

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

Shelby City Council Agenda
Monday, March 21, 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 _____

Dispense with Reading of Journal from March 7, 2022

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember Gates

Utilities & Streets Committee—Councilmember Martin

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF RANDY SAMPSEL TO THE
COMMUNITY IMPROVEMENT CORPORATION (CIC)**

Moved _____ 2ND _____

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Local Government Officials 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

Ice Plant Property

Legislation

ORDINANCE NO 3-2022

**CREATING APPROPRIATIONS FOR THE YEAR 2022 AND
DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 4-2022

ENACTING SECTION 248.06 (CASH RESERVE) OF CHAPTER 248 (DIVISION OF ELECTRICITY AND COMMUNICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved 2ND

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

RESOLUTION NO 15-2022

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2022

Moved 2ND

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

RESOLUTION NO 16-2022

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2022 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY

Moved 2ND

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

Miscellaneous Business

Adjournment at p.m.

Moved 2ND

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

ORDINANCE NO. 3 - 2022
(Sponsors- Councilmembers Gates & Martin)

CREATING APPROPRIATIONS FOR THE YEAR 2022 AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code §5705.38 requires that “the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure. . . . no later than the first day of April of the current year”; and

WHEREAS, the Director of Finance and Public Record, in cooperation with the Finance Committee of City Council, and the Administration and Department Heads have prepared the “Annual Appropriation Ordinance” as attached hereto and made a part hereof; 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 said Annual Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and so as to comply with the provisions of the Ohio Revised Code.

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: That an appropriation is hereby made and authorized for the year 2022, the same to be in full force and effect from and after approval, as and for the general appropriations for the City of Shelby for the year 2022.

Section 2: That City Council does hereby appropriate as an appropriation for the year 2022 the following sums, to wit:

2022	Fund	Personal	Other	Total
GENERAL FUND	101			
Building and Zoning		\$0.00	\$3,850.00	\$3,850.00
City Administration & Buildings		\$0.00	\$42,300.00	\$42,300.00
Civil Service		\$75.00	\$200.00	\$275.00
Council		\$47,225.00	\$11,900.00	\$59,125.00
Court		\$344,650.00	\$129,700.00	\$474,350.00
Finance		\$206,300.00	\$15,050.00	\$221,350.00
Law		\$108,400.00	\$25,300.00	\$133,700.00
Economic Development		\$0.00	\$414,850.00	\$414,850.00
Engineering		\$102,850.00	\$21,650.00	\$124,500.00
Fire		\$902,500.00	\$86,400.00	\$988,900.00
Mayor		\$154,850.00	\$5,450.00	\$160,300.00
Misc.		\$0.00	\$86,100.00	\$86,100.00
Police		\$1,565,800.00	\$399,700.00	\$1,965,500.00
Transportation		\$0.00	\$44,000.00	\$44,000.00
Transfers		\$0.00	\$540,000.00	\$540,000.00
TOTAL		\$3,432,650.00	\$1,826,450.00	\$5,259,100.00
SPECIAL FUNDS	Fund			
Street	200	\$324,450.00	\$2,003,650.00	\$2,328,100.00
State Highway	205	\$51,400.00	\$0.00	\$51,400.00
Street Sales Tax	210	\$0.00	\$83,000.00	\$83,000.00
Income Tax	220	\$147,800.00	\$4,539,200.00	\$4,687,000.00
Health	225	\$305,850.00	\$216,150.00	\$522,000.00
Park	230	\$31,250.00	\$1,720,000.00	\$1,751,250.00
Rehab Escrow CDBG	232	\$0.00	\$26,000.00	\$26,000.00
Court Probation	233	\$20,600.00	\$7,200.00	\$27,800.00
BMV Reimbursement	234	\$0.00	\$1,500.00	\$1,500.00

Law Enforcement Trust	235	\$0.00	\$8,730.00	\$8,730.00
Court IDAT	236	\$0.00	\$27,000.00	\$27,000.00
Court Enforce. & Education	237	\$0.00	\$700.00	\$700.00
Dare	238	\$0.00	\$5,000.00	\$5,000.00
Unclaimed Monies	240	\$0.00	\$500.00	\$500.00
Court IDAM	242	\$0.00	\$5,500.00	\$5,500.00
CDBG General	250	\$0.00	\$106,000.00	\$106,000.00
Home Program	251	\$0.00	\$217,000.00	\$217,000.00
Local Coronavirus Relief	283	\$0.00	\$0.00	\$0.00
Local Fiscal Recovery	284	\$953,003.00	\$0.00	\$953,003.00
City Admin. & Bldg.	650	\$0.00	\$0.00	\$0.00
Police Pension	700	\$252,000.00	\$800.00	\$252,800.00
Fire Pension	701	\$250,000.00	\$1,150.00	\$251,150.00
Shade Tree Trust	705	\$0.00	\$4,600.00	\$4,600.00
FEMA	815	\$0.00	\$0.00	\$0.00
TOTAL		\$2,336,353.00	\$8,973,680.00	\$11,310,033.00

Debt Service Funds

Special Bond	275	\$0.00	\$1,000.00	\$1,000.00
General Bond SSE	281	\$0.00	\$0.00	\$0.00
USDA	282	\$0.00	\$0.00	\$0.00
Light Debt Reserve	602	\$0.00	\$55,000.00	\$55,000.00
TOTAL		\$0.00	\$56,000.00	\$56,000.00

