

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 Eyster
Director of Law

RESOLUTION NO. 67 -2021
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY BROADWAY SANITARY SEWER REPLACEMENT PROJECT.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivision for capital improvement to public infrastructures; and

WHEREAS, the City of Shelby is planning to make capital improvements with the Broadway Sanitary Sewer Replacement 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 apply for said funds.

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 apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure for the Broadway Sanitary Sewer Replacement Project.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial 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 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law