

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

**Shelby City Council Agenda**  
**Monday, August 15, 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 \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Motion to excuse Councilmember Martin**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from August 1, 2022**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilmember Gates

Utilities & Streets Committee—Councilmember Martin

Safety 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 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**

**3RD READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**ORDINANCE NO 17-2022**

**AMENDING SECTION 642.15 (PLACING SIGNS) OF  
CHAPTER 642 (OFFENSES RELATING TO PROPERTY) OF  
THE CODIFIED ORDINANCES OF THE CITY OF SHELBY,  
OHIO**

**1ST READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**RESOLUTION NO 47-2022**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SAFETY TO ENTER INTO A FIRE PROTECTION  
CONTRACT WITH SHARON TOWNSHIP**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

1st Reading  
7/18/2022  
2nd Reading  
8/1/2022

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

ORDINANCE NO. 17 -2022  
(Sponsor: Councilmember Gates)

**AMENDING SECTION 642.15 (PLACING SIGNS) OF CHAPTER 642 (OFFENSES RELATING TO PROPERTY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, it has become necessary to revise the ordinance concerning the posting of signs on utility poles within 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 Codified Ordinance Section 642.15 be amended.

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

Section 1: That Section 642.15 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**§ 642.15 PLACING SIGNS.**

- (a) Except for government placed signs, no person shall place a sign or other material upon a city-owned pole, or upon any pole, fixture, apparatus, or tree located within a city right-of-way along a public thoroughfare.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

Section 2: That all other sections of Chapter 642 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.

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 M. Eyster  
Director of Law

RESOLUTION NO.: 47 -2022  
(Sponsor: Councilmember Roberts)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIRE PROTECTION CONTRACT WITH SHARON TOWNSHIP.**

WHEREAS, Sharon Township desires to obtain fire protection for its property and residents from the City of Shelby, Ohio Fire Department; and

WHEREAS, the City of Shelby, Ohio is willing and able to furnish said fire protection for Sharon Township; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby and the citizens of Sharon Township that the Mayor as Director of Public Safety enter into said agreement, to provide fire protection to the property and citizens of Sharon Township.

**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, Ohio agrees to provide Sharon Township with fire protection by the City of Shelby's Fire Department for a period of five (5) years commencing October 1, 2022, and terminating on September 30, 2027, inclusive, at the following rates, payable in full within Thirty (30) days after the end contract year, upon submission of invoice:

October 1, 2022-September 30, 2023	\$73,700.00*
October 1, 2023-September 30, 2024	\$74,924.00*
October 1, 2024-September 30, 2025	\$63,672.48
October 1, 2025-September 30, 2026	\$64,945.93
October 1, 2026-September 30, 2027	\$66,244.85

\*(includes \$12,500.00 balloon payment each year for 1<sup>st</sup> and 2<sup>nd</sup> years)

Section 2: This contract cannot be terminated due to monetary consideration by either party.

Section 3: The City of Shelby, Ohio agrees that the Fire Department services provided to Sharon Township shall be equal to that provided to the property and people of the City of Shelby, Ohio.

Section 4: The City of Shelby, Ohio agrees to provide state certified fire inspectors to provide fire inspection to Sharon Township if requested by its Board of Trustees.

Section 5: Either the City of Shelby, Ohio or Sharon Township may terminate this agreement provided that it gives the other party written notice One Hundred Eighty (180) days before the date on which it wishes to terminate said agreement.

Section 6: 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 7: 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 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