Capital Project Funds

Court Computer	239	\$0.00	\$14,000.00	\$14,000.00
Police Computer	241	\$0.00	\$1,500.00	\$1,500.00
Capital Improvement	300	\$0.00	\$519,900.00	\$519,900.00
Shelby Reservoir	301	\$0.00	\$0.00	\$0.00
Sewer Construction	302	\$0.00	\$0.00	\$0.00
San./Storm/Sewer - Equipment	303	\$0.00	\$0.00	\$0.00
Court Capital Improvement	304	\$0.00	\$13,000.00	\$13,000.00
Fox Run Six	322	\$0.00	\$0.00	\$0.00
Fox Run Seven	324	\$0.00	\$0.00	\$0.00
Water Facilities 69%	350	\$0.00	\$0.00	\$0.00
Bridges & Sidewalks 29%	351	\$0.00	\$0.00	\$0.00
Sidewalks 2%	352	\$0.00	\$16,150.00	\$16,150.00
Streets, Alleys, Catch Basin Fund	353	\$0.00	\$524,500.00	\$524,500.00
Police/Court	354	\$0.00	\$608,500.00	\$608,500.00
Police Equipment	702	\$0.00	\$24,000.00	\$24,000.00
Fire Equipment	703	\$0.00	\$275,000.00	\$275,000.00
TOTAL		\$0.00	\$1,996,550.00	\$1,996,550.00

Permanent Fund

Mini Park Trust	710	\$0.00	\$3,000.00	\$3,000.00
TOTAL		\$0.00	\$3,000.00	\$3,000.00

Special Assessment Fund

Fire Damage Fund	253	\$0.00	\$101,974.00	\$101,974.00
TOTAL		\$0.00	\$101,974.00	\$101,974.00

Enterprise Funds

Sewer	400	\$930,050.00	\$682,875.00	\$1,612,925.00
San. Sewer Capital Improvements	401	\$0.00	\$618,600.00	\$618,600.00
Waste Water Capital Improvements	402	\$0.00	\$782,550.00	\$782,550.00
Water	500	\$1,114,100.00	\$1,112,250.00	\$2,226,350.00
Water Facilities	501	\$0.00	\$330,000.00	\$330,000.00

Water Capital Improvements	502	\$0.00	\$715,300.00	\$715,300.00
Electric	600	\$1,270,000.00	\$11,301,400.00	\$12,571,400.00
TOTAL		\$3,314,150.00	\$15,542,975.00	\$18,857,125.00

Internal Service Fund

Sharing Fund	706	\$0.00	\$25,000.00	\$25,000.00
Hospitalization	715	\$0.00	\$1,700,000.00	\$1,700,000.00
TOTAL		\$0.00	\$1,725,000.00	\$1,725,000.00

Agency Fund

Playscape Trust	231	\$0.00	\$0.00	\$0.00
Light Customer Deposit	601	\$0.00	\$113,000.00	\$113,000.00
Bicentennial Trust	800	\$0.00	\$0.00	\$0.00
Total Agency Funds		\$0.00	\$113,000.00	\$113,000.00

		Personal	Other	Total
TOTAL		\$9,083,153.00	\$30,338,629.00	\$39,421,782.00

Section 3: That the Director of Finance and Public Record is hereby authorized to draw warrants on the City Treasury for the amounts appropriated in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

Section 4: That transfers may be made from line item to line item within the Financial Department without specific Council authorization provided, however, that no line item may be increased during 2022 by a sum greater than 10% of the original appropriation or \$5,000.00 whichever is greater. Said transfer shall be certified by the Director of Finance and Public Record, signed by the Mayor, and by the elected official or board or commission responsible for each financial department.

Section 5: 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 6: That this Ordinance is hereby deemed to be an emergency so as to provide for the usual daily operations of municipal government 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. Byster
Director of Law

ORDINANCE NO. 4-2022
(Sponsor – Councilmember Gates)

ENACTING SECTION 248.06 (CASH RESERVE) OF CHAPTER 248 (DIVISION OF ELECTRICITY AND COMMUNICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Director of Finance and Public Record and the Director of Utilities have recommended that the optimum cash reserve in the Electric and Communications Fund be set at \$4,500,000, free and clear of encumbrances; and

WHEREAS, said reserve would maintain a three-month cash balance to cover the costs of distribution, manufacturing, maintenance, purchase power, office, capital, and catastrophic events; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that this recommendation be approved by Council and enacted into law.

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

Section 1: That Section 248.06 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

248.06 CASH RESERVE.

(a) The optimum cash reserve in the Electric and Communications Fund shall be \$4,500,000, free and clear of encumbrances.

(b) On or before December 1 of each year, the Director of Public Service shall recommend in writing to Council what changes, if any, should be made to the cash reserve.

Section 2: That all other sections of Chapter 248 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 Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

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

RESOLUTION NO. 15-2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PARTICIPATE IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2022.

WHEREAS, the City of Shelby is desirous to participate with the Ohio Department of Transportation to purchase salt; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Ohio Department of Transportation for the purchase of rock salt.

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

Section 1: The City of Shelby (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon an award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29, 2021 by **5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation

agreement and/or a Political Subdivision's request to rescind its participation agreement.

Section 2: That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract and authorizes the Mayor as Director of Public Service to sign the agreement.

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 Crum
Clerk of Council
Steven L. Schag
Mayor

Prepared by:

~~Gordon M. Eyster~~
Director of Law

RESOLUTION NO. 16 -2022
(Sponsor- Councilmember Martin)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2022 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, plans and specifications have been completed for the 2022 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; 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 said improvements be made to said streets within the City of Shelby.

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 2022 Paving Project in the City of Shelby 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 said paving 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 therefor, 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