

3:30pm Community & Economic Development Committee

6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda

Monday, February 5, 2018

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 January 16, 2018

Moved _____ 2ND _____

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

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

STATE OF THE CITY

MOTION TO CONFIRM THE APPOINTMENT OF TED CLABAUGH TO THE CIVIL SERVICE COMMISSION TO FILL AN UNEXPIRED TERM ENDING 12/31/2018

Moved _____ 2ND _____

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

**MOTION TO CONFIRM THE APPOINTMENT OF KYLE BAILEY TO THE FLOODPLAIN
MANAGEMENT COMMISSION FOR A FOUR YEAR TERM ENDING 12/31/2021**

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

**MOTION TO CONFIRM THE APPOINTMENT OF RALPH ROSINSKY TO THE BOARD OF
PARK COMMISSIONERS FOR A FOUR YEAR TERM ENDING 12/31/2021**

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

**MOTION TO CONFIRM THE APPOINTMENT OF CAROL MCLAUGHLIN TO THE SHADE
TREE COMMISSION FOR A THREE YEAR TERM ENDING 12/31/2020**

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

**MOTION TO CONFIRM THE APPOINTMENT OF MARY ANN HAWK TO THE SHADE
TREE COMMISSION FOR A THREE YEAR TERM ENDING 12/31/2020**

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

Bridge Inspection Reports

Unfinished Business

Boris Slogar from Muskingum Watershed Conservancy District

Future Use of Present Fire Station

Committee of the Whole to discuss West Main Street sewer

Charter Section 17-Municipal Bulletin

Legislation

ORDINANCE NO 1-2018

**AMENDING ORDINANCE 1-91, PART 12, TITLE 6 OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO TO CHANGE PERMANENT PARCEL NUMBERS ON
FLINT STREET WHICH ARE DESIGNATED AT MHP
(MANUFACTURED HOME PARK DISTRICT) TO R-2
RESIDENTIAL DISTRICT**

1ST READING

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

ORDINANCE NO 2-2018

**ENACTING SECTION 204.06 (USE OF COMPUTERS,
INTERNET, AND ELECTRONIC MAIL BY MEMBERS OF
COUNCIL, THE MAYOR, THE DIRECTOR OF LAW, AND
THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF
CHAPTER 204 (OFFICIAL STANDARDS) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

1ST READING

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

RESOLUTION NO 8-2018

**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 AND
DECLARING AN EMERGENCY**

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

RESOLUTION NO 9-2018

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH K.E. MCCARTNEY & ASSOCIATES, INC FOR ENGINEERING SERVICES AND FINAL DESIGN FOR THE GAMBLE STREET/SMILEY AVENUE INTERSECTION PROJECT AND DECLARING AN EMERGENCY

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

RESOLUTION NO 10-2018

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE RECYCLE OHIO GRANT FOR THE PURCHASE OF TRASH RECEPTACLES AND SOLID WASTE/RECYCLABLE COLLECTION AND DECLARING AN EMERGENCY

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

RESOLUTION NO 11-2018

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS

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

ORDINANCE NO. 1-2018
(Sponsor: Councilmember Roub)

AMENDING ORDINANCE 1-91, PART 12, TITLE 6 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO TO CHANGE PERMANENT PARCEL NUMBERS ON FLINT STREET WHICH ARE DESIGNATED AT MHP (MANUFACTURED HOME PARK DISTRICT) TO R-2 RESIDENTIAL DISTRICT

WHEREAS, by authority of Codified Ordinances 1260.05, the Council of the City of Shelby has determined that permanent parcel numbers on Flint Street as located in the MHP (Manufactured Home Park District) be zoned as R-2 (Residential District) property; and

WHEREAS, in accordance with Codified Ordinance 1260.05 the Council of the City of Shelby has determined that said amendment to the Zoning Ordinance is necessary; and

WHEREAS, the Planning Commission of the City of Shelby has reviewed the proposed amendment and has approved of same on January 23, 2018; and

WHEREAS, in accordance with mandates to the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning this proposed amendment; 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 Ordinance number 1-91, Part 12, Title 6 be amended and that certain permanent parcel numbers on Flint Street be rezoned.

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

Section 1: That the zoning map attached to Ordinance Number 1-91 as passed on March 4, 1991 (with amendments) is hereby revised and amended by changing the following Richland County Permanent Parcel Numbers:

0460805512000 32 Flint Street
0460800901000 34 Flint Street

from MHP (Manufactured Home Park) to R-2 (Residential District)

Section 2: That the Clerk of Council and the Chairman of the Shelby Planning Commission are directed to make the necessary changes on the original zoning map of the City of Shelby, Ohio.

