

3:30pm Finance & Personnel Committee

Shelby City Council Agenda
Monday, November 21, 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 November 7, 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

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Mohican Street—Junk Yard

Legislation

ORDINANCE NO 27-2016

**AMENDING SECTION 276.04 (FEES) OF CHAPTER 276
(DIVISION OF HEALTH) 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 28-2016

**ENACTING SECTION 1040.04 RULE 59 (DEPOSITS) OF
CHAPTER 1040 (WATER) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

2ND READING

Moved 2ND

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

ORDINANCE NO 29-2016

**ENACTING SECTION 1044.08 (DEPOSITS) OF CHAPTER
1044 (SEWER CHARGES) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

2ND READING

Moved 2ND

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

ORDINANCE NO 30-2016

**AMENDING SECTION 1050.04 (METERING AND BILLING)
OF CHAPTER 1050 (ELECTRICITY) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 31-2016

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

11/7/2016

ORDINANCE NO. 27 -2016
 (Sponsors: Councilmembers Gates & Roberts)

AMENDING SECTION 276.04 (FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, The schedule of fees associated with and administered by the Division of Health was last revised and/or amended by Ordinance 15-2016 in July of 2016; and

WHEREAS, In order for the Division of Health to become compliant with State rules, regulations, and recommendations, it is necessary that said fees be amended; 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 276.04 (Fees) of Chapter 276 (Division of Health) be amended so as to bring the Shelby Division of Health into compliance with State regulations.

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

Section 1 : That Section 276.04 (Fees) of Chapter 276 (Division of Health) of the codified Ordinances of the City of Shelby be amended to read as follows:

276.04 FEES

The following fees are hereby adopted for the Division of Health:

<i>Food Service/Retail Food Establishment License Fees</i>			
<i>Level</i>	<i>Business Under 25,000 Sq. Ft.</i>	<i>Business Over 25,000 Sq. Ft.</i>	
Level 1	\$72 + \$28 State Fee = \$100	\$100 + \$28 State Fee = \$128	
Level 2	\$85 + \$28 State Fee = \$113	\$115 + \$28 State Fee = \$143	
Level 3	\$144 + \$28 State Fee = \$172	\$200 + \$28 State Fee = \$228	
Level 4	\$168 + \$28 State Fee = \$196	\$250 + \$28 State Fee = \$278	
Vending	\$8 + \$6 State Fee = \$14 per location		
Mobile food service	\$71 + \$28 State Fee = \$99 per unit		
Temporary food service	\$35 per event up to five days		
Level I food safety training	\$10		
Level II certification in food protection	\$100		
<i>Body Art Approval Fees</i>			
<i>Service</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>Total Fee</i>
Tattooing services	\$125	\$0	\$125

Body piercing services	\$125	\$0	\$125
Combined body art services	\$125	\$0	\$125
Time-limited approval for a specific event	\$125	\$0	\$125
Late fee	25% of local fee	\$0	

Private Water System Fees

<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>ODNR</i>	<i>Total Fee</i>
Single family dwelling				
Well permit	\$50	\$74	\$20	\$144
Cistern permit	\$50	\$74	\$0	\$124
HWST* permit	\$50	\$74	\$0	\$124
Spring permit	\$50	\$74	\$0	\$124
Pond permit	\$50	\$74	\$0	\$124
Well conversion permit	\$50	\$74	\$0	\$124
Alteration permit	\$50	\$0	\$0	\$50
Well sealing permit	\$10	\$0	\$0	\$10
Non-single family dwelling				
Well permit	\$50	\$74	\$20	\$144
Cistern permit	\$50	\$74	\$0	\$124
HWST* permit	\$50	\$74	\$0	\$124
Spring permit	\$50	\$74	\$0	\$124
Well conversion permit	\$50	\$74	\$0	\$124
Alteration permit	\$50	\$0	\$0	\$50
Well sealing permit	\$10	\$0	\$0	\$10
Other fees				
Test well permit	\$50	\$74	\$20	\$144
Contractor inspection	\$50	\$0	\$0	\$50
Water sample	\$50	\$0	\$0	\$50
Water hauler registration and	\$85	\$	\$0	\$85

vehicle inspection				
Variance	\$50	\$0	\$0	\$50
Late fee	25% of local fee			
*HWST = Hauled water storage tank				

