

3:30pm Finance & Personnel Committee

**Shelby City Council Agenda
Tuesday, January 20, 2015
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.**

Call to Order and Pledge of Allegiance

Roll Call:

Mrs. Carlisle _____ Mr. Shasky _____ Mr. Gates _____ Mr. Martin _____

Dispense with Reading of Journal from January 5, 2015

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Pat Carlisle

Safety Committee—Harold Shasky

Utilities & Streets Committee—Nathan Martin

Committee of the Whole

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF CAROL MCLAUGHLIN TO THE SHADE TREE COMMISSION

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

MOTION TO CONFIRM THE APPOINTMENT OF MARY ANN HAWK TO THE SHADE TREE COMMISSION

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

Robert Lafferty—Director of Finance

**MOTION TO CONFIRM THE APPOINTMENT OF HAROLD SHASKY AS CHAIRPERSON
TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND**

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

**MOTION TO CONFIRM THE APPOINTMENT OF PATRICIA CARLISLE AS SECRETARY
TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND**

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

ORDINANCE NO 26-2014

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO CONTRACT FOR THE LEASE OF REAL
ESTATE NO LONGER NEEDED FOR ANY MUNICIPAL
PURPOSE**

3RD READING

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

ORDINANCE NO 27-2014 **AMENDING SECTION 276.04 (FEES) OF CHAPTER 276
(DIVISION OF HEALTH) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

3RD READING
Moved _____ 2ND _____
Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

PASSAGE OF ORDINANCE
Moved _____ 2ND _____
Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

AMENDED ORDINANCE NO 1-2015 **AMENDING CHAPTER 258 (ELECTED OFFICIALS'
SALARIES) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

2ND READING
Moved _____ 2ND _____
Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

RESOLUTION NO 5-2015 **GIVING CONSENT/AUTHORIZATION TO THE DIRECTOR
OF TRANSPORTATION OF THE STATE OF OHIO TO
COMPLETE A RESURFACING PROJECT WITHIN THE
CITY OF SHELBY, OHIO**

Moved _____ 2ND _____
Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Gates _____ Mr. Martin _____ Mrs. Carlisle _____ Mr. Shasky _____

12/15/2014
 Ind Reading
 1/5/2015

ORDINANCE NO. 26-2014
Sponsors: (Councilmembers Gates & Shasky)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO CONTRACT FOR THE LEASE OF REAL ESTATE NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE.

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

WHEREAS, the City of Shelby has obtained parcels of land through the FEMA Mitigation Grants; and

WHEREAS, the Mayor acting as Director of Public Service has determined that said parcels are 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 said parcels be leased 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:

#	ADDRESS	LOT	PARCEL ID	DISASTER DECLARATION
1	160 Leslie Lane	3405	0460814501000	1720.10R
2	158 Leslie Lane	3406	0460810208000	1720.10R
3	156 Leslie Lane	3407	0460814514000	1720.10R
4	154 Leslie Lane	3408	0460800807000	1720.10R
5	152 Leslie Lane	3409	0460815015000	RFC 08
6	150 Leslie Lane	3410	0460812516000	1720.10R
7	148 Leslie Lane	3411	0460802307000	1720.10R
8	144 Leslie Lane	3318	0460804105000	1720.10R
9	155 Leslie Lane	3419	0460816607000	1720.10R
10	153 Leslie Lane	3420	0460804813000	1720.10R
11	151 Leslie Lane	3421	0460814604000	1720.04R
12	149 Leslie Lane	3422	0460802513000	1720.10R
13	147 Leslie Lane	3423	0460819808000	1720.10R
14	145 Leslie Lane	3320	0460808018000	1720.10R
15	143 Leslie Lane	3319	0460807107000	1720.04R
16	149 N. Gamble St.	3737	0460822039000	1720.10R
17	147 N. Gamble St.	3736	0460822049000	RFC 08
18	145 N. Gamble St.	3735	0460822042000	1720.10R
19	143 N. Gamble St.	3734	0460822051000	1720.10R
20	139 N. Gamble St.	3732	0460822041000	1720.04R
21	137 N. Gamble ST	3731	0460822040000	1720.04R
22	32 Shelby Avenue	1708 &1707	0460817918000	1720.04R
23	35 Jeffery Avenue	892	0460814216000	1720.04R
24	26 Walnut Street	189	0460816404000	1720.04R
25	17 E. Whitney Avenue	242	0460817517000	1720.04R
26	19 E. Whitney Avenue	241	0460817516000	1720.04R
27	14 E. Whitney Avenue	246	0460810605000	1720.04R
28	29 Mohican Street	2724	0460811013000	1720.04R
29	33 Mohican Street	2722	0460818209000	1720.04R

Section 2: That the Mayor as Director of Public Service be and is hereby authorized to lease said real estate to the highest bidders according to law and further authorized to convey said real estate by lease agreement.

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 lease of said real estate described in Section 1 to the credit of the General Fund.

Section 5: That all lease agreements shall have the approval of the Federal Emergency Management Agency Region Five Regional Director.

Section 6: 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 7: 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: _____

Vice President of Council


APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

1st Reading
12/15/2014
2nd Reading
1/5/2015

ORDINANCE NO. 27-2014
(Sponsors- Councilmembers Carlisle and Shasky)

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

WHEREAS, the 128th General Assembly of the State of Ohio passed a revising the Household Sewage and Small Flow On-Site Sewage Treatment Law; and

WHEREAS, the State of Ohio Department of Health has established rules for the enforcement of said law; and

WHEREAS, it is necessary for the City of Shelby Division of Health to establish a fee schedule to administer said laws and rules; 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 of Chapter 276 of the Codified Ordinances of the City of Shelby be amended so as to reflect the changes of the rules and laws concerning Household Sewage and Small Flow On-Site Sewage Treatment Systems, and.

