

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

**Shelby City Council Agenda
Monday, August 5, 2024
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. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with the Reading of the Journal from July 15, 2024

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Councilmember Cutlip

Public Works & General Operation Committee—Councilmember Roub

Traffic Commission—Councilmember Cutlip

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO REQUEST A LIQUOR PERMIT HEARING FOR LJR ENTERPRISES INC DBA LEGENDS SPORTS GRILL & PUB 63 W MAIN ST 1ST FLOOR & PATIO

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

ORDINANCE NO 18-2024

**PROPOSING AN AMENDMENT TO SECTION 7 OF THE
CHARTER OF THE CITY OF SHELBY AND SUBMITTING
SUCH PROPOSED AMENDMENT TO THE ELECTORS,
REPEALING ORDINANCE 9-2024 IN ITS ENTIRETY AND
DECLARING AN EMERGENCY**

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

Moved 2ND
Mr. Roub Mr. Roberts Mr. Cutlip Mr. Martin Mr. McLaughlin

PASSAGE OF ORDINANCE

Moved 2ND
Mr. Roub Mr. Roberts Mr. Cutlip Mr. Martin Mr. McLaughlin

RESOLUTION NO 35-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PERMIT THE MARKETING CAMPAIGN MATERIAL FOR THE SERVICE LINE WARRANTIES OF AMERICA RESIDENTIAL WATER SERVICE LINE, SEWER LATERAL AND IN-HOME PLUMBING REPAIR WARRANTY PROGRAM BE MAILED TO RESIDENTS

Moved 2ND
Mr. Roub Mr. Roberts Mr. Cutlip Mr. Martin Mr. McLaughlin

RESOLUTION NO 36-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH AVETIN ENGINEERING, LTD. FOR THE WASTEWATER TREATMENT PLANT SLUDGE AND SEPTAGE DEWATERING PROJECT

Moved 2ND
Mr. Roub Mr. Roberts Mr. Cutlip Mr. Martin Mr. McLaughlin

RESOLUTION NO 37-2024

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT AN APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OHIO EPA), DIVISION OF ENVIRONMENTAL & FINANCIAL ASSISTANCE (DEFA) FOR THE DESIGN PHASE OF THE WASTEWATER TREATMENT PLANT SLUDGE AND SEPTAGE DEWATERING PROJECT AND DECLARING AN EMERGENCY

Moved 2ND
Mr. Roub Mr. Roberts Mr. Cutlip Mr. Martin Mr. McLaughlin

RESOLUTION NO 38-2024

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH AND DECLARING AN EMERGENCY

Moved _____ 2ND _____
Mr. Roub _____ Mr. Roberts _____ Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____

RESOLUTION NO 39-2024

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY PARKS DEPARTMENT AND DECLARING AN EMERGENCY

Moved _____ 2ND _____
Mr. Roub _____ Mr. Roberts _____ Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____
Mr. Roub _____ Mr. Roberts _____ Mr. Cutlip _____ Mr. Martin _____ Mr. McLaughlin _____

ORDINANCE NO. 18-2024
(Sponsors: Councilmembers Roberts and Roub)

PROPOSING AN AMENDMENT TO SECTION 7 OF THE CHARTER OF THE CITY OF SHELBY AND SUBMITTING SUCH PROPOSED AMENDMENT TO THE ELECTORS, REPEALING ORDINANCE 9-2024 IN ITS ENTIRETY AND DECLARING AN EMERGENCY.

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

WHEREAS, Section 123 of said Charter provides for the amendment thereof and submission of proposed amendments to the electors of the City; and

WHEREAS, the Charter provides for different times when the council, mayor, director of law, and director of finance and public record assume their respective offices; and

WHEREAS, certain language in Charter Section 7 has become antiquated over the passage of time and should be updated; 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 7 be passed and submitted to the electors of the City of Shelby so that the Councilmembers of the City of Shelby assume the duties of office on January 1, creating uniformity with other elected officials, and replace antiquated language.