Public Swimming Pool License Fee

Type	Local Fee	State Fee	Total Fee	
Public Pool Spa Special use pool	\$175	\$80	\$255	
Additional pool, spa, and special use pool. (at the same facility as the first pool)	\$75	\$55	\$130	
Government/tax supported school pool, spa and special use pool.	\$175	\$80	\$255	
Additional government/tax supported school pool, spa and special use pool. (At the same facility as the first pool)	\$75	\$55	\$130	
Late Fee	25% of local fee	\$0		

Birth and Death Certificates

Death certificates	\$25 each
Birth certificates	\$25 each

Sewage Treatment Systems

Type	Local Fee	State Fee	Total
Application for Site Review	\$55	\$0	\$55
Application for Soil Evaluation	\$55	\$0	\$55
Application for Design	\$55	\$0	\$55

Permit for New/Replacement Installation for years 2015, 2016, 2017	\$115	2015 \$25	2016 \$50	2017 \$74	2015 \$140	2016 \$165	2017 \$189
Permit for Alteration of Existing System for years 2015, 2016, 2017	\$75	2015 \$15	2016 \$25	2017 \$35	2015 \$90	2016 \$100	2017 \$110
Operational Permit	\$75		\$0		\$75		
Registration of Installer	\$55		\$0		\$55		
Registration of Service Provider	\$55		\$0		\$55		
Registration of Septage Hauler	\$15		\$0		\$15		
Septage Hauler Truck	\$15		\$0		\$15		
Additional Inspection	\$55		\$0		\$55		
Abandonment of System	\$10		\$0		\$10		
Variance	\$75		\$0		\$75		
Effluent Sample	\$115		\$0		\$115		
Review of Subdivision or Lots	\$150		\$0		\$150		
Late Penalty	25%		\$0		25%		

Section 2: That all other Sections of Chapter 276 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: 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 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 T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

1st Reading
11/7/2016

ORDINANCE NO. 28-2016
(Sponsors: Councilmembers Martin and McLaughlin)

ENACTING SECTION 1040.04 RULE 59 (DEPOSITS) OF CHAPTER 1040 (WATER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to modify Chapter 1040 (Water) to establish a security deposit for water service; 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 59 (Deposits) be enacted to establish a policy for a security deposit for water service.

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

Section 1: That Chapter 1040 Water, Section 1040.04 Rule, Regulations, and Fixed Charges for Municipal Water System, Rule 59 (Deposits) of the Codified Ordinances of the City of Shelby be enacted to read as follows:

Rule 59

(1) A deposit of \$100.00 shall be for the following utility service when combined with electric and/or sewer:

A. Water

(2) A deposit of \$150.00 shall be for the following utility service:

A. Water only

(3) A deposit not exceeding \$300.00 for a combined utility service of electric, water, and sewer for residential customers or 150% of an estimated average bill for commercial and industrial customers (unless the service is temporary), may be required of the customer at any time, or from time to time before or after service is commenced.

Deposit criteria will be affected by but not limited to:

- A. Past general credit history;
- B. Past payment history (with the utility);
- C. End use of service; and
- D. Duration of Service

(4) The utility office shall have a reasonable time in which to ascertain that the obligations of the customer have been fully performed before being required to return any deposit. The deposit shall be credited to the customer's account when payments have been made by the due date on 12 consecutive months, unless the customer's account has been terminated. Where the account has been terminated, any remaining deposit not used to credit the account shall be directly reimbursed to the customer within 30 calendar days.

(5) There shall be no interest paid or accrued on deposits.

Section 2: That all other sections of Chapter 1040 (Water) and 1040.04 (Rule, Regulations, and Fixed Charges for Municipal Water Service) 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.

