

6:00pm Swearing-In Ceremony
6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda
Monday, December 18, 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 4, 2017

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

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

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business
Future Use of Present Fire Station

Legislation

**ORDINANCE NO 30-2017 DECLARING THE NECESSITY FOR THE CONTINUATION
OF A LEVY OF TWO-TENTHS (.2%) PERCENT INCOME
TAX FOR THE PURPOSE OF MAINTAINING ROADWAY
AND SIDEWALK IMPROVEMENT AND REPAIR**

2ND READING

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

**ORDINANCE NO 31-2017 AUTHORIZING THE MAYOR OF THE CITY OF SHELBY
TO ENTER INTO CONTRACTS WITH THE FRATERNAL
ORDER OF POLICE #180, SERGEANTS, CAPTAINS,
PATROL OFFICERS, AND DISPATCHERS, AND
DECLARING AN EMERGENCY**

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

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 32-2017 AMENDING ORDINANCE NO 8-2017 (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. Gates Mr. Martin Mr. McLaughlin Mr. Roub Mr. Roberts

PASSAGE OF ORDINANCE

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

ORDINANCE NO 33-2017 TRANSFERRING APPROPRIATIONS FOR THE YEAR 2017 AND DECLARING AN EMERGENCY

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

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

PASSAGE OF ORDINANCE

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

RESOLUTION NO 36-2017 AUTHORIZING THE SHELBY CITY HEALTH DEPARTMENT TO SUBMIT A GRANT PROPOSAL TO THE OHIO DEPARTMENT OF HEALTH FOR FUNDING TO MEET COMPLIANCE WITH THE MANDATE OF OUR COMMUNITY HEALTH ASSESSMENT FROM A 5 YEAR INTERVAL TO A 3 YEAR INTERVAL

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

Miscellaneous Business

Adjournment at p.m.

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

12/4/2017

ORDINANCE NO. 30-2017
(Sponsors: Councilmembers Gates, Martin and McLaughlin)

DECLARING THE NECESSITY FOR THE CONTINUATION OF A LEVY OF TWO-TENTHS (.2%) PERCENT INCOME TAX FOR THE PURPOSE OF MAINTAINING ROADWAY AND SIDEWALK IMPROVEMENT AND REPAIR

WHEREAS, the City of Shelby needs to maintain roadways and sidewalks so as to keep them passable and to promote free travel and commerce within the boundaries of the City of Shelby; and

WHEREAS, the voters of the City of Shelby approved an income tax levy on November 5, 2013 for roadway improvements and sidewalk replacement; and

WHEREAS, it has been determined by the Council of the City of Shelby that it is necessary to maintain roadways and sidewalks and that it be funded by continuing a levy of two-tenths (.2%) percent income tax and that the proceeds of that said tax be used for roadway improvements and repair (97%) and sidewalk replacement (3%).

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

Section 1: That it is necessary to continue a levy of two-tenths (.2%) percent income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby and for the specific purpose of roadway and sidewalk improvements and repair. A "Roadway" includes all appurtenances to the roadway including but not limited to, bridges, viaducts, culverts, and approaches on or to such roadway.

Section 2: That such two-tenths (.2%) percent income tax shall be expended for roadway improvements and repair (97%) and sidewalk replacement (3%).

Section 3: That such two-tenths (.2%) percent income tax for roadway and sidewalk improvements and repair shall be imposed upon all income taxable by the City of Shelby only if approved by the majority of electors of the City of Shelby pursuant to Section 718.01 of the Ohio Revised Code.

Section 4: That if the two-tenths (.2%) percent income tax is approved by the electors of the City of Shelby, said two-tenths (.2%) percent shall be levied upon income taxable by the City of Shelby for a period of five (5) years from January 1, 2019 through December 31, 2023.

Section 5: That the question to levy a two-tenths (.2%) percent income tax shall be submitted to the electors of the City of Shelby at the primary election to be held at the designated voting places within said City of Shelby on the 8th day of May, 2018.

Section 6: That if the continued (.2%) tax is approved by the electors of the City of Shelby, then and in that event, said (.2%) percent continued tax shall not be subject to the credit provisions as contained within Section 880.10 of the Codified Ordinances of the City of Shelby.

Section 7: That the Clerk of this Council be and hereby directed to certify a true copy of the Ordinance to the Board of Elections, Richland County, Ohio as provided by the Ohio Revised Code Section 718.01 and that he shall do so at least 90 days before the primary election herein mentioned.

