

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

Shelby City Council Agenda
Monday, June 5, 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 _____

Dispense with the Reading of the Journal from May 15, 2023

Moved _____ 2ND _____

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

Public Comment

Blue Rose Mission

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub

Parking Committee—Councilmember Roberts—Did not meet

Sidewalk Committee—Councilmember Martin

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

Future Use of Main Street Fire Station

Labor Consultants

Black Fork Ditch Petition

Legislation

ORDINANCE NO 14-2023

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

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 17-2023

**DECLARING THE NECESSITY FOR LEVYING AN
ADDITIONAL TWO AND ONE-HALF TENTHS PERCENT
(.25%) INCOME TAX FOR THE PURPOSE OF PROVIDING
FUNDS FOR THE SHELBY FIRE DEPARTMENT**

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 18-2023

**AMENDING RULE 4 (PRESIDING OFFICER) OF SECTION
220.01 (RULES OF ORDER; MEETINGS) OF CHAPTER 220
(COUNCIL) OF THE CODIFIED ORDINANCES OF THE
CITY OF SHELBY**

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 19-2023

**AMENDING CHAPTER 1042 (SEWER REGULATIONS),
SECTION 1042.08 (CONSTRUCTION STANDARDS AND
SPECIFICATIONS) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY, OHIO**

1ST READING

Moved _____ 2ND _____

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

RESOLUTION NO 26-2023

**APPROVING THE PLANS AND AUTHORIZING THE
MAYOR AS DIRECTOR OF PUBLIC SERVICE TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT
FOR THE SOUTH STREET STORM SEWER
REPLACEMENT PROJECT**

Moved _____ 2ND _____

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

Miscellaneous Business

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

1st Reading
5/1/2023

2nd Reading
5/15/2023

ORDINANCE NO. 14 -2023
(Sponsor: Councilmember Martin)

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, it is Council's responsibility to ensure that salaries and wages reflect adequately the value that its employees provide the city; and

WHEREAS, the Council has taken gross exception to the continued non-feasance taking place in the Clerk of Courts office with little oversight and accountability in spite of Council's repeated admonitions. As such, the current wages of that office are simply not justifiable to a Council that boasts good stewardship and a value-added mindset.

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 accurately reflect the value provided to the City of Shelby by the current Clerk of Courts.

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

Section 1: That, effective at the earliest time allowed by law, 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
Clerk of Courts	\$1

OTHER NON-CERTIFIED EMPLOYEES HOURLY WAGES SALARY RANGES

Deputy Director of Finance	a maximum of \$33.00
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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 220.01, 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 A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NO. 17-2023

(Sponsors: Councilmembers Gates, Roberts, Roub, Martin, and McLaughlin)

DECLARING THE NECESSITY FOR LEVYING AN ADDITIONAL TWO AND ONE-HALF TENTHS PERCENT (.25%) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SHELBY FIRE DEPARTMENT.

WHEREAS, the City of Shelby assumed emergency medical services as part of the fire department in 2022; and

WHEREAS, those additional services have resulted in an increase of manpower and equipment to provide such services in excess of the revenue received for providing those services; and

WHEREAS, the Council of the City of Shelby proposes to submit to the electors of this city at the election to be held on November 7, 2023, the question of levying an additional two and one-half tenths percent (.25%) income tax to be used for providing funds for the operations of the Shelby Fire Department; and

WHEREAS, said two and one-half tenths percent (.25%) income tax would be collected for a period of five years; 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 an additional two and one-half tenths percent (.25%) income tax be levied for the purpose of providing funds for the operations of the Shelby Fire Department.

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

Section 1: That it is necessary to levy a two and one-half tenths percent (.25%) income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby and for the specific purpose of providing funds for the Shelby Fire Department.

Section 2: That such two and one-half tenths percent (.25%) income tax for providing funds for the Shelby Fire Department shall be imposed upon all income taxable by the City of Shelby only if approved by the majority of electors of the City of Shelby pursuant to Section 718.01 of the Ohio Revised Code.

Section 3: That if the two and one-half tenths percent (.25%) income tax is approved by the electors of the City of Shelby, said two and one-half tenths percent (.25%) shall be levied upon income taxable by the City of Shelby for a period of five (5) years from January 1, 2024 through December 31, 2028.

