

3:30pm Community & Economic Development Committee
6:00pm Public Hearing
6:30pm Public Hearing

Shelby City Council Agenda
Monday, December 7, 2015
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from November 16, 2015

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Public Comment

Jay Sell-Aspen Energy Corporation

MOTION TO MOVE INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSES:

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL, OR THE INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL, UNLESS THE PUBLIC EMPLOYEE, OFFICIAL, LICENSEE, OR REGULATED INDIVIDUAL REQUESTS A PUBLIC HEARING

CONFERENCES WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING DISPUTES INVOLVING THE PUBLIC BODY THAT ARE THE SUBJECT OF PENDING OR IMMINENT COURT ACTION

PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH THE PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin
Public Works & General Operations Committee—Garland John Gates

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO REQUEST A HEARING REGARDING LIQUOR PERMIT RENEWALS

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

MOTION TO CONFIRM THE APPOINTMENT OF KENNETH F. ENSMAN TO THE BUILDING AND GROUNDS COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF GERALD GARVERICK TO THE BUILDING AND GROUNDS COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF DARRELL SECREST TO THE BUILDING AND GROUNDS COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF KEVIN M. ERNST TO THE FLOODPLAIN MANAGEMENT COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF ERIC BARKDULL TO THE FLOODPLAIN MANAGEMENT COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF THOMAS A. DEPLER TO THE FLOODPLAIN MANAGEMENT COMMISSION

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

**MOTION TO CONFIRM THE APPOINTMENT OF HARV TRAXLER TO THE FLOODPLAIN
MANAGEMENT COMMISSION**

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

**MOTION TO CONFIRM THE APPOINTMENT OF DAVID DOWNS TO THE BOARD OF
PARK COMMISSIONERS**

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

**MOTION TO CONFIRM THE APPOINTMENT OF JOHN CLARY TO THE SHADE TREE
COMMISSION**

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

**MOTION TO CONFIRM THE APPOINTMENT OF JOE THOMPSON TO THE SHELBY
HISTORIC PRESERVATION COMMISSION**

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

**MOTION TO CONFIRM THE APPOINTMENT OF KAUSHIK PATEL TO THE SHELBY
HISTORIC PRESERVATION COMMISSION**

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

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Election of two(2) Council Members to the Volunteer Fire Fighters' Dependents Fund Board

Unfinished Business

Legislation

AMENDED ORDINANCE NO 42-2015

AMENDING SECTION 618.17 (KEEPING OF LIVESTOCK) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

PASSAGE OF ORDINANCE

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

AMENDED ORDINANCE NO 43-2015

AMENDING SECTION 618.18 (LOCATION AND CARE OF BARNS, COOPS, PENS, OR BARNYARDS IN PROXIMITY TO RESIDENCIES AND BUSINESSES OF THE CITY OF SHELBY

3RD READING

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

PASSAGE OF ORDINANCE

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

ORDINANCE NO 44-2015

AMENDING SECTION 618.20 (DISPOSING OF ANIMAL WASTES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

PASSAGE OF ORDINANCE

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

ORDINANCE NO 50-2015

**ENACTING CHAPTER 811 OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY REGARDING
MUNICIPAL INCOME TAX**

2ND READING

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

ORDINANCE NO 51-2015

**CREATING TEMPORARY APPROPRIATIONS FOR THE
YEAR 2016, AND DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

RESOLUTION NO 54-2015

**AUTHORIZING THE MAYOR TO ISSUE REVOCABLE
PERMITS TO OCCUPY THE RIGHT-OF-WAY ON
MANSFIELD AVENUE AND DECLARING AN
EMERGENCY**

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

RESOLUTION NO 55-2015

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO EXECUTE A FACILITY ENCROACHMENT
AGREEMENT WITH WALNUT GRAIN FARMS, LLC, FOR
A STORM SEWER PROJECT LOCATED ON STATE
STREET AND DECLARING AN EMERGENCY**

Moved _____ 2ND _____

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

RESOLUTION NO 56-2015

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO CONTRACT FOR SERVICES FROM CRAWFORD DRAINAGE COMPANY, LTD TO INSTALL DRAINAGE TILE IN THE TOTAL AMOUNT OF NINETEEN THOUSAND NINE HUNDRED THIRTY FIVE AND 50/100 (\$19,935.50) AND DECLARING AN EMERGENCY

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

RESOLUTION NO 57-2015

AUTHORIZING AND APPROVING A TWENTY-SEVENTH (27TH) PAY PERIOD FOR THE 2015 CALENDAR YEAR FOR ALL SALARIED EMPLOYEES OF THE CITY OF SHELBY

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

Miscellaneous Business

Oakland Cemetery Association

Adjournment at p.m.

