

3:30pm-Community & Economic Development Committee
6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda
Tuesday, January 3, 2017
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 December 19, 2016

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

**MOTION TO CONFIRM THE APPOINTMENT OF KYLE BAILEY TO THE FLOODPLAIN
MANAGEMENT COMMISSION TO FILL AN UNEXPIRED TERM ENDING 12/31/2017**

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

**MOTION TO CONFIRM THE APPOINTMENT OF STEVE MCLAUGHLIN TO THE
COMMUNITY IMPROVEMENT CORPORATION**

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

MOTION TO CONFIRM THE APPOINTMENT OF RICHARD J. GREENE TO THE CIVIL SERVICE COMMISSION

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

MOTION TO CONFIRM THE APPOINTMENT OF EDWARD DETILLION TO THE BUILDING AND GROUNDS COMMISSION

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

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Volunteer Fire Fighters' Dependent Fund

Volunteer Police Officers' Dependent Fund

Unfinished Business

Mohican Street—Junk Yard

Legislation

AMENDED ORDINANCE NO 35-2016

**AUTHORIZING THE SALE OF REAL ESTATE
THAT IS NO LONGER NEEDED FOR ANY
MUNICIPAL PURPOSE**

2ND READING

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

ORDINANCE NO 1-2017

AMENDING ORDINANCE NO 9-2016 (ANNUAL APPROPRIATIONS), AND DECLARING AN EMERGENCY

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

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 2-2017

AMENDING SECTION 258.01 (SALARIES OF MEMBERS OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

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

RESOLUTION NO 1-2017

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDMENT TO THE CONTRACT WITH CT CONSULTANTS FOR DESIGN SERVICES FOR THE SHELBY WASTEWATER TREATMENT IMPROVEMENT PROJECT IN THE AMOUNT OF FOUR HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$493,800.0000) AS AN INCREASE AND DECLARING AN EMERGENCY

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

Miscellaneous Business

Adjournment at _____ p.m.

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

PROCLAMATION

LAW ENFORCEMENT RECOGNITION AND SUPPORT WEEK

WHEREAS, from the beginning of this great nation, Law Enforcement Officers have played an important role in protecting the lives, rights, freedoms, and property of our citizens; and

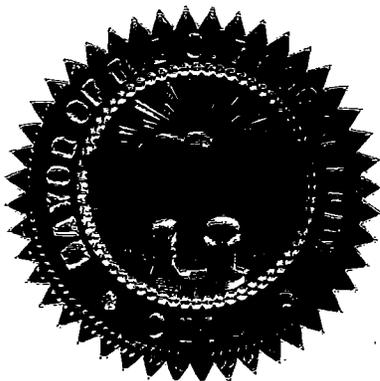
WHEREAS, it should be recognized that these brave men and women face the threat of dangers every day on our behalf; and

WHEREAS, it is vitally important that our people know and understand the difficulties, duties, and responsibilities of Law Enforcement Officers and the necessity for cooperating with them in maintaining Law and Order.

NOW THEREFORE, I, Steven L. Schag, Mayor of the City of Shelby, Ohio do hereby proclaim the week of January 8th, 2017 through January 14th 2017 as Law Enforcement Recognition and Support Week in honor of our dedicated Peace Officers who conscientiously perform their duties week in and week out.

And furthermore, I encourage all Shelby citizens to show their respect, support, and appreciation in various ways for the men and women in law enforcement, including: participating in The Blue Light Project - proudly and publicly displaying a blue light in support of law enforcement, wearing blue clothing in support of law enforcement, sending a card of support to our Local, County and State Law Enforcement Agencies, sharing a story about a positive law enforcement experience on social media, or personally thanking a Law Enforcement Officer for their services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Shelby, Ohio to be affixed this 3rd day of January in the year of our Lord, two thousand and seventeen.



Steven L. Schag, Mayor

12/19/2016
AMENDED ORDINANCE NO: 35 -2016
(Sponsor: Councilmember Gates)

AUTHORIZING THE SALE OF REAL ESTATE THAT IS NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.

WHEREAS, the City of Shelby by and through its Council has the special power to sell its real estate when such real estate is no longer needed for any municipal purpose; and

WHEREAS, the Mayor as Director of Public Service has determined that the site at 2-8 Mohican Street is no longer needed for any municipal purpose; 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 this parcel of real estate be sold by the City of Shelby.

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 the following described real estate belonging to the City of Shelby is no longer needed for any municipal purpose, to wit:

Being Lot 588 and parts of Lot 245 in Samuel Sutters & Others Addition, Plat Volume 3, Page 27, in the City of Shelby, Richland County, Ohio, and being more particularly described as follows:

Commencing for the same at a drill hole and cross set in a concrete sidewalk at the southeast corner of Lot 533, said point also being on the north right-of-way line of Main Street (State Routes 39 and 96 - 60 feet in width) and the west right-of-way line of Mohican Street (29 feet in width); thence N00°00'00"W, along the east line of Lot 533 and the west right-of-way line of Mohican Street, a distance of 90.00 feet to a drill hole and cross set in a concrete sidewalk at the southeast corner of Lot 588 (northeast corner of Lot 533), said point being the real point of beginning for the parcel herein described; thence S89°14'45"W, along the south line of Lot 588 (north line of Lot 533) and passing for reference an iron pin set at 50.00 feet, a total distance of 91.54 feet to the southwest corner of Lot 588 (northwest corner of Lot 533), said point also being in the Black Fork of the Mohican River; thence N07°18'59"W, along the west lines of Lot 588 and Lot 245 in the Black Fork of the Mohican River; a distance of 83.54 feet to a point on the west line of Lot 245; thence N89°14'45"E, passing for reference an iron pin set at 52.18 feet, a total distance of 102.18 feet to a drill hole and cross set in a concrete sidewalk on the east line of Lot 245, said point also being on the west right-of-way line of Mohican Street; thence S00°00'00"E, along the east lines of Lots 245 and 588 and the west right-of-way line of Mohican Street, a distance of 83.00 feet to the real point of beginning, and containing 0.185 acre (8,038 square feet), {0.120 acre (5,228 square feet) in Lot 588, 0.049 acre (2,117 square feet) in S.D. 6 being part of Lot 245, and 0.016 acre (693 square feet) in S.D. 7 being part of Lot 245}, more or less, but subject to all legal easements and public rights-of-way now on record. All iron pins set are 3/4" diameter, 30" long with caps stamped "KROCKA & ASSOC." Bearings are based on the west right-of-way line of Mohican Street as being N00°00'00"W, per a survey by Charles A. Kerg dated August 10, 1990.

Section 2: That the Mayor as Director of Public Service be and is hereby authorized to sell said real estate to the highest bidder(s) according to law, with a reserve of Three Thousand (\$3,000.00) Dollars, and further authorized to convey said real estate by quitclaim deed to such highest bidder(s) according to law.

Section 3: That the City of Shelby shall reserve unto itself sufficient utility easements as may be required.

Section 4: That the Director of Finance and Public Record shall deposit the proceeds of the sale of real estate described in Section 1 to the credit of the General Fund.

Section 5: 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 6: 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.

ORDINANCE NO: 1-2017
(Sponsor: Councilmember Gates)

AMENDING ORDINANCE NO: 9-2016 (ANNUAL APPROPRIATIONS), AND
DECLARING AN EMERGENCY.

WHEREAS, on March 21, 2016, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase line items within the 2016 budget and to fund said line item with previously unappropriated monies; 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 these additional appropriations be made effective so as to balance the books for the calendar year 2016 and so as to fund necessary expenditure and/or projects.

**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: The Ordinance No: 9-2016 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

502 – WCI – 536 CONSTRUCTION \$62,000.00

Section 2: That all other portions of Ordinance No.: 9-2016, not modified expressly herein, shall remain in full force and effect.

Section 3: This ordinance will be enforced and retroactive as of December 30, 2016 due to information disclosed on December 29, 2016.

Section 4: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 5: That this Ordinance is hereby deemed 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: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO. 2 -2017
(Sponsor – Councilmember Gates)

AMENDING SECTION 258.01 (SALARIES OF MEMBERS OF COUNCIL) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years, and

WHEREAS, Currently, Chapter 258 (Elected Officials' Salaries) contains no provision for salaries for members of Council for;

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 258 be amended so as to provide salaries for members of City Council for their next terms in office;

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 SALARIES OF MEMBERS OF COUNCIL.

Effective January 4, 2016, through January 1, 2018, the salary for each member of City Council shall be \$3,772 annually, to be paid biweekly. Effective January 1, 2018, through January 7, 2019, the salary for each member of City Council shall be \$3,847 annually, to be paid biweekly. Effective January 7, 2019, through January 6, 2020, the salary for each member of City Council shall be \$3,943 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

Council Salary Survey
December 2016

<u>City</u>	<u>2016 Salary</u>	<u>2017 Salary</u>	<u>2018 Salary</u>
Willard	\$2,000	\$2,000	
Norwalk	\$3,000	\$3,000	
<i>Shelby</i>	<i>\$3,772</i>	<i>\$3,772</i>	
Galion	\$4,200	\$4,200	
Ontario	\$5,566	\$5,566	
Bucyrus	\$6,179.29	\$6,179.29	
Ashland (Wards 2, 3 & 4)		\$8,245.11 (calc.)	\$8,327.56

Notes:

Of the above cities, only Galion and Shelby are full-service cities, providing both police and fire protection; water, wastewater, and electric utilities; and a city health department.

To earn a year's service credit with OPERS, an employee must earn at least \$600 per month, or \$7,200 per year.

RESOLUTION NO: 1-2017
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDMENT TO THE CONTRACT WITH CT CONSULTANTS FOR DESIGN SERVICES FOR THE SHELBY WASTEWATER TREATMENT IMPROVEMENT PROJECT IN THE AMOUNT OF FOUR HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS (\$493,800.00) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with CT Consultants for design services for the Shelby Wastewater Treatment Plant Improvement Project, and said contract provides for a written amendment; and

WHEREAS, it has become necessary to make modifications to the project and adjust the contract as detailed in the attached Amendment #2; 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 this change order be approved.

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 enter into an amendment to the contract with CT Consultants for the total amount of Four Hundred Ninety-Three Thousand Eight Hundred and 00/100 Dollars (\$493,800.00) as an increase.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been 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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law