Section 4: That the question to levy a two and one-half tenths percent (.25%) income tax shall be submitted to the electors of the City of Shelby at the general election to be held at the designated voting places within said City of Shelby on the 7th day of November, 2023.

Section 5: That if the two and one-half tenths percent (.25%) income tax is approved by the electors of the City of Shelby, then and in that event, said two and one-half tenths percent (.25%) tax shall not be subject to the credit provisions as contained within Section 881.06 of the Codified Ordinances of the City of Shelby.

Section 6: That the Clerk of this Council be and is hereby directed to certify a true copy of the Ordinance to the Board of Elections, Richland County, Ohio as provided by the Ohio Revised Code Section 718.01 and that he shall do so at least 90 days before the general election herein mentioned.

Section 7: That the ballot shall be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

PROPOSED MUNICIPAL INCOME TAX

CITY OF SHELBY

A Majority Affirmative Voted is Necessary for Passage

Shall the Ordinance for providing a two and one-half tenths percent (.25%) additional income tax for a period of five (5) years, commencing on January 1, 2024 and ending on December 31, 2028, for the benefit of the City of Shelby for providing and maintaining fire apparatus, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the payment of permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department, or for the payment of other related costs, be passed?

FOR THE INCOME TAX

AGAINST THE INCOME TAX

Section 8: 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 9: 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 action necessary to submit the above question to the electors of the City at the election held on November 7, 2023.

Section 10: 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 p.m. on the ninetieth day prior to the date of election.

Section 11: That said Ordinance, if approved by the electors, shall become effective on January 1, 2024.

Section 12: 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

ORDINANCE NO. 18-2023
(Sponsor – Councilmember Gates)

AMENDING RULE 4 (PRESIDING OFFICER) OF SECTION 220.01 (RULES OF ORDER; MEETINGS) OF CHAPTER 220 (COUNCIL) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, it has long been the custom and practice of a member of Council to read aloud the Declaration of Independence at the regular meeting prior to Independence Day; 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 said custom and practice become enacted into the rules of Council.

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

Section 1: That Rule 4 of Section 220.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

Rule 4. Presiding officer. The presiding officer shall preserve order and decorum and confine members in debate to the question.

(1) The presiding officer shall order all people who become disorderly, other than Council members, to leave the Council Chambers.

(2) No person shall be allowed to address Council without receiving permission from the presiding officer. The presiding officer may recognize any nonmember for the purpose of addressing Council on any question pending or on any matter on which Council action is desired. In such cases, the person recognized shall address the presiding officer and state his or her name and address and the subject matter he or she desires to discuss. His or her remarks must be confined to the merits of the subject at issue. Speakers must be courteous and avoid discussion of personalities. No person who has had the floor shall again be recognized until all others have been given an opportunity to do so. This rule shall not apply to any person specifically invited by Council to a meeting as an advisor or consultant. Persons permitted to address Council shall not be allowed to use disrespectful, profane, threatening, or discourteous language; to do so shall be considered an act of disorder. Council shall have the authority to close discussions debated and instruct the presiding officer to proceed to the next order of business.

(3) Except for a bona fide religious or medical reason, no person shall wear a hat or other headgear during meetings of Council. No person shall bring an animal, except a service or law enforcement animal, into the Council Chambers. No person shall use a cellular telephone or other telecommunication device during meetings of Council; exceptions shall be made for police officers, firefighters, and other like personnel. The presiding officer shall order any person who violates the provisions of this division to leave Council Chambers.

(4) At the regular meeting of Council prior to Independence Day, the presiding officer shall read or cause to be read aloud the Declaration of Independence.

Section 2: That all other sections of Chapter 220 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

ORDINANCE NO. 19-2023
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1042 (SEWER REGULATIONS), SECTION 1042.08 (CONSTRUCTION STANDARDS AND SPECIFICATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, Chapter 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) needs to be amended to list the most current installation standards and specifications for sewer laterals and specify the responsible parties for permitting and overseeing the sewer lateral installation; and

WHEREAS, the Service Department, Division of Sewer Maintenance has provided the updated information for the most current method and materials required for the proper installation of sewer laterals; 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 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) be amended to list the most current installation standards and specifications for sewer laterals.