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 5, 2024, during the regular hours of voting at such date as prescribed by general law, the question of the amendment to Charter Section 7 as noted herein below with language to be deleted shown with strikethroughs and language to be added shown in capitals:

Section 7. COUNCILMEMBERS SHALL ASSUME OFFICE ON THE FIRST DAY OF JANUARY. At seven o'clock p.m. on the first Monday in January, following a regular municipal election, the council shall meet at the usual place for holding such meetings, ~~at which time the newly elected council shall assume the duties of their office~~ PROVIDED, HOWEVER, THAT WHEN SAID FIRST MONDAY FALLS ON NEW YEARS DAY, THE COUNCIL SHALL MEET ON THE SECOND DAY OF JANUARY. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution.

The mayor, or the vice-president of the council in the absence of the mayor, or any three members thereof may call special meetings of the council upon written notice served personally upon each member or at his THE COUNCILMEMBER'S usual place of residence, at least six hours previous to time fixed for such meeting. Any such request for special meeting shall state the subjects to be considered at the meeting and no other subjects shall be then considered.

Section 2: That the ballot 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

Shall the Charter of the City of Shelby be amended in Section 7 to provide that the Councilmembers of the City of Shelby assume office on the first day of January and to replace antiquated language?

SHALL SECTION 31 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 action necessary to submit the above question to the electors of the City at the election held on November 5, 2024.

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

Section 5: That the Director of Finance and Public Record 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 date of the election.

Section 6: That said amendment, if approved by the electors, shall become effective on January 1, 2025.

Section 7: That Ordinance 9-2024 is repealed in its entirety.

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 this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio 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

RESOLUTION NO. 35 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PERMIT THE MARKETING CAMPAIGN MATERIAL FOR THE SERVICE LINE WARRANTIES OF AMERICA RESIDENTIAL WATER SERVICE LINE, SEWER LATERAL AND IN-HOME PLUMBING REPAIR WARRANTY PROGRAM BE MAILED TO SHELBY RESIDENTS.

WHEREAS, per the amended language in the authorized Marketing Agreement with Service Line Warranties of America, Council requested to review and approve the marketing material for the water service lines, sewer laterals and in home plumbing repair warranty campaign material before being mailed to the Shelby residents; and

WHEREAS, the Administration reviewed the warranty campaign material language and layout with the Utilities and Streets Committee; and

WHEREAS, the final draft of the warranty campaign material is being presented to Council for review and approval; 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 permit Service Line Warranties of America to solicit the marketing campaign material for their residential external water service lines, external sewer laterals, and in-home plumbing systems warranty program to Shelby residents.

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 permit Service Line Warranties of America, a subsidiary of HomeServe USA Corp., the administrator of the National League of Cities Service Line Warranty Program to solicit their residential external water service lines, external sewer laterals, and in-home plumbing systems marketing campaign material to Shelby residents.

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

RESOLUTION NO. 36 -2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH AVETIN ENGINEERING, LTD. FOR THE WASTEWATER TREATMENT PLANT SLUDGE AND SEPTAGE DEWATERING PROJECT.

WHEREAS, the City solicited for engineering services for a sludge and septage dewatering project through a Request for Qualification (RFQ) process; and

WHEREAS, Avetin Engineering, Ltd. was selected by the review panel to provide engineering services for the sludge and septage dewatering project at the Wastewater Treatment Plant; 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 enter into a professional services agreement with Avetin Engineering, Ltd. for engineering services for the sludge and septage dewatering project for wastewater treatment plant.

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 enter into a Professional Service Agreement with Avetin Engineering, Ltd. for the sludge and septage dewatering project at the Wastewater Treatment Plant.

Section 2: That the professional service fees shall have a maximum expenditure of One hundred eighty-two thousand five hundred dollars (\$182,500).