Moved 2ND

Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

1st Reading
9/21/2015
2nd Reading
10/5/2015

AMENDED ORDINANCE NO. 42-2015
Sponsors: Councilmembers Roberts and Carlisle

AMENDING SECTION 618.17 (KEEPING OF LIVESTOCK) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, it has become necessary to amend Section 618.17 to provide more detailed regulations for the raising of livestock within the city limits; and

WHEREAS, it has become necessary for the City of Shelby to know the types, quantities, and locations of livestock within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.17 be amended.

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

Section 1: Section 618.17(Keeping of Livestock) shall be amended as follows:

- (a) There shall be three classes of livestock permitted inside the city limits.
 - (1) Livestock Class I shall be any hooved and split-hooved livestock including but not limited to any horse, pony, cattle, sheep, swine, goat, llama, and alpaca.
 - (2) Livestock Class II shall be any chicken (except no roosters), turkey, geese, duck, pheasant (except no peafowl), quail or other fowl.
 - (3) Livestock Class III shall be any rabbit, hare, pika, chinchilla, rodent, or animal of the order Lagomorpha.
- (b) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are more than one acre shall be permitted for a maximum total of fifteen (15) livestock but no more than three (3) from Class I.
- (c) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are less than one acre but a half acre or more shall be permitted for a maximum total of (10) livestock but not more than two (2) from Class I.
- (d) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are less than a half acre but a third acre or more shall be permitted for a maximum total of eight (8) livestock but, no animals from Class I.
- (e) Lot sizes or contiguous parcels owned by the same person as determined by property tax identification that are less than a third of an acre are not permitted to have any livestock of any class.
- (f) Any lot on which there are multiple-family units in one or more buildings whether occupied or not are not permitted to have any livestock of any class.
- (g) This section does not apply to shows or exhibits duly permitted and approved by the Police Department and/or Health Department as part of a community event. However, no permit shall be approved where it is proposed to offer the animals for sale.
- (h) Persons currently owning, keeping, harboring, or maintaining livestock of Classes I, II, and III in excess of the permitted limited numbers in subsections (a) through (f) above shall have 30 days from the effective date of this section to comply by moving the livestock to appropriately-sized parcels.
- (i) No person shall raise or hatch any livestock of Classes I, II, and III in a residence or business where any person resides or works, except that the business be solely an operation properly licensed and designed for raising livestock.

- (j) No owner, keeper, harbinger or person having charge of any livestock shall allow the animal to escape or permit the animal to run at large on any public thoroughfare or public land or any private premises. When made aware that the animal has escaped, the owner, keeper, harbinger or person having charge of the animal must immediately catch and confine the animal on the permitted parcel.
- (k) No owner, keeper, harbinger or person having charge of any livestock shall permit the animal to graze, scratch, dig or otherwise damage any lawn, tree, shrub, plant, building or other public or private property other than the property of the owner or person having charge of the animal. This section shall not apply to private property onto which the owner or person having charge of any animal has permission of the owner or occupier of the property authorizing the entry of the animal onto the property.
- (l) Complaints of improper nutrition, lacking veterinarian care, abuse, or neglect of any animal in this section will be investigated by the Health Department, Police Department or County Humane Society and reported to the proper authorities.
- (m) Any person, non-profit organization, firm, or corporation violating any provision of this section is guilty of a minor misdemeanor. Subsequent offenses of any provision of this section shall be a misdemeanor of the fourth degree. Nothing in this section shall limit any such owner, keeper, harbinger, or person having charge of livestock from any other civil or criminal penalty as provided by law.