1st Reading
11/7/2016

ORDINANCE NO. 29-2016
(Sponsors: Councilmembers Martin and McLaughlin)

ENACTING SECTION 1044.08 (DEPOSITS) OF CHAPTER 1044 (SEWER CHARGES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to modify Chapter 1044 (Sewer Charges) to establish a security deposit for sewer service; 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 1044 (Sewer Charges), Section 1044.08 (Deposits) be enacted to establish a policy for a security deposit for sewer service.

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

Section 1: That Chapter 1044 (Sewer Charges), Section 1044.08 (Deposits) of the Codified Ordinances of the City of Shelby be enacted to read as follows:

1044.08 Deposits

(a) A deposit of \$100.00 shall be for the following utility service when combined with electric and/or water:

1. Sewer

(b) A deposit of \$150.00 shall be for the following utility service:

1. Sewer only

(c) A deposit not exceeding \$300.00 for a combined utility service of electric, water, and sewer for residential customers or 150% of an estimated average bill for commercial and industrial customers (unless the service is temporary), may be required of the customer at any time, or from time to time before or after service is commenced.

Deposit criteria will be affected by but not limited to:

1. Past general credit history;
2. Past payment history (with the utility);
3. End use of service; and
4. Duration of Service

(d) The utility office shall have a reasonable time in which to ascertain that the obligations of the customer have been fully performed before being required to return any deposit. The deposit shall be credited to the customer's account when payments have been made by the due date on 12 consecutive months, unless the customer's account has been terminated. Where the account has been terminated, any remaining deposit not used to credit the account shall be directly reimbursed to the customer within 30 calendar days.

(e) There shall be no interest paid or accrued on deposits.

Section 2: That all other sections of Chapter 1044 (Sewer Charges) 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.

St Reading
11/7/2016

ORDINANCE NO. 30 -2016
(Sponsors: Councilmembers Martin & McLaughlin)

AMENDING SECTION 1050.04 (METERING AND BILLING) OF CHAPTER 1050 (ELECTRICITY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to modify Chapter 1050 (Electricity), Section 1050.04 (Metering and Billing), (g) Deposits for electric service to the customers of the Division of Electricity and Telecommunications of the City of Shelby; 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 1050.04 (Metering and Billing) of Chapter 1050 (Electricity) be amended and/or modified.

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

Section 1: That Section 1050.04 (g) Deposit of the Codified Ordinances of the City of Shelby be amended to the following language:

1050.04 Metering and Billing

(g) Deposits.

(1) A deposit of \$100.00 shall be for the following utility service when combined with water and/or sewer:

A. Electric

(2) A deposit of \$200.00 shall be for the following utility service:

A. Electric only

(3) A deposit not exceeding \$300.00 for a combined utility service of electric, water, and sewer for residential customers or 150% of an estimated average bill for commercial and industrial customers (unless the service is temporary), may be required of the customer at any time, or from time to time before or after service is commenced.

Deposit criteria will be affected by but not limited to:

- A. Past general credit history;
- B. Past payment history (with the utility);
- C. End use of service; and
- D. Duration of Service

(4) The utility office shall have a reasonable time in which to ascertain that the obligations of the customer have been fully performed before being required to return any deposit. The deposit shall be credited to the customer's account when payments have been made by the due date on 12 consecutive months, unless the customer's account has been terminated. Where the account has been terminated, any remaining deposit not used to credit the account shall be directly reimbursed to the customer within 30 calendar days.

(5) There shall be no interest paid or accrued on deposits.

(6) Losses incurred by the utilities because of the insufficiency of the utilities deposit to cover unpaid charges shall be distributed proportionately among the three utilities.

Section 2: That all other sections of Chapter 1050 (Electricity) 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.

ORDINANCE NO: 31 -2016
(Sponsor: Councilmember McLaughlin)

**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

232 – CBG – 536	Construction	\$3,000.00
236 – IDA – 531	Miscellaneous	\$10,000.00

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

Section 3: 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 4: 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