

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

**Shelby City Council Agenda
Monday, January 3, 2022
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 Councilmember Roub

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

Dispense with Reading of Journal from December 20, 2021

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub—No Meeting

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO REQUEST A LIQUOR HEARING FOR DANOP LTD AT 191 SR 39

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

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MOTION TO CONFIRM THE APPOINTMENT OF RALPH ROSINSKY TO THE BOARD OF PARK COMMISSIONERS

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

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

Ward Boundaries from 2020 Census

Legislation

ORDINANCE NO 34-2021

**ENACTING SECTION 1040.12 (CONNECTIONS
REQUIRED) INTO CHAPTER 1040 (WATER) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO**

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 42-2021

**AMENDING SUBSTITUTE ORDINANCE NO 1-2020
(ESTABLISHING WAGES FOR DEPARTMENT HEADS
AND OTHER NON-CERTIFIED EMPLOYEES)**

3RD READING

Moved 2ND

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

PASSAGE OF ORDINANCE

Moved 2ND

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

ORDINANCE NO 1-2022

**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 2ND

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

ORDINANCE NO 2-2022

**AMENDING SECTION 206.02 (BOUNDARIES OF WARDS)
OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

1ST READING

Moved 2ND

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

RESOLUTION NO 1-2022

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE IAFF, LOCAL 2492 REGARDING THE HIRING, TRAINING AND RETENTION OF NEW EMPLOYEES IN BARGAINING UNIT WHO, AT THE TIME OF THEIR HIRING, DO NOT POSSESS PROFESSIONAL FIREFIGHTER CERTIFICATION AND/OR EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC CERTIFICATION

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

Miscellaneous Business

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

1st Reading
12/14/2021

2nd Reading
12/20/2021

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

ENACTING SECTION 1040.12 (CONNECTIONS REQUIRED) INTO CHAPTER 1040 (WATER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to enact section 1040.12 (Connections Required) into Chapter 1040 (Water) to provide language for the required water source connections for newly constructed or existing homes, buildings and structures; and

WHEREAS, all newly constructed homes, buildings, and structures shall connect to the public water source when the public water source is available; and

WHEREAS, an owner of an existing home, building or structure within the corporation limits shall be able to choose between the public water source or a private water source (water well) if the said real property is currently supplied by a private water 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 Section 1040.12 (Connections Required) be enacted into Chapter 1040 (Water) to establish the permitted water source connection for newly constructed or existing homes, buildings and structures.

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

Section 1: That Section 1040.12 (Connections Required) be enacted into Chapter 1040 (Water) to establish language that specifies the permitted water source connection for newly constructed or existing homes, buildings and structures.

Section 2: That Section 1040.12 Connections Required shall read as follows:

Section 1040.12 Connections Required

Each newly constructed home, building or structure, if on real property located within reasonable distance of an existing public water source, as determined by the City Engineer, shall connect to the public water source.

Each existing home, building or structure, if on real property within the limits of the corporation that has an established private water source (water well) from within and on the real property before the public water source was available may choose from the public water source or the private water source. The private water source shall comply with the laws and rules set forth by the Ohio Environmental Protection Agency, the County Health Department, or the City Division of Health, whichever has jurisdiction for private water systems.

Each existing home, building or structure that has a private water source (water well) and is connected to the public sanitary sewer system shall install a municipally owned water meter on the water supply line within the home, building or structure so as to meter the amount of wastewater discharge from the premise to the public sanitary sewer collection system. The monthly water consumption registered by the water meter shall be used to calculate the monthly sewer bill.

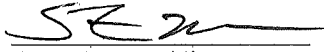
Each new subdivision shall follow the language for water service as established in Chapter 1246 (Design Standards).

Section 3: That all other provisions in Chapter 1040 (Water) 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 Eyster
Director of Law

1st Reading
12/14/2021

2nd Reading
12/20/2021

ORDINANCE NO. 42 -2021
(Sponsor: Councilmember Gates)

AMENDING SUBSTITUTE ORDINANCE NO. 1-2020 (ESTABLISHING WAGES FOR DEPARTMENT HEADS AND OTHER NON-CERTIFIED EMPLOYEES).

WHEREAS, on February 20, 2020, Council passed Substitute Ordinance No. 1-2020 in order to establish wages for department heads and other non-certified employees; and

WHEREAS, the Director of Finance and Public Record has requested that the position of Income Tax Clerk be divided into the positions of Income Tax Clerk 1 and Income Tax Clerk 2; 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 Substitute Ordinance No. 1-2020 be amended to grant the Finance Director's request and to make other adjustments.

