

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

**Shelby City Council Agenda**  
**Monday, February 6, 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 January 17, 2017**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

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 KAUSHIK PATEL TO THE SHELBY HISTORIC PRESERVATION COMMISSION**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

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**  
Fiscal Health Report

**Unfinished Business**  
Mohican Street—Junk Yard

West Main Street Sanitary Sewer

**Legislation**

**AMENDED 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**

**2ND READING**

Moved        2<sup>ND</sup>         
Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**ORDINANCE NO 3-2017**

**AMENDING SECTION 260.09 (HOLIDAYS) OF CHAPTER 260 (EMPLOYEES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**2ND READING**

Moved        2<sup>ND</sup>         
Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin

**ORDINANCE NO 4-2017**

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

**2ND READING**

Moved        2<sup>ND</sup>         
Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**RESOLUTION NO 5-2017**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SAFETY TO SUBMIT A PROPOSAL TO THE OHIO  
DEPARTMENT OF HEALTH FOR FUNDING TO  
PROMOTE LEAD POISONING PREVENTION & HEALTHY  
HOMES PREVENTION ACTIVITIES IN APRIL THROUGH  
JUNE OF 2017, AND DECLARING AN EMERGENCY**

Moved        2<sup>ND</sup>         
Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin       

**Miscellaneous Business**

**Adjournment** at        p.m.

Moved        2<sup>ND</sup>         
Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin

1/3/2017  
2nd Reading  
1/11/2017

**AMENDED 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; 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 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 OF 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 6, 2020, the salary for each member of City Council shall be \$7,415.00, annually, to be paid bi-weekly.

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. Byster  
Director of Law

1st reading  
1/17/2017

ORDINANCE NO.: 3 -2017  
(Sponsor: Councilmember Gates)

**AMENDING SECTION 260.09 (HOLIDAYS) OF CHAPTER 260 (EMPLOYEES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, It is in the interest of the public health, safety, morals, and general welfare that the City's designation of Memorial Day be consistent with the designation contained in 36 U.S. Code, Section 116.

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

Section 1: That Section 260.09 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**260.09 HOLIDAYS.**

- (a) The official paid holidays of the city are as follows:
  - (1) New Year's Day - January 1;
  - (2) Martin Luther King Day - third Monday in January;
  - (3) Presidents' Day - third Monday in February;
  - (4) Memorial Day - last Monday in May;
  - (5) Independence Day - July 4;
  - (6) Labor Day - first Monday in September;
  - (7) Veterans Day - November 11;
  - (8) Thanksgiving Day - fourth Thursday in November; and
  - (9) Christmas Day - December 25.

(b) In addition to the nine holidays set forth in division (a) hereof, all employees covered by this chapter shall, after one continuing year of service, receive two floating holidays per calendar year, which shall be taken off anytime during the calendar year and prior to December 31 of any given year. An employee must clear his or her date selection with the Mayor or department head. Each department head shall keep accurate records of all time taken off within his or her department.

(c) An employee shall be paid the holidays as aforesaid and shall not be required to work any such holidays, unless, in the opinion of the Director of Public Service, failure to work on the holiday would impair public service or safety. Each employee working on such a holiday shall receive compensation time in lieu of overtime pay.

Section 2: That all other section of Chapter 260 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.

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: \_\_\_\_\_  
Steve L. Schag  
Mayor

ATTEST: \_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

Approved by:  
\_\_\_\_\_  
Gordon M. Lyster  
Director of Law

1/17/2017

**ORDINANCE NO. 4 -2017**  
**(Sponsors: Councilmember 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 27-2016 in November of 2016; and

WHEREAS, the Division of Health may establish fees for attendance at a course of study offered by the licensor in food protection if the course is approved under section 3717.09 of the Ohio Revised Code; 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 FOR 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	
Level II Examination only	Shelby City	\$25
	Non-Shelby City	\$50

**Body Art Approval Fees**

<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 vehicle inspection	\$85	\$	\$0	\$85
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	
<b>Public Pool Spa Special use pool</b>	\$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



<i>Sewage Treatment Systems</i>			
<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>Total</i>
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 2016 2017 \$25 \$50 \$74	2015 2016 2017 \$140 \$165 \$189
Permit for Alteration of Existing System for years 2015, 2016, 2017	\$75	2015 2016 2017 \$15 \$25 \$35	2015 2016 2017 \$90 \$100 \$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 D. McLaughlin  
Vice President of Council


APPROVED:

ATTEST:

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steve L. Schag  
Mayor

Approved by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

**RESOLUTION NO. 5 -2017**  
(Sponsor: Councilmember Gates)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO SUBMIT A PROPOSAL TO THE OHIO DEPARTMENT OF HEALTH FOR FUNDING TO PROMOTE LEAD POISONING PREVENTION & HEALTHY HOMES PREVENTION ACTIVITIES IN APRIL THROUGH JUNE OF 2017, AND DECLARING AN EMERGENCY.**

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

WHEREAS, the Shelby City Health Department needs to better serve families with children under the age of six, residing in homes that were built prior to 1978 with possible lead hazards; and

WHEREAS, the Shelby City Health Department is capable of promoting lead poisoning prevention and healthy homes concepts to targeted areas; 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 apply for \$3,000 from the Ohio Department of Health to promote lead poisoning prevention and healthy homes activities in April through June 2017.

**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 Safety be authorized to apply for available funding from the Ohio Department of Health for 2017 Healthy Homes & Lead Poisoning Prevention activities.

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.

Section 3: That this Resolution is deemed to be an emergency measure in order to meet an application deadline 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

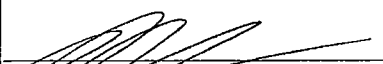
APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law