Section 8: That the ballot shall be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

PROPOSED MUNICIPAL INCOME TAX

CITY OF SHELBY

A Majority Affirmative Voted is Necessary for Passage

Shall the Ordinance providing for the continuation of a two-tenths (.2%) levy on income for a period of five (5) years, commencing on January 1, 2019 and ending on December 31, 2023, for roadway improvement and repair (97%) and sidewalk replacement (3%), be passed.

FOR THE INCOME TAX

AGAINST THE INCOME TAX

Section 9: 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 10: 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 May 8, 2018.

Section 11: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Election no later than 4:00 p.m. on the ninetieth day prior to the date of election.

Section 12: That said Ordinance, if approved by the electors, shall become effective on January 1, 2019.

Section 13: 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. Eyster
Director of Law

ORDINANCE NO: 31-2017
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE FRATERNAL ORDER OF POLICE # 180, SERGEANTS, CAPTAINS, PATROL OFFICERS, AND DISPATCHERS, AND DECLARING AN EMERGENCY.

WHEREAS, City Council and the Administration have conducted extensive negotiations with the Fraternal Order of Police #180 as the bargaining representatives for certain employees of the Police Department; and

WHEREAS, such negotiations have provided a tentative agreement between parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement.

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 Mayor is hereby authorized and directed to enter in to agreement(s) with the Fraternal Order of Police #180 on behalf of certain employees of the Police Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as though fully written herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this agreement.

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 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: 3a -2017
(Sponsor: Councilmember McLaughlin)

AMENDING ORDINANCE NO: 8-2017 (ANNUAL APPROPRIATIONS), AND DECLARING AN EMERGENCY.

WHEREAS, on March 20, 2017, 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 2017 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 2017 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: 8-2017 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

220 - TRS - 446	Transfer - General Fund	\$100,000.00
220 - TRS - 447	Transfer - Capital Improvement	\$10,000.00
220 - TRS - 465	Transfer - Sidewalks	\$7,000.00
220 - TRS - 466	Transfer - Streets, Alleys & Basins	\$28,000.00
220 - TRS - 467	Transfer - Police & Court Construction	\$55,000.00
600 - MFG - 523	Purchase Power	\$770,000.00

Section 2: That all other portions of Ordinance No.: 8-2017, 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

ORDINANCE NO. 33 -2017
(Sponsor: Councilmember McLaughlin)

TRANSFERRING APPROPRIATIONS FOR THE YEAR 2017 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2017 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2017 and so as to fund necessary expenditures and/or projects; 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 funds be transferred.

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 Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	101 - POL - 400	WAGES	\$15,000.00
TO	101 - POL - 600	PRISONER HOUSING	\$15,000.00
FROM	225 - HEA - 625	NUISANCE ABATEMENT	\$6,000.00
TO	225 - HEA - 400	WAGES	\$6,000.00
FROM	230 - CAP - 647	BLACK FORK PARK	\$13,000.00
TO	230 - CAP - 500	ENGINEERING	\$13,000.00
FROM	500 - MFG - 400	WAGES	\$12,000.00
TO	500 - DIS - 400	WAGES	\$6,000.00
TO	500 - MFG - 515	EQUIPMENT	\$6,000.00
FROM	502 - WCI - 500	ENGINEERING	\$11,000.00
FROM	502 - WCI - 515	EQUIPMENT	\$80,000.00
TO	502 - WCI - 536	CONSTRUCTION	\$91,000.00

Section 2: That all other portions of Ordinance No. 8-2017, 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

RESOLUTION NO: 36-2017
(Sponsor: Council Members Gates & Roberts)

AUTHORIZING THE SHELBY CITY HEALTH DEPARTMENT TO SUBMIT A GRANT PROPOSAL TO THE OHIO DEPARTMENT OF HEALTH FOR FUNDING TO MEET COMPLIANCE WITH THE MANDATE OF OUR COMMUNITY HEALTH ASSESSMENT FROM A 5 YEAR INTERVAL TO A 3 YEAR INTERVAL.

WHEREAS, the Shelby City Health Department currently provides many public health services to the citizens of Shelby; and

WHEREAS, the Shelby City Health Department has to change their Community Health Assessment interval from 5 to 3 years for compliance; and

WHEREAS, the Shelby City Health Department is capable of promoting healthy lifestyles and prevention from diseases; 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 Shelby City Health Department be authorized to apply for undetermined monies (up to 80 Health departments will split \$1,000,000.00) from the Ohio Department of Health to facilitate the requirements of our Community Health Assessment for the next three years.

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

Section 1: That the Shelby City Health Department is hereby authorized to apply for available funding from the Ohio Department of Health for Community Health Assessments.

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: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law