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 D. McLaughlin
 Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
 Clerk of Council

 Steven L. Schag
 Mayor

Prepared by:



 Gordon M. Eyster
 Director of Law

1st Reading
9/21/2015
2nd Reading
10/5/2015

AMENDED ORDINANCE NO. 43-2015
Sponsors: Councilmembers Roberts and Carlisle

AMENDING SECTION 618.18 (LOCATION AND CARE OF BARN, COOPS, PENS, OR BARNYARD IN PROXIMITY TO RESIDENCES AND BUSINESSES OF THE CITY OF SHELBY.

WHEREAS, it has become necessary to amend Section 618.18 to provide more detailed regulations for the use, maintenance, and location of structures for raising livestock within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.18 be amended.

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

Section 1: Section 618.18 (Location and Care of Barns, Coops, Pens, or Barnyard in Proximity to Residences and Businesses) shall be amended as follows:

- (a) No person shall construct, use, or maintain a barn, coop, pen, or barnyard within 5 feet of a property line and within 50 feet of any neighboring structure intended for human habitation or place of business.
- (b) All construction of barns, coops, pens, or fencing must be properly permitted according to city ordinances regulating such structures.
- (c) No person shall construct, use, or maintain a barn, coop, pen or barnyard such that the contents thereof are discharged or run upon another's premises, into any street, alley, waterway, or right of way of the city.
- (d) Attached garages shall not be used at any time to keep, harbor, or maintain any livestock listed in Section 618.17.
- (e) All structures for keeping, harboring, or maintaining any livestock shall be such as to provide the best possible enclosure for the safety, health, containment, and welfare of the animals as recommended in United States Department of Agriculture standards .
- (f) The areas where livestock are kept, including but not limited to barns, coops, pens, or barnyard must be daily cleaned of manure and soiled bedding to prevent insect, rodent, or vermin infestations and odors. All manure and soiled bedding must be removed from the premise weekly to a location outside the city.
- (g) Complaints will be investigated by the Police Department, and/or Health Department, and/or County Humane Society.
- (h) Any person, non-profit organization, firm, or corporation violating any provision of this section is guilty of a minor misdemeanor. Subsequent offenses of any provision of this section shall be a misdemeanor of the fourth degree. Nothing in this section shall limit any owner, keeper, harbinger, or person having charge of livestock from any other civil or criminal penalty as provided by law.

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 has been 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.

1st Reading
9/11/2015
2nd Reading
10/5/2015

ORDINANCE NO. 44 -2015
Sponsors: Councilmembers Roberts and Carlisle

AMENDING SECTION 618.20 (DISPOSING OF ANIMAL WASTES) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, it has become necessary to amend Section 618.20 to provide more detailed regulations for disposing of animal wastes especially livestock waste within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 618.20 be amended.

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

Section 1: Section 618.20 (Disposing of Animal Wastes) shall be amended as follows:

- (a) No person shall deposit any manure or soiled bedding from a stable, chicken coop, animal enclosure, swill, garbage or offensive substances within 50 feet of any occupied dwelling or place of business.
- (b) No owner or person having charge of any animal shall permit the animal to place waste upon public land or private premises of another or business property within the city.
- (c) Any owner or person having charge of any animal observing or learning of his or her animal placing waste upon public land or private premises of another or business property shall immediately remove the waste and dispose of the waste in an enclosed container.
- (d) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (1) "Animal" is any domestic or livestock animal including but not limited to dogs, cats, horses, goats, rabbits, and chickens.
 - (2) "Owner" is a person who harbors, keeps, controls, or possesses an animal.
 - (3) "Public land" is all property owned by the city and includes sidewalks, rights-of way, streets, alleys, park lands, and reservoirs.
 - (4) "Waste" is fecal matter derived from animals.
- (e) Whoever violates any provision of this section is guilty of a minor misdemeanor.

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 has been 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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

St Reading
11/14/2015

AMENDED ORDINANCE NO. 50- 2015
(Sponsor: Councilmember Gates)

ENACTING CHAPTER 881 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY REGARDING MUNICIPAL INCOME TAX.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVIII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipality's power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes"; and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016, such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in [Chapter 718];" and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Shelby, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016, deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in Chapter 718" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, STATE OF OHIO, A MAJORITY ELECTED THERE TO CONCURRING THAT:

Section 1. That Chapter 881 of the Codified Ordinances be enacted to read as set forth in the document entitled "Chapter 881: Income Tax" attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That this Ordinance shall take effect and be in force from and after January 1, 2016.

