

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

**Shelby City Council Agenda
Monday, August 7, 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 Roub

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

Dispense with the Reading of the Journal from July 17, 2023

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember McLaughlin

Public Works & General Operation Committee—Councilmember Roub—Did not meet

Parking Committee—Councilmember Roberts—Did not meet

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF VIRGILIO TONGSON TO THE HEALTH DEPARTMENT ADVISORY BOARD

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

MOTION TO REQUEST A LIQUOR HEARING FOR JASON JACKSON 63 WEST MAIN STREET 1ST FLOOR & PATIO SHELBY, OHIO

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business
Pavilion street numbering

Unfinished Business
Black Fork Ditch Petition

Legislation

ORDINANCE NO 21-2023

**REPEALING SECTION 612.11 (PUBLIC CONSUMPTION)
OF CHAPTER 612 (ALCOHOLIC BEVERAGES) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 22-2023

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM), RULE 41 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

RESOLUTION NO 35-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIRE PROTECTION CONTRACT FROM OCTOBER 1, 2023 THROUGH DECEMBER 31, 2023, WITH JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO

Moved _____ 2ND _____

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

RESOLUTION NO 36-2023

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIRE PROTECTION CONTRACT FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2028 WITH JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO

Moved _____ 2ND _____

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

RESOLUTION NO 37-2023

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, NOVEMBER 7, 2023 WITH REGARD TO WHETHER A TWO AND ONE-HALF TENTHS PERCENT (.25%) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SHELBY FIRE DEPARTMENT AND DECLARING AN EMERGENCY

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

Miscellaneous Business

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

1st Reading
7/3/2023

2nd Reading
7/17/2023

ORDINANCE NO. 21-2023
(Sponsor: Councilmember McLaughlin)

REPEALING SECTION 612.11 (PUBLIC CONSUMPTION) OF CHAPTER 612 (ALCOHOLIC BEVERAGES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Codified Ordinances of the City of Shelby and the Ohio Revised Code already contain laws regulating the use of alcoholic beverages; and

WHEREAS, the repealing of this section would allow the City of Shelby to responsibly explore opportunities for events and promotions that would otherwise be excluded; 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 Section 612.11 (Public Consumption) of the Codified Ordinances of the City of Shelby be repealed.

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

Section 1: That Section 612.11 (Public Consumption) of Chapter 612 (Alcoholic Beverages) of the Codified Ordinances of the City of Shelby shall be and is hereby repealed.

Section 2: That all other sections of Chapter 612 (Alcoholic Beverages) shall remain in full force and effect.

Section 3: That all meetings 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. Byster
Director of Law

1st Reading

7/13/2023

2nd Reading

7/17/2023

ORDINANCE NO. 22 -2023
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1040 (WATER), SECTION 1040.04 (RULES, REGULATIONS AND FIXED CHARGES FOR MUNICIPAL WATER SYSTEM), RULE 41 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to amend Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System), Rule 41; and

WHEREAS, Rule 41 establishes the cost for water taps; and

WHEREAS, the current charge for a water tap does not recover the actual cost for the materials required for the Service Department, Division of Water Distribution to make a water tap; and

WHEREAS, the current water tap fee is adjusted annually per the Consumer Price Index (CPI) as stated in Rule 43 in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System); and

WHEREAS, the Consumer Price Index (CPI) adjustment has not kept up with the rising cost for the materials to recover the actual cost to make a water tap; 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 1040 (Water), Section 1040.04 (Rules, Regulations and Fixed Charges for Municipal Water System), Rule 41, be amended to adjust the cost for a water tap by recovering the tap in fee and the actual cost for the materials for the Service Department, Division of Water Distribution to make the tap.

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

Section 1: That Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System), Rule 41 be amended to read as follows:

Rule 41

That all utility customers requesting a water tap into the city water supply shall have a tap in fee of \$664.44 and be financially responsible for the current market costs for the materials required to install and connect the water service line to the water main. The tap in fee shall be adjusted annually per the required Consumer Price Index (CPI) adjustment as stated in Rule 43 in Chapter 1040 (Water), Section 1040.04 (Rules, Regulations, and Fixed Charges for Municipal Water System). Additional charges shall be assessed for the actual cost to restore any lawn or road surface that was disturbed during the installation of the water service line tap in. The restoration costs shall be paid by the customer, owner or developer and shall be paid before permanent water service is received. All taps will be brought to the curb or road side and the water shut-off valve will be placed at the curb or road side. The water service line from the shut off valve to the structure shall be the responsibility of the customer. The property owner is responsible for placing their water service line to within three feet of the curb or street. If a two-inch tap is to be made with a corporation stop, the line to be tapped must be at least a six-inch line. All other two-inch and larger size taps will be made with a tapping sleeve and valve.

Section 2: That all other provisions in Chapter 1040 (Water) and Section 1040.04 (Rule, Regulations, and Fixed Charges for Municipal Water System) 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

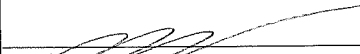
ATTEST: _____

Brian Crum
Clerk of Council

APPROVED: _____

Steven L. Schag
Mayor

Prepared by:



Gordon Eyster
Director of Law

RESOLUTION NO. 35 -2023
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIRE PROTECTION CONTRACT FROM OCTOBER 1, 2023 THROUGH DECEMBER 31, 2023, WITH JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO.

WHEREAS, the City of Shelby has supplied fire and EMS protection to Jackson Township in previous years; and

WHEREAS, the Shelby Fire Department is capable of providing this protection for Jackson Township; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby to provide fire and EMS protection to Jackson Township.

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 Safety shall be and is hereby authorized to enter into a fire protection contract from October 1, 2023 through December 31, 2023, with Jackson Township, Richland County, Ohio (as attached hereto as Exhibit A).