Section 3: That all other zones and designations currently on said map; not modified herein are to remain in full force and effect.

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.

Section 5: 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

ORDINANCE NO. 2 -2018
(Sponsor: Councilmember Gates)

ENACTING SECTION 204.06 (USE OF COMPUTERS, INTERNET, AND ELECTRONIC MAIL BY MEMBERS OF COUNCIL, THE MAYOR, THE DIRECTOR OF LAW, AND THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 204 (OFFICIAL STANDARDS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: The City of Shelby provides computers, Internet access, and or electronic mail to city employees including elected officials; and

WHEREAS: The Mayor as the ex-officio Director of Public Service and the ex-officio Director of Public Safety has adopted an employee handbook that contains a policy regulating employees' proper use of computers, Internet access, and/or electronic mail; however, that policy does not and cannot apply to elected officials; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby that elected official likewise acknowledge proper use of computers, Internet access, and/or electronic mail.

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

Section 1: That Section 204.06 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

204.06 USE OF COMPUTERS, INTERNET, AND ELECTRONIC MAIL BY MEMBERS OF COUNCIL, THE MAYOR, THE DIRECTOR OF LAW, AND THE DIRECTOR OF FINANCE AND PUBLIC RECORD.

(a) The use of computer technology and assignment of an electronic mail (e-mail)/Internet account through the City of Shelby is a benefit to members of Council, the Mayor, the Director of Law, and the Director of Finance and Public Record and should be treated as such. This section constitutes proper use of these privileges. Computer, Internet, and electronic mail usage may be monitored by system or other personnel at any time. The use of any electronic technology resources of the City of Shelby implies acceptance of all current operational policies.

(b) The following are general standards of conduct for computers and Internet use:

(1) Any use of city computers or on-line computer services to facilitate illegal activity is prohibited, including any violation of software licensing.

(2) Use of the city's electronic services to access, display, or transmit sexually explicit or pornographic materials is prohibited.

(3)

(4) Use of the city's electronic services for personal, political, commercial, or for-profit purposes is prohibited. This includes buying, selling, and bartering, including, but not limited to, the use of credit cards. This includes, but is not limited to, such things as making or receiving political donations, personal financial transactions, making personal purchases from commercial retail sellers, and/or conducting transactions on private seller/buyer websites such as craigslist or eBay or similar websites where items or services are traded or bartered for personal use.

(5) Disruption of electronic services, supporting equipment, or information available on it is prohibited. Disruption includes, but is not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws, or installing non-city-owned software of any kind.

(6) The use of electronic services to harass other users or to transmit materials likely to be offensive or objectionable is prohibited.

(e) That Members of Council, the Mayor, the Director of Law, and the Director of Finance and Public Record shall acknowledge in writing that they have received a copy of and have reviewed the provisions of this section.

Section 2: That all other sections of Chapter 204 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; and

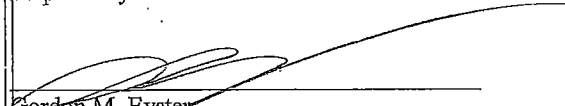
Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

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

RESOLUTION NO. 8 -2018
(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 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 #3; 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; 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 shall be and is hereby authorized to enter into an amendment to the contract with CT Consultants for the total amount of Thirty-Six Thousand Five Hundred Fifteen and 00/100 Dollars (\$36,515.00) as an increase.

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 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. 10 -2018
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE RECYCLE OHIO GRANT FOR THE PURCHASE OF TRASH RECEPTACLES AND SOLID WASTE/RECYCLABLE COLLECTION AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for recycle and litter prevention programs through the Recycle Ohio Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Recycle Ohio Grant Program for trash receptacles and the collection of recyclable solid waste materials; 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 Safety of City of Shelby apply for a Recycle Ohio Grant; 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 City of Shelby Council approves an application for financial assistance for purchasing trash receptacles and to provide recyclable and solid waste collection.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project.

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, Ohio.

Section 5: 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

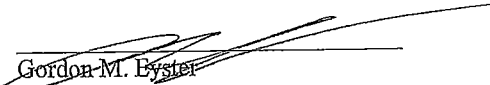
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 11 -2018
(Sponsor – Councilmember: Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS.

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with serious offenses and loss of liberty offenses in its Municipal Court, and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the City's indigent citizens and others so situated, 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 Safety be authorized to enter into an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents, and

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents for the year beginning January 1, 2018.

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

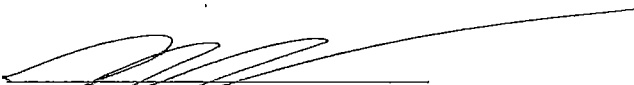
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law