

3:30pm Finance & Personnel Committee

**Shelby City Council Agenda
Tuesday, February 16, 2016
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 Reading of Journal from February 1, 2016

Moved 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF STACEY HIATT TO THE COMMUNITY
REINVESTMENT AREA HOUSING COUNCIL**

Moved 2ND _____

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

**MOTION TO CONFIRM THE APPOINTMENT OF STEVE LIFER TO THE COMMUNITY
REINVESTMENT AREA HOUSING COUNCIL**

Moved 2ND _____

Mr. Roub _____ 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

"Two members appointed by Council" to serve three year terms on the Shelby Community Reinvestment Area Housing Council as per Ordinance Section 890.01(e)

Consideration of Wastewater Review Commission

Unfinished Business

Legislation

ORDINANCE NO 2-2016

ENACTING SECTION 234.09 (INSURANCE ADMINISTRATOR) OF CHAPTER 234 (DIRECTOR OF FINANCE AND PUBLIC RECORD) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

2ND READING

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

ORDINANCE NO 3-2016

ENACTING SECTION 214.03 (DISHONORED CHECK CHARGE) OF CHAPTER 214 (CONTRACTS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

2ND READING

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

RESOLUTION NO 9-2016

AUTHORIZING AND DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE, IN COLLABORATION WITH THE SHELBY CITY SCHOOLS, TO PREPARE AND EXECUTE AN APPLICATION FOR SAFE ROUTES TO SCHOOL (SRTS) FUNDS FOR A SAFE ROUTES TO SCHOOL PROJECT IN THE CITY OF SHELBY, TO SUBMIT SAID APPLICATION TO THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION AND IF SAID APPLICATION IS APPROVED FOR FUNDING TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AS NECESSARY TO COMPLETE SAID PROJECT AND DECLARING AN EMERGENCY

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

RESOLUTION NO 10-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PIPELINE LONGITUDINAL AGREEMENT WITH ASHLAND RAILWAY, INC., FOR A SANITARY SEWER PROJECT LOCATED ON MONROE AVENUE AND DECLARING AN EMERGENCY

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

RESOLUTION NO 11-2016

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF SHELBY RIC-39-3.68 MANSFIELD AVENUE PROJECT AND DECLARING AN EMERGENCY

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

RESOLUTION 12-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE TEMPORARY WORK EASEMENTS FOR THE CONSTRUCTION OF A SANITARY SEWER LINE AND DECLARING AN EMERGENCY

Moved 2ND

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

RESOLUTION NO 13-2016

THANKING PATRICIA A. CARLISLE FOR HER SERVICE ON CITY COUNCIL

Moved 2ND

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

Miscellaneous Business

MOTION TO MOVE INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSES:

Moved 2ND

Mr. Roub 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

TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR THE SALE OF PROPERTY AT COMPETITIVE BIDDING, IF PREMATURE DISCLOSURE OF INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO THE GENERAL PUBLIC INTEREST

Adjournment at _____ p.m.

Moved 2ND

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

ORDINANCE NO. 2 -2016
(Sponsors - Councilmembers Gates and Martin)

ENACTING SECTION 234.09 (INSURANCE ADMINISTRATOR) OF CHAPTER 234
(DIRECTOR OF FINANCE AND PUBLIC RECORD) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: Section 37 of the Charter of the City of Shelby states, in part, "The duties of the director of finance and public record shall include...such other duties as the council may require."; and

WHEREAS: For many years, the Finance Director has administered the City's insurance plans and policies despite having no specific statutory authority to do so; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that the Director of Finance and Public Record be designated as the City's insurance administrator.

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

Section 1: That Section 234.09 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

234.09 INSURANCE ADMINISTRATOR.

The Director of Finance and Public Record shall administer the City's insurance plans and policies, including but not limited to health insurance, Worker's Compensation, life insurance, property and casualty coverage, and liability insurance, subject to the oversight of Council.

Section 2: That all other sections of Chapter 234 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 Section 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 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 hearing
2/1/2016

ORDINANCE NO. 3 -2016
(Sponsors - Councilmembers Gates and Martin)

ENACTING SECTION 214.03 (DISHONORED CHECK CHARGE) OF CHAPTER 214 (CONTRACTS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that a uniform charge be established for checks returned to the City for insufficient funds.

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

Section 1: That Section 214.03 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

214.03 DISHONORED CHECK CHARGE.

Whenever the City accepts payment by check and the check is subsequently returned to the City by the customer's financial institution for lack of sufficient funds in the customer's account, the customer will be assessed a dishonored check charge of \$25.00 for each check returned. Said assessment shall be in addition to any other right or remedy provided for by law.