Section 2: That the moneys received by the City of Shelby as a result of this contract shall be credited to the Fire Equipment Fund.

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

FIRE PROTECTION CONTRACT

This Agreement made and entered into this ____ day of _____, 2023, by and between the City of Shelby, Ohio, hereinafter called "City", by its Mayor and Director of Public Safety, and Jackson Township, Richland County, Ohio, hereinafter called "Township" by its Board of Trustees.

WHEREAS, the Township desires to obtain fire and EMS protection for its property and residents from the City's Fire Department; and

WHEREAS, the City is willing and able to furnish said fire and EMS protection for the Township under certain terms and conditions as hereinafter set forth.

Now, therefore, be it agreed between the parties hereto as follows:

Section 1: The City agrees to provide the Township with fire and EMS protection by the City's Fire Department for a period of three (3) months commencing on October 1, 2023, and terminating on December 31, 2023, inclusive, at the rate of \$18,162.96.

The amount will be payable in full within thirty (30) days after December 31, 2023. This contract cannot be terminated due to monetary consideration by either party.

Section 2: The City agrees that the fire department services provided to the Township shall be equal to that provided to the people and property of the City.

Section 3: The City agrees to provide state certified fire inspectors to provide fire inspections to the Township if requested by the Township Board of Trustees.

WITNESSED BY:

THE CITY OF SHELBY, OHIO

Mayor and Director of Public Safety


WITNESSED BY:

JACKSON TOWNSHIP

Trustee

Trustee

APPROVED AS TO FORM:



Director of Law

Trustee

RESOLUTION NO. 36 -2023
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIRE PROTECTION CONTRACT FROM JANUARY 1, 2024 THROUGH DECEMBER 31, 2028, WITH JACKSON TOWNSHIP, RICHLAND COUNTY, OHIO.

WHEREAS, the City of Shelby has supplied fire and EMS protection to Jackson Township in previous years; and

WHEREAS, the Shelby Fire Department is capable of providing this protection for Jackson Township; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby to provide fire and EMS protection to Jackson Township.

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 Safety shall be and is hereby authorized to enter into a fire protection contract from January 1, 2024 through December 31, 2028, with Jackson Township, Richland County, Ohio (as attached hereto as Exhibit A).

Section 2: That the moneys received by the City of Shelby as a result of this contract shall be credited to the Fire Equipment Fund.

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

FIRE PROTECTION CONTRACT

This Agreement made and entered into this ____ day of _____, 2023, by and between the City of Shelby, Ohio, hereinafter called "City", by its Mayor and Director of Public Safety, and Jackson Township, Richland County, Ohio, hereinafter called "Township" by its Board of Trustees.

WHEREAS, the Township desires to obtain fire and EMS protection for its property and residents from the City's Fire Department; and

WHEREAS, the City is willing and able to furnish said fire and EMS protection for the Township under certain terms and conditions as hereinafter set forth.

Now, therefore, be it agreed between the parties hereto as follows:

Section 1: The City agrees to provide the Township with fire and EMS protection by the City's Fire Department for a period of five years commencing on January 1, 2024, and terminating on December 31, 2028, inclusive, at the following rates:

January 1, 2024 to December 31, 2024	\$125,000.00
January 1, 2025 to December 31, 2025	\$128,750.00
January 1, 2026 to December 31, 2026	\$132,612.50
January 1, 2027 to December 31, 2027	\$136,590.88
January 1, 2028 to December 31, 2028	\$140,688.61

The amount will be payable in each contract year with one-half (1/2) due on January 15th and one-half (1/2) due on July 15th.

Section 2: The City agrees that the fire department services provided to the Township shall be equal to that provided to the people and property of the City.

Section 3: The City agrees to provide state certified fire inspectors to provide fire inspections to the Township if requested by the Township Board of Trustees.

Section 4: Either the City or the Township may terminate this agreement provided that it gives the other party written notice 180 days before the date on which it wishes to terminate said agreement.

WITNESSED BY:

THE CITY OF SHELBY, OHIO

Mayor and Director of Public Safety

WITNESSED BY:

JACKSON TOWNSHIP

Trustee

Trustee

APPROVED AS TO FORM:

Director of Law

Trustee

RESOLUTION NO. 37 -2023

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

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, NOVEMBER 7, 2023 WITH REGARD TO WHETHER A TWO AND ONE-HALF TENTHS PERCENT (.25%) INCOME TAX FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SHELBY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 718.01 requires that municipal income tax rates in excess of one percent (1%) will be approved by the electors of the Municipality at a general, primary, or special election; and

WHEREAS, by Ordinance 17-2023 (passed July 3, 2023) the Shelby City Council determined to submit to the electors the question whether a two and one-half tenths percent (.25%) income tax would be imposed for providing funds for the Shelby Fire Department for a period of five (5) years commencing on January 1, 2024 and ending on December 31, 2028; and

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 pursuant to the provision of Section 718.01 of the Ohio Revised Code, the Richland County Board of Elections is hereby directed and ordered to submit to the electors of the City of Shelby, Ohio a general election on Tuesday, November 7, 2023 the question of whether the City shall collect 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 the ballot shall be substantially in the following form:

PROPOSED INCOME TAX

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage

Shall the Ordinance for providing a two and one-half tenths (.25%) percent 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 rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefore, or sources of water supply and materials therefore, 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 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution is hereby deemed to be an emergency 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 McLaughlin
Vice President of Council

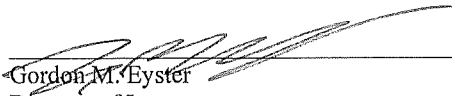
APPROVED:

ATTEST:

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law