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

Section 1: That, effective January 1, 2022, the salaries, hourly wages, and wage ranges for the positions set forth below shall be as follows:

DEPARTMENT HEADS AND SUPERINTENDENTS HOURLY WAGES

Deputy Director of Public Service	a maximum of \$43.00
Chief of Police	a maximum of \$45.00
Fire Chief	a maximum of \$45.00
Superintendent of Electric Electric Distribution	a maximum of \$40.00
Superintendent of Service Department	a maximum of \$40.00
Superintendent of Water Plant & Distribution	a maximum of \$40.00
Superintendent of Waste Water Treatment Plant & Sewers	a maximum of \$40.00

DEPARTMENT HEADS ANNUAL SALARY RANGE

Health Commissioner	\$10,000.00 - \$72,000.00
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NON-CERTIFIED EMPLOYEE ANNUAL SALARY RANGE

Medical Director	\$5,000.00 - \$25,000.00
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OTHER NON-CERTIFIED EMPLOYEES HOURLY WAGES AND RANGES

Deputy Director of Finance	a maximum of \$33.00
Clerk of Courts	a maximum of \$33.00
City Project Coordinator	a maximum of \$35.50
Utility Office Supervisor	\$17.00 - \$28.50

Assistant to Deputy Director of Public Service	\$17.00 - \$27.00
Environmental Health Director/Sanitarian	a maximum of \$33.50
Director of Community Health/Nurse	a maximum of \$28.50
Probation Officer	\$15.00 - \$22.50
Secretary to the Mayor & Finance Director	\$15.00 - \$25.00
Income Tax Clerk 1	\$15.00 - \$23.00
Income Tax Clerk 2	\$17.00 - \$25.00
Secretary to the Law Director (part-time)	\$15.00 - \$23.00

Section 2: That wages and salaries shall not exceed the top values as noted in Section 1.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.21, 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO: 1 -2022
(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, the Balance Levelization was established to help reduce the electric fund balance; and

WHEREAS, the fund balance has been reduced to the proposed electric cash reserve policy level; and

WHEREAS, it is necessary at this time to modify Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) to amend the negative rate rider from \$0.0022/kWh to \$0.0000/kWh to help retain the available cash balance at the desired level; 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 \$0.0000 / kWh. The negative rate *rider* shall cease from all service schedules and be removed from the utility bill.

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

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 2 -2022
(Sponsor – Councilmember Gates)

AMENDING SECTION 206.02 (BOUNDARIES OF WARDS) OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 206.01 of the Codified Ordinances of the City of Shelby requires that each of the City's four wards "shall contain as nearly as practicable an equal number of inhabitants"; and

WHEREAS, Council met on Wednesday, December 15, 2021, as the Committee of the Whole to consider adjusting ward boundaries in light of the results of the Twenty-fourth Decennial United States Census; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the boundaries of wards – specifically the boundaries of the Third and Fourth Wards – be adjusted to comply with the requirements of Codified Ordinance 206.01;

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

Section 1: That Section 206.02 of the Codified Ordinances of the City of Shelby be amended to read as follows:

206.02 BOUNDARIES OF WARDS.

The boundaries of the wards of the city are as follows:

(a) *First Ward.* The first ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of the Black Fork of the Mohican River and West Main Street; from there westerly along the centerline of West Main Street to the west corporation line; from there generally northerly and easterly along the corporation line to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West State Street; from there westerly along the centerline of West State Street to the centerline of Leslie Lane; from there southerly along the centerline of Leslie Lane to the centerline of Maple Street; from there easterly along the centerline of Maple Street to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West Smiley Avenue; from there easterly along the centerline of West Smiley Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the point of beginning.

(b) *Second Ward.* The second ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of East Main Street and Mansfield Avenue; from there southerly along the centerline of Mansfield Avenue to the centerline of Monroe Avenue; from there southwesterly along the centerline and the extension of the centerline of Monroe Avenue to the centerline of the Ashland Railway right-of-way; from there southerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Simeon Avenue; from there westerly along the extension of the centerline and the centerline of Simeon Avenue to the centerline of Park Avenue; from there northerly along the centerline of Park Avenue to the centerline of East Tucker Avenue; from there westerly along the centerline of East Tucker Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the south corporation line; from there generally westerly and northerly along the corporation line to the centerline of West Main Street; from there easterly along the centerlines of West and East Main Streets to the point of beginning.