Section 2: That all other sections of Chapter 214 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 Section 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 D. 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

RESOLUTION NO. 9-2016
(Sponsor: Councilmember Roub)

AUTHORIZING AND DIRECTING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE, IN COLLABORATION WITH THE SHELBY CITY SCHOOLS, TO PREPARE AND EXECUTE AN APPLICATION FOR SAFE ROUTES TO SCHOOL (SRTS) FUNDS FOR A SAFE ROUTES TO SCHOOL PROJECT IN THE CITY OF SHELBY, TO SUBMIT SAID APPLICATION TO THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION AND IF SAID APPLICATION IS APPROVED FOR FUNDING TO ENTER INTO A CONTRACT WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AS NECESSARY TO COMPLETE SAID PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the United States Congress has set aside monies for Safe Routes to Schools projects through the State of Ohio Department of Transportation; and

WHEREAS, the City of Shelby, in collaboration with the Shelby City School District, has developed a Safe Routes to School Travel Plan and such plan has been approved by the Ohio Department of Transportation; and

WHEREAS, the City of Shelby can seek funding with the Shelby City Schools through the Ohio Department of Transportation to implement said plan; and

WHEREAS, the estimated total of the project cost is \$252,379.00 to make improvements for pedestrian safety in the Dowds Elementary, St. Mary's Elementary, Auburn Elementary and Shelby Middle School areas.

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 as Director of Public Service is hereby authorized and directed, in collaboration with the Shelby City Schools, to prepare and execute an application for Safe Routes to School (SRTS) funds for a Safe Routes to School Project in the City of Shelby and to submit said application to the State of Ohio, Department of Transportation

Section 2: That if the application authorized by the resolution is approved for funding, the Mayor as Director of Public Service is hereby authorized and directed to enter into a contract with the Director of Ohio Department of Transportation with such terms as are necessary to complete the Safe Routes to School Project in the City of Shelby.

Section 3: That this Council acknowledges that the total cost of the aforesaid Safe Routes to School Project is \$252,379.00 and agrees for the City of Shelby (the "LPA") if awarded the funds, to pay one hundred percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation.

Section 4: That upon completion of the described Project, and unless otherwise agreed, the City of Shelby (the "LPA") shall (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

Section 5: 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 6: 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.

RESOLUTION NO. 10-2016
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PIPELINE LONGITUDINAL AGREEMENT WITH ASHLAND RAILWAY, INC., FOR A SANITARY SEWER PROJECT LOCATED ON MONROE AVENUE AND DECLARING AN EMERGENCY

WHEREAS, plans have been approved for the Monroe & Mansfield Avenue Sanitary Sewer Project; and

WHEREAS, a portion of the project is located in CSX right-of-way; and

WHEREAS, in order to complete the project, it is necessary to enter into a Pipeline Longitudinal Agreement with Ashland Railway Inc.; 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 MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is authorized to execute a Pipeline Longitudinal Agreement with Ashland Railway, Inc., for the installation of a sanitary 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. 11-2016
(Sponsor: Councilmembers Martin and Gates)

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF SHELBY RIC-39-3.68 MANSFIELD AVENUE PROJECT AND DECLARING AN EMERGENCY

WHEREAS, the City of Shelby has entered into an agreement with the Ohio Department of Transportation to serve as the lead agency for the Mansfield Avenue Project, LPA 26513, and

WHEREAS, plans and specifications have been prepared for said 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 advertise for bids and enter into a contract for the improvements herein above described, 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 the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the City of Shelby RIC-39-3.68 Mansfield Avenue 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 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. 12-2016
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE TEMPORARY WORK EASEMENTS FOR THE CONSTRUCTION OF A SANITARY SEWER LINE AND DECLARING AN EMERGENCY.

WHEREAS, the Monroe Avenue & Mansfield Avenue Project requires work to be done on private property, and

WHEREAS, in order to complete the work on private property, it is necessary to secure temporary work easements, and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby that the Mayor as Director of Public Service be authorized to acquire temporary work easements for the construction of said project.

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 be authorized to acquire temporary work easements for the Monroe Avenue and Mansfield Avenue Sanitary 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 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. 13 -2016
(Sponsors – Councilmembers Gates, McLaughlin, Martin)

THANKING PATRICIA A. CARLISLE FOR HER SERVICE ON CITY COUNCIL.

WHEREAS: Patricia A. Carlisle served on City Council as the First Ward's representative from January 6, 2014, until January 4, 2016, and contributed significantly to the welfare of the City and its citizens;

WHEREAS: During her term on Council, Mrs. Carlisle chaired the Finance and Personnel Committee and served on the Safety Committee, sat as Council's representative to the Richland County Regional Planning Commission, and regularly attended meetings of the Community Improvement Corporation's board of trustees; and

WHEREAS: The Council desires to thank Mrs. Carlisle for her dedicated service;

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

Section 1: That the Council express its sincere thanks and appreciation to Patricia A. Carlisle for her numerous contributions to the City of Shelby and commend her for the diligent manner in which she carried out her duties as a legislator;

Section 2: That the Clerk of Council present Mrs. Carlisle an authenticated copy of this Resolution;

Section 3: That the Clerk of Council cause this Resolution to be published once in a newspaper of general circulation published within the city limits;

Section 4: 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; and

Section 5: 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 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