Section 3. That Chapter 880 (Earned Income Tax) apply to years 2015 and before.

Section 4. 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.

ORDINANCE NO. 51-2015
(Sponsor – Councilmember Carlisle)

**CREATING TEMPORARY APPROPRIATIONS FOR THE YEAR 2016, AND
DECLARING AN EMERGENCY.**

WHEREAS, Ohio Revised Code §5705.38 requires that "the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure. . . . no later than the first day of April of the current year"; and

WHEREAS, so as to provide funding for the operation of the city government prior to the passage of the final appropriations, it is necessary to create temporary appropriations; 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 said Temporary Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and in anticipation of the creation and passage of the final appropriation ordinance no later than the first day of April, 2016.

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 temporary appropriations are hereby made and authorized for the year 2016, the same to be in full force and effect from and after approval, as and for the temporary general appropriations for the City of Shelby for the year 2016.

Section 2: That City Council does hereby temporarily appropriate, for the year 2016, the following sums, to wit:

	ACCT. NO.	APPROPRIATION EXPENSE
GENERAL FUND	101	\$1,250,000.00
<u>SPECIAL FUNDS</u>		
Street	200	\$ 125,000.00
State Highway	205	9,000.00
Street Sales Tax	210	48,000.00
Income Tax	220	875,000.00
Health	225	75,000.00
Park	230	200,000.00
Playscape Trust	231	0.00
Rehab Escrow CDBG	232	1,250.00
Court Probation	233	11,500.00
BMV Reimbursement	234	1,500.00
Law Enforcement Trust	235	2,500.00
Court IDAT	236	15,000.00
Court Enforce. & Education	237	1,500.00
Dare	238	650.00
Unclaimed Monies	240	500.00
Court IDAM	242	5,000.00
CDBG General	250	16,000.00
Home Program	251	75,000.00
City Admin. & Bldg.	650	5,500.00
Police Pension	700	88,000.00
Fire Pension	701	88,000.00
Shade Tree Trust	705	1,800.00
FEMA	815	0.00
Total Special Revenue Funds		\$1,895,700.00

DEBT SERVICE FUNDS

Special Bond	275	\$	90,000.00
General Bond SSE	281		25,000.00
Light Debt Reserve	602		15,000.00
Total Debt Service		\$	130,000.00

CAPITAL PROJECT FUNDS

Court Computer	239	\$	6,000.00
Police Computer	241		3,000.00
Capital Improvement	300		50,000.00
Shelby Reservoir	301		0.00
Sewer Construction	302		0.00
San/Storm/Sewer – Equipment	303		0.00
Fox Run Seven	324		0.00
Court Capital Improvement	304		15,000.00
Water Facilities 69%	350		0.00
Bridges & Streets 29%	351		0.00
Sidewalks 2%	352		5,000.00
Street, Alleys Catch Basin Fund	353		75,000.00
Police/Court	354		130,000.00
Police Equipment	702		5,000.00
Fire Equipment	703		75,000.00
Total Capital Projects		\$	364,000.00

ENTERPRISE FUNDS

Sewer	400	\$	400,000.00
San. Sewer Capital Improvements	401		125,000.00
Waste Water Capital Improvements	402		400,000.00
Water	500		450,000.00
Water Facilities	501		225,000.00
Sewer Improvement Fund	502		250,000.00
Electric	600		3,900,000.00
Total Enterprise Funds		\$	5,750,000.00

INTERNAL SERVICE FUND

Hospitalization	715	\$	725,000.00
Total Internal Service Funds		\$	725,000.00

PERMANENT FUND

Mini Park Trust	710	\$	500.00
Total Permanent Funds		\$	500.00

AGENCY FUND

Light Customer Deposit	601	\$	30,000.00
Sharing Fund	706		18,000.00
Total Agency Funds		\$	48,000.00

TOTAL APPROPRIATIONS ALL FUNDS **\$ 9,913,200.00**

Section 3: That the Director of Finance and Public Record is hereby authorized to draw warrants on the City Treasury for the amounts appropriate in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

Section 4: That all meetings and hearing 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 5: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual obligation 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: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon W. Eyster
Director of Law

RESOLUTION NO. 54 -2015
(Sponsor – Councilmember Gates)

AUTHORIZING THE MAYOR TO ISSUE REVOCABLE PERMITS TO OCCUPY THE RIGHT-OF-WAY ON MANSFIELD AVENUE AND DECLARING AN EMERGENCY.

