

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

Shelby City Council Agenda
Monday, August 1, 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 McLaughlin

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

Dispense with Reading of Journal from July 18, 2022

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin-No Meeting

Public Works & General Operation Committee—Councilmember Roub

Parking Committee—Councilmember 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

Former Ice Plant Property

Legislation

ORDINANCE NO 14-2022

**PROPOSING AN AMENDMENT TO SECTION 46 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 16-2022

**AMENDING CHAPTER 1044 (SEWER CHARGES),
SECTION 1044.02 (CONDITIONS OF SERVICE; RATE
SCHEDULE) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY, OHIO**

2ND READING

Moved _____ 2ND _____

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

RESOLUTION NO 46-2022

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO ACCEPT THE PROPOSAL FROM MID-
STATE BLACKTOP, INC TO MILL AND PAVE
WASHINGTON STREET**

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
7/15/2022

2nd Reading
7/18/2022

ORDINANCE NO. 14 -2022
(Sponsor: Councilmember Gates)

PROPOSING AN AMENDMENT TO SECTION 46 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS.

WHEREAS, under the authority of Article XVIII, Section 7 of the Ohio Constitution, the City of Shelby adopted a Charter which became effective on January 1, 1922; and

WHEREAS, Section 123 of said Charter provides for the amendment thereof and the submission of proposed amendments to the electors of the City; 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 a proposed amendment to Charter Section 46 be passed and submitted to the electors of the City of Shelby.

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 there be submitted to the electors of the City at the election to be held on Tuesday, November 8, 2022, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 46 as noted herein below with language to be deleted shown with strikethroughs:

Section 46. No contract, agreement or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council or by any officer of the city, unless the director of finance and public record shall first certify to the council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and recorded in the records of the council. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement or obligation.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales or services, products or by-products, or from any city undertakings, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds, or notes sold and in process of delivery, shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification. ~~No contract shall be let which exceeds the estimate for the improvement contemplated.~~

Section 2: That the ballots on the proposed Charter amendment, as set forth in Section 1 hereof, for said election shall each be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

**PROPOSED CHARTER AMENDMENT
CITY OF SHELBY**

A Majority Affirmative Vote Is Necessary For Passage

The proposed amendment to Section 46 of the Shelby Charter removes the requirement that no contract shall be let which exceeds the estimate.

SHALL SECTION 46 OF THE SHELBY CHARTER BE AMENDED? YES
NO

Section 3: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all actions necessary to submit the above question to the electors of the City at the election held on November 8, 2022.

Section 4: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Elections no later than 4:00 PM of the seventy-fifth day prior to the election.

Section 5: That the Clerk of Council shall provide notice of this proposed amendment to the Charter in a newspaper of general circulation not less than thirty (30) days prior to the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2023.

Section 7: 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 8: 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
7/18/2022

ORDINANCE NO. 16 -2022
(Sponsor – Councilmember Martin)

AMENDING CHAPTER 1044 (SEWER CHARGES), SECTION 1044.02 (CONDITIONS OF SERVICE; RATE SCHEDULE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule) to maintain a sustainable financial balance for the operation of the sewer fund; and

WHEREAS, the fund balance has endured a substantial decline in revenue from multiple factors including; the loss of leachate and septage deliveries, loss of revenue during Covid19 stay at home orders, a reduction in the quarterly Production Cost Adjuster (PCA) due to increased plant efficiencies, and the 2022 annual Consumer Price Index (CPI) adjustment per the maximum allowance by ordinance was below the reported percentage per the U.S. Bureau of Labor Statistics, Division of Consumer Prices and Price Indexes; 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) be amended to adjust the base rate schedule for sewer services from the current annual rate of \$1.3514 per 100 cubic feet to \$1.6550 per 100 cubic feet to maintain a financially sustainable fund balance as required for an enterprising utility service.

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 Schedules) of the Codified Ordinances of the City of Shelby shall be amended to implement an adjustment to the annual base rate as follows:

§ 1044.02 CONDITIONS OF SERVICE; RATE SCHEDULE.

The terms and conditions upon which the owners of lots and lands within and outside of the corporate limits of the city may connect to or receive the benefits of the sewerage system, either directly or indirectly, and the charges for the service, shall be as follows:

(a) *Domestic.*

(1) Per dwelling unit inside the city limits, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$8.0246
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(2) Per dwelling unit outside the city limits, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$16.0494
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(3) The rate for elderly or totally disabled customers who meet age, income and other prerequisites as determined by the Director of Public Service (such prerequisites being subject to approval of Council) shall have the customer charge portion of their bill reduced by 10%.

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$7.2304
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(b) *Commercial and/or industrial.*

(1) Per commercial unit producing human waste only, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$16.0494
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

(2) Per commercial unit producing other than human waste or per industrial unit, per month:

	<i>Base</i>	<i>PCA</i>	<i>PER</i>	<i>8/22/2022</i>
Customer charge				\$48.1343
Usage charge (per 100 cu. ft. of water)	\$1.6550	\$0.8000	\$0.7060	\$3.1610

Section 2: That all other provisions in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedules) 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

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon Eyster
Director of Law

RESOLUTION NO. 46-2022
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACCEPT THE PROPOSAL FROM MID-STATE BLACKTOP, INC. TO MILL AND PAVE WASHINGTON STREET.

WHEREAS, Mid-State Blacktop, Inc. has provided a proposal to mill and pave Washington Street; and

WHEREAS, the proposal amount to mill 3 inches of concrete from the existing concrete road surface and repave the street with an asphalt topcoat was submitted at a cost of \$36,500; 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 accept the proposal from Mid-State Blacktop, Inc. to mill and pave Washington Street.

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 accept the proposal from Mid-State Blacktop, Inc. to mill and pave Washington Street.

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. Byster
Director of Law