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

Section 1: That Chapter 1042 (Sewer Regulations), Section 1042.08 (Construction Standards and Specifications) be amended to read as follows:

- (a) Sewer laterals shall not be less than six inches in diameter. All joints shall be watertight.
 - (1) Sewer laterals from the main to the owner's residence shall be of the following material:
 - A. PVC sewer pipe manufactured in accordance with the most current revision of ASTM Designation D 3034 (SDR 35)
 - (2) The appropriate Fernco flexible coupling or approved equivalent adaptor shall be used to connect different pipe materials.
 - (b) Whenever possible, the house sewer lateral shall be brought to the building at an elevation below the basement floor. For each building there shall be a separate sewer connection constructed of a six-inch minimum SDR 35 bell and spigot pipe with a gasket, which shall extend from the main sewer to within five feet of the building, at which point a Fernco (or equal) transition fitting shall be installed and connected to Schedule 40 pipe. Glued fittings are not permitted. A cleanout shall be installed on the sewer lateral next to the outside wall or installed inside the structure flush with the finished floor.
 - (c) No building sewer lateral laid parallel to any bearing wall shall be installed within three feet of the wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The house sewer lateral shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
 - (d) Sewer laterals shall have a minimum slope of one-eighth inch per foot laid to a straight line and grade. Connections to the public sewer main shall be made at wye (or tee used if drop in from top only) fittings installed for this purpose. If a wye or tee fitting is not available, connection into the public sewer shall be made by using an approved flexible watertight coupling (Fernco or approved equal). The contractor is responsible for the installation of the sewer lateral and shall make arrangements with the City Building Inspector, the Superintendent of Streets and Sewers, or his or her designee to inspect the sewer tap upon the completion of the installation. Long radius bends shall be used, as required, at the wye or tee fittings. The pipe shall be laid on six inches of crushed stone bedding material conforming to size No. 57 or 67 of Table 703-1 of the State of Ohio Department of Transportation *Construction and Material Specifications*.
 - (e) After the bedding material is placed in the bottom of the trench, the pipe shall be laid in the bedding material with care being taken to ensure that the bottom of the pipe is resting on the bedding material for its full length. The pipe shall then be adjusted to the proper elevation by adding or removing bedding material as required.
 - (f) No backfilling over completed work shall be done without the permission of the Superintendent of Streets and Sewers or his or her designee.

(g) After the piping installation is approved by the Superintendent of Streets and Sewers or his or her designee, it shall be backfilled to a depth of at least six inches above the top of the pipe with 57 or 67 size limestone conforming to that specified for bedding material. This initial backfill shall be thoroughly tamped to the satisfaction of the Superintendent of Streets and Sewers or his or her designee with precaution taken so that no misalignment and no change in grade will occur during the backfilling operation. The balance of the trench located outside of pavement limits shall be backfilled with the excavated materials free of large stones or lumps of soil.

(h) All excavations within the limits of street pavement, alleys, parking areas or public drives shall be backfilled with gravel consisting of two feet of 57 size limestone, followed by a top coat of compacted 304 limestone to subgrade. Gravel backfill shall meet with the approval of the Superintendent of Streets and Sewers or his or her designee prior to its installation. Pavement shall be replaced in accordance with Standard Drawing No. 2 on file in the office of the Director of Finance and Public Record. The contractor shall be responsible for all the expenses accrued for the pavement replacement.

(i) All excavations shall be adequately guarded with barricades and lights to protect the public from hazard.

(j) Whenever possible, sewer laterals shall be installed ten feet apart from any other utility infrastructure; including water service lines, underground electric lines, natural gas lines, cable, fiber, and telecommunication lines.

(k) Whenever possible, any sewer lateral that crosses over other underground infrastructure shall be placed eighteen inches above the other infrastructure.

(l) Wherever a force sanitary sewer main is installed, the property owner connecting to the force main shall be responsible for their mechanical pump and sewer lateral up to and including the connection to the municipally owned sewer main.

Section 2: 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 3: 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. 26 -2023
(Sponsor: Councilmember Martin)

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE SOUTH STREET STORM SEWER REPLACEMENT PROJECT.

WHEREAS, a portion of the storm sewer system in the City of Shelby is in need of replacement; 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 advertise for bids and enter into a contract for the improvements herein above described.

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

Section 1: That the plans and specifications are approved and that the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the South Street Storm Sewer Replacement Project.

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: _____

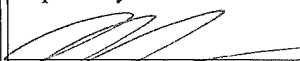
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law