WHEREAS: Section 102 of the Charter of the City of Shelby reads as follows: “The council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts, within the city, and shall cause them to be kept open, in repair and free from nuisance.”; and

WHEREAS: The City has recently learned, as a result of the design work for the reconstruction of Mansfield Avenue (ODOT Project No, Ric-39-3.68, PID 97939), that a number of privately-owned structures encroach upon the public right-of-way on Mansfield Avenue; and

WHEREAS: It is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said encroachments either be permitted or removed.

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

Section 1: That the Mayor shall be and is hereby authorized to issue a revocable Permit to Occupy the Right-of-Way on Mansfield Avenue to each of the following:

- a. Neil McKown for an awning on Mansfield Avenue and East Main Street and sign at 10 Mansfield Avenue;
- b. Solo Gratia LLC for a Subway sign and awning at 16 Mansfield Avenue;
- c. Various Properties for a stoop and awning at 19 Mansfield Avenue;
- d. Directions Credit Union for its main sign and enter and exit signs at 29 Mansfield Avenue;
- e. Jennifer Shade for Healing Hands sign at 124 Mansfield Avenue;
- f. Glecca Realty for its main Cornell’s sign at 140 Mansfield Avenue and for its Marathon sign at 149 Mansfield Avenue;
- g. The First National Bank of Shelby for entry and lobby signs on Mickey Road at 156 Mansfield Avenue;
- h. Shelby Plaza Ltd. for the Shelby Hardware sign at 157 Mansfield Avenue;
- i. EIB Inc. for the Wendy’s exit and pick-up window signs at 166 Mansfield Avenue;
- j. Church of the Nazarene for its main sign at 169 Mansfield Avenue; and
- k. Joyce Barnes for the main sign at 170 Mansfield Avenue.

Section 2: That should an owner as noted in Section 1 fail to accept the terms and conditions of said permit, the Director of Law shall be and is hereby directed to initiate action to remove said encroachment(s) pursuant to Section 33 of the Charter of the City of Shelby.

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.

Section 4: That this Resolution is deemed 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: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

RESOLUTION NO. SS-2015

(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO EXECUTE A FACILITY ENCROACHMENT AGREEMENT WITH WALNUT GRAIN FARMS, LLC, FOR A STORM SEWER PROJECT LOCATED ON STATE STREET AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby is desirous of having a storm sewer installed on the property of Walnut Grain Farms, LLC; and

WHEREAS, in order to complete the project, it is necessary to enter into a Facility Encroachment Agreement with Walnut Grain Farms, LLC; 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 said agreement.

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 authorized to execute a Facility Encroachment Agreement with Walnut Grain Farms, LLC for the installation of a storm sewer line.

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 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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 56-2015
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO CONTRACT FOR SERVICES FROM CRAWFORD DRAINAGE COMPANY, LTD TO INSTALL DRAINAGE TILE IN THE TOTAL AMOUNT OF NINETEEN THOUSAND NINE HUNDRED THIRTY-FIVE AND 50/100 (\$19,935.50) AND DECLARING AN EMERGENCY.

WHEREAS, The Shelby Service Department is desirous of having a tile installed that will help drain the retention pond for the Crestview Allotment Subdivision; and

WHEREAS, The Shelby Service Department previously completed a purchase order with Crawford Drainage Company, Limited for Fourteen Thousand Three Hundred Eighty and 00/100 (\$14,380.00) for tiling services; and

WHEREAS, the combined dollar amount of the contract services exceeds the amount that Shelby Ordinance 242.01 allows the Mayor as Director of Public Service to contract, therefore requiring approval of council; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said tiling services be completed.

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 shall be and is hereby authorized to contract with Crawford Drainage Company, LTD, for tiling services in the amount of Nineteen Thousand Nine Hundred Thirty-Five and 50/100 (\$19,935.50)

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 Ordinance 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: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law