(c) *Third Ward.* The third ward shall contain all the territory bounded as follows: beginning for the same at the intersection of the centerlines of Mansfield Avenue and East Main Streets; from there westerly along the centerline of East Main Street to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of West Smiley Avenue; from there westerly along the

centerline of West Smiley Avenue to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the centerline of Maple Street; from there westerly along the centerline of Maple Street to the centerline of Leslie Lane; from there northerly along the centerline of Leslie Lane to the centerline of West State Street; from there easterly along the centerline of West State Street to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the north corporation line; from there generally easterly and southerly along the corporation line to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the centerline of Technology Parkway; from there southerly along the centerline of Technology Parkway to the centerline of Glenwood Drive; from there westerly along the centerline of Glenwood Drive to the centerline of Samantha Drive; from there northerly along the centerline of Samantha Drive to the centerline of Parkwood Drive; from there westerly along the centerline of Parkwood Drive to the boundary line between Jackson and Sharon Townships; from there northerly along said boundary line to the centerline of Grand Boulevard; from there westerly along the centerline of Grand Boulevard to the centerline of Wentz Avenue; from there southerly along the centerline of Wentz Avenue to the de facto centerline of Parkwood Drive; from there westerly along the de facto centerline of Parkwood Drive to the centerline of Mansfield Avenue; from there along the centerline of Mansfield Avenue to the point of beginning.

(d) *Fourth Ward.* The fourth ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of Wentz Avenue and Grand Boulevard; from there easterly along the centerline of Grand Boulevard to the boundary line between Sharon and Jackson Townships; from there southerly along said boundary line to the centerline of Parkwood Drive; from there easterly along the centerline of Parkwood Drive to the centerline of Samantha Drive; from there southerly along the centerline of Samantha Drive to the centerline of Glenwood Drive; from there easterly along the centerline of Glenwood Drive to the centerline of Technology Parkway; from there northerly along the centerline of Technology Parkway to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the east corporation line; from there generally southerly and westerly along the corporation line to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of East Tucker Avenue; from there easterly along the centerline of East Tucker Avenue to the centerline of Park Avenue; from there southerly along the centerline of Park Avenue to the centerline of Simeon Avenue; from there easterly along the centerline and the extension of the centerline of Simeon Avenue to the centerline of Ashland Railway right-of-way; from there northerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Monroe Avenue; from there northeasterly along the extension of the centerline and the centerline of Monroe Avenue to the centerline of Mansfield Avenue; from there southeasterly along the centerline of Mansfield Avenue to the de facto centerline of Parkwood Drive; from there easterly along the de facto centerline of Parkwood Drive to the centerline of Wentz Avenue; from there northerly along the centerline of Wentz Avenue to the point of beginning.

Section 2: That there be attached to this Ordinance a map delineating the ward boundaries as defined in Section 1 above.

Section 3: That all other sections of Chapter 206 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.

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

RESOLUTION NO. 1 -2022
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE IAFF, LOCAL 2492 REGARDING THE HIRING, TRAINING AND RETENTION OF NEW EMPLOYEES IN BARGAINING UNIT WHO, AT THE TIME OF THEIR HIRING, DO NOT POSSESS PROFESSIONAL FIREFIGHTER CERTIFICATION AND/OR EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC CERTIFICATION.

WHEREAS, City Council and the Administration have conducted settlement of the hiring, training and retention of new employees in bargaining unit who, at the time of their hiring, do not possess professional firefighter certification and/or emergency medical technician-paramedic certification; and

WHEREAS, such negotiations have provided a tentative agreement between parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and;

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the City of Shelby execute a Memorandum of Understanding with the IAFF, Local 2492 regarding the hiring, training and retention of new employees in bargaining unit who, at the time of their hiring, do not possess Professional Firefighter Certification and/or Emergency Medical Technician-Paramedic Certification.

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 Safety shall be and is hereby authorized to sign a Memorandum of Understanding, a copy of which is attached to and incorporated into this Resolution as if fully written herein, with the IAFF, Local 2492 regarding the hiring, training and retention of new employees in bargaining unit who, at the time of their hiring, do not possess Professional Firefighter Certification and/or Emergency Medical Technician-Paramedic Certification.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all resolutions in conflict with the express provisions of their Agreement are superseded by this agreement.

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