

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

**Shelby City Council Agenda
Monday, March 6, 2023
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. Gates _____ Mr. Martin _____

Motion to excuse Councilmember Roberts

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

Dispense with the Reading of the Journal from February 21, 2023

Moved _____ 2ND _____
Mr. Roub _____ 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—No Meeting

Safety Committee—Councilmember Roberts—No Meeting

Parking Committee—Councilmember Roberts—No Meeting

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

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

Legislation

ORDINANCE NO 5-2023

AUTHORIZING THE CONSUMER PRICE INDEX (CPI) TO BE ADJUSTED UPWARD ABOVE THE ALLOWABLE PERCENTAGE PER THE LANGUAGE IN THE (e) RATE ADJUSTMENT PROVISION OF 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 _____ 2ND _____
Mr. Roub _____ Mr. Gates _____ Mr. Martin _____

PASSAGE OF ORDINANCE

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

ORDINANCE NO 6-2023

AUTHORIZING THE CONSUMER PRICE INDEX (CPI) TO BE ADJUSTED UPWARD ABOVE THE ALLOWABLE PERCENTAGE PER THE LANGUAGE IN RULE 43 OF CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 8-2023

AMENDING SECTION 204.03 (COMMEMORATIVE DATES) OF CHAPTER 204 (OFFICIAL STANDARDS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

2ND READING

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

Miscellaneous Business

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

1st Reading
2/16/2023

2nd Reading
2/21/2023

ORDINANCE NO. 5-2023
(Sponsor: Councilmember Martin)

AUTHORIZING THE CONSUMER PRICE INDEX (CPI) TO BE ADJUSTED UPWARD ABOVE THE ALLOWABLE PERCENTAGE PER THE LANGUAGE IN THE (e) RATE ADJUSTMENT PROVISION OF CHAPTER 1044 (SEWER CHARGES), SECTION 1044.02 (CONDITIONS OF SERVICE; RATE SCHEDULE) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the current language in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (e) Rate Adjustment Provision limits the Consumer Price Index (CPI) upward adjustment to a maximum of 5% in any one year; and

WHEREAS, the Consumer Price Index (CPI) released on January 12, 2023 had an adjustment of 5.7%; and

WHEREAS, it is required by the language in Ord. 26-2022 to present the percentage above the 5% to Council to determine whether the additional Consumer Price Index (CPI) percentage shall be implemented to the adjustment in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), (e) Rate Adjustment Provision; 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 additional 0.7 percent adjustment of the Consumer Price Index (CPI) be authorized and implemented to the (e) Rate Adjustment Provision in Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule).

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

Section 1: That the Consumer Price Index (CPI) adjustment shall be adjusted upward by 0.7 percent in the (e) Rate Adjustment Provision of Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule).

Section 2: That the 0.7 percent additional upward adjustment to the Consumer Price Index (CPI) shall be implemented to the (e) Rate Adjustment Provision of Chapter 1044 (Sewer Charges), Section 1044.02 (Conditions of Service; Rate Schedule), in the 2nd Quarter sewer rate adjustment.

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:

A handwritten signature in black ink, appearing to read "Gordon Eyster", is written over a horizontal line.

Gordon Eyster
Director of Law

1st Reading
2/6/2023

2nd Reading
2/21/2023

ORDINANCE NO. 6 -2023
(Sponsor: Council Member Martin)

AUTHORIZING THE CONSUMER PRICE INDEX (CPI) TO BE ADJUSTED UPWARD ABOVE THE ALLOWABLE PERCENTAGE PER THE LANGUAGE IN RULE 43 OF CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the current language in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 43 limits the Consumer Price Index (CPI) upward adjustment to a maximum of 5% in any one year; and

WHEREAS, the Consumer Price Index (CPI) released on January 12, 2023 had an adjustment of 5.7%; and

WHEREAS, it is required by the language in Ord. 27-2022 to present the percentage above the 5% to Council to determine whether the additional percentage shall be implemented to the adjustment in Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rules Regulations and Fixed Charges for Municipal Water Systems); 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 additional 0.7 percent adjustment of the Consumer Price Index (CPI) be authorized and implemented to Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System).

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

Section 1: That the Consumer Price Index (CPI) adjustment shall be adjusted upward by 0.7 percent in Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rules Regulations and Fixed Charges for Municipal Water Systems).

Section 2: That the 0.7 percent additional upward adjustment to the Consumer Price Index (CPI) shall be implemented to Rule 43 of Chapter 1040 (Water), Section 1040.04 (Rule, Regulations and Fixed Charges for Municipal Water Service) in the 2nd Quarter water rate adjustment.

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

1st Reading
2/21/2023

ORDINANCE NO. 8 -2023
(Sponsors – Councilmembers Gates and Roub)

AMENDING SECTION 204.03 (COMMEMORATIVE DATES) OF CHAPTER 204 (OFFICIAL STANDARDS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

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 late Charles W. Follis be honored by the addition of his birthdate to the list of official commemorative dates.

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

Section 1: That Section 204.03 of the Codified Ordinances of the City of Shelby be amended to read as follows:

204.03 COMMEMORATIVE DATES.

(a) The following dates are hereby established for the commemoration of significant events in the history of the City and State:

- (1) February 3 shall be known as "Charles W. Follis Day" to honor the memory and 1880 birthdate of this former Shelby Blues team member who is recognized as the first African American professional football player.
- (2) March 1 shall be known as "Ohio Statehood Day" to recognize the entrance of the seventeenth state into the Union.
- (3) June 3 shall be known as "James E. Henkel Day" to honor the memory of the late mayor of the City of Shelby who was born on this day in 1945.
- (4) June 26 shall be known as "Founding Day" in commemoration of James Gamble's signing of his plat of the Town of Shelby in 1834.
- (5) July 18 shall be known as "Tuby Day" in recognition of the incorporation of the Ohio Seamless Tube Company in 1908.
- (6) August 9 shall be known as "Charter Day" to honor the adoption of the Charter of the City by the voters in 1921.
- (7) October 14 shall be known as "Incorporation Day" in recognition of the establishment of the Incorporated Village of Shelby in 1853.
- (8) November 28 shall be known as "Dawn Powell Day" to celebrate the 1896 birth of this distinguished author and former resident.

(b) Nothing herein shall be interpreted as creating additional paid holidays for employees of the City.

Section 2: That all other sections of Chapter 204 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 Eyster
Director of Law