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

RESOLUTION NO. 37 - 2024
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO SUBMIT AN APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OHIO EPA), DIVISION OF ENVIRONMENTAL & FINANCIAL ASSISTANCE (DEFA) FOR THE DESIGN PHASE OF THE WASTEWATER TREATMENT PLANT SLUDGE AND SEPTAGE DEWATERING PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the Wastewater Treatment Plant operation is required to dispose of the activated sludge that is generated from the treatment process; and

WHEREAS, the Wastewater Treatment Plant would be able to receive septage waste to create a source of revenue for the sewer fund provided a dewatering press was available within the operation of the treatment process; and

WHEREAS, the most efficient and economical way to process activated sludge and septage waste for disposal is through an on-site dewatering press; and

WHEREAS, the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance (DEFA) is accepting applications for Water Pollution Control Loan Fund projects; and

WHEREAS, the dewatering project at the Wastewater Treatment Plant requires funding to provide financial support for the engineering services to design the dewatering project; 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 submit an application for a Water Pollution Control Loan Fund to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance to secure future funding for the design phase of the activated sludge and septage dewatering press project at the Wastewater Treatment Plant.

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 the Mayor as Director of Public Service is hereby authorized to submit an application for a Water Pollution Control Loan Fund to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance to secure future funding for the design phase of the activated sludge and septage dewatering press project at the Wastewater Treatment Plant.

Section 2: That the requested loan amount entered on the application for the design phase is One hundred eighty-two thousand five hundred dollars (\$182,500).

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 is hereby deemed to be an emergency due to the time sensitive filing of the application form 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

RESOLUTION NO. 38 -2024
(Sponsors: Councilmembers Martin & McLaughlin)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH AND DECLARING AN EMERGENCY.

WHEREAS, by Resolution No. 32-2024 (passed July 15, 2024) the Shelby City Council determined and declared that the amount of taxes to be raised at the maximum rate allowed by law without a vote of the electors would be insufficient for the general operation of the Shelby Department of Health; and

WHEREAS, by said same Resolution the Shelby City Council determined that a rate of 1 mill on each dollar of valuation of the taxable property within the City should be raised in order to operate the Shelby Department of Health.

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: The Richland County Board of Elections is hereby directed to place upon the general election ballot of November 5, 2024 the question of whether 1 mill on each dollar of taxable value of taxable property within the City of Shelby, Ohio shall be levied and raised for the general operation of the Shelby Department of Health.

Section 2: That the ballot shall be substantially in the following form:

PROPOSED REAL ESTATE TAX (RENEWAL)
CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage.

A renewal of a tax for the benefit of the City of Shelby for the purpose of GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for 5 years, commencing in 2025.

FOR THE REAL PROPERTY TAX
AGAINST THE REAL PROPERTY 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 Section 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

RESOLUTION NO. 39 -2024
(Sponsors: Councilmembers Martin & McLaughlin)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY PARKS DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, by Resolution No. 34-2024 (passed July 15, 2024) the Shelby City Council determined and declared that the amount of taxes to be raised at the maximum rate allowed by law without a vote of the electors would be insufficient for the general operation of the Shelby Parks Department; and

WHEREAS, by said same Resolution the Shelby City Council determined that a rate of 1 mill on each dollar of valuation of the taxable property within the City should be raised in order to operate the Shelby Parks Department.

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: The Richland County Board of Elections is hereby directed to place upon the general election ballot of November 5, 2024 the question of whether 1 mill on each dollar of taxable value of taxable property within the City of Shelby, Ohio shall be levied and raised for the general operation of the Shelby Parks Department.

Section 2: That the ballot shall be substantially in the following form:

PROPOSED REAL ESTATE TAX (RENEWAL)

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage.

A renewal of a tax for the benefit of the City of Shelby for the purpose of GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for 5 years, commencing in 2025.

FOR THE REAL PROPERTY TAX
AGAINST THE REAL PROPERTY 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 Section 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