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 so that said section shall 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	\$14 + \$6 State Fee = \$20 per location		
Mobile food service	\$71 + \$28 State Fee = \$99 per unit		
Temporary food service	\$35 per event up to five days		
<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

<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: _____

Vice President of Council

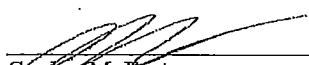
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Steve L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

11/5/2015

AMENDED ORDINANCE NO. 1-2015

(Sponsor - Martin)

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

WHEREAS: Section 6 of the City Charter states, "The salaries of the officers shall be fixed by the outgoing Council not later than February 15th in the odd numbered years"; and

WHEREAS: Currently, Chapter 258 (Elected Officials' Salaries) contains no provision for pay rates for any elected officials beyond the conclusion of calendar year 2015; 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 (Elected Officials' Salaries) be amended so as to provide for pay rates for elected officials for their next terms in office.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, 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 2, 2018, the salary for each member of City Council shall be Three Thousand Seven Hundred Seventy-two Dollars (\$3,772.00) annually, to be paid biweekly.

258.02 Salary of the Mayor

Effective January 1, 2016, through December 31, 2016, the salary for the Mayor shall be Fifty-Seven Thousand Six Hundred Dollars (\$57,600.00) annually, to be paid biweekly.

Effective January 1, 2017, through December 31, 2017, the salary for the Mayor shall be Fifty-Eight Thousand One Hundred Seventy-Five Dollars (\$58,175.00) annually, to be paid biweekly.

Effective January 1, 2018, through December 31, 2018, the salary for the Mayor shall be Fifty-Nine Thousand Three Hundred Thirty-Five Dollars (\$59,335.00) annually, to be paid biweekly.

Effective January 1, 2019, through December 31, 2019, the salary for the Mayor shall be Sixty Thousand Five Hundred Twenty-Five Dollars (\$60,525.00) annually, to be paid biweekly.

258.03 Salary of the Director of Law

Effective January 1, 2016, through December 31, 2016, the salary for the Director of Law shall be Forty-Four Thousand Eight Hundred Eighty-Five Dollars (\$44,885.00) annually, to be paid biweekly.

Effective January 1, 2017, through December 31, 2017, the salary for the Director of Law shall be Forty-Five Thousand Three Hundred Thirty-Five Dollars (\$45,335.00) annually, to be paid biweekly.

Effective January 1, 2018, through December 31, 2018, the salary for the Director of Law shall be Forty-Six Thousand Two Hundred Forty Dollars (\$46,240.00) annually, to be paid biweekly.

Effective January 1, 2019, through December 31, 2019, the salary for the Director of Law shall be Forty-Seven Thousand One Hundred Sixty-Five Dollars (\$47,165.00) annually, to be paid biweekly.

258.04 Salary of the Director of Finance and Public Record

Effective January 1, 2016, through December 31, 2016, the salary for the Director of Finance and Public Record shall be Fifty-Four Thousand Seven Hundred Eighty Dollars (\$54,780.00) annually, to be paid biweekly.

Effective January 1, 2017, through December 31, 2017, the salary for the Director of Finance and Public Record shall be Fifty-Five Thousand Three Hundred Ninety-Nine Dollars (\$55,330.00) annually, to be paid biweekly.

Effective January 1, 2018, through December 31, 2018, the salary for the Director of Finance and Public Record shall be Fifty-Six Thousand Four Hundred Thirty-Five Dollars (\$56,435.00) annually, to be paid biweekly.

Effective January 1, 2019, through December 31, 2019, the salary for the Director of Finance and Public Record shall be Fifty-Seven Thousand Five Hundred Sixty-Five Dollars (\$57,565.00) 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.

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: _____

Vice President of Council


APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

RESOLUTION NO. 5-2015
(Sponsor: Councilmember Martin)

GIVING CONSENT/AUTHORIZATION TO THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO TO COMPLETE A RESURFACING PROJECT WITHIN THE CITY OF SHELBY, OHIO.

WHEREAS, the State of Ohio Department of Transportation has identified the need to perform a resurfacing project on the State Routes within the City of Shelby; and

WHEREAS, the purpose of the project is to perform two-lane resurfacing on RIC SR 39, 1.85 to 3.68 (West corporation limit of Shelby to SR 96) & RIC SR 61, 3.88 to 7.68 (SR 314 to just north of Shelby Corporation Limit & Ashland Railway railroad tracks) & RIC 96, 3.70 to 4.63 (SR 39 overlap ends to 0.14 mi west of Technology Parkway); and

WHEREAS, approximately 6.05 miles of this project is within the Shelby Corporation Limits; and

WHEREAS, the proposed project is tentatively scheduled to begin in 2015.

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

Section 1: That the City of Shelby gives consent to the Director of Transportation to complete the above described project.

Section 2: The City of Shelby shall cooperate with the Director of Transportation, for the portion of this project within the Shelby Corporation limits, as follows:

- 1) ODOT agrees to assume and bear one hundred percent (100%) of the preliminary engineering costs;
- 2) ODOT agrees to assume and bear eighty percent (80%) of the roadway construction and construction engineering costs;
- 3) The City of Shelby agrees to assume and bear twenty percent (20%) of the roadway construction and construction engineering costs;
- 4) ODOT and the City of Shelby agree that the following roadway construction items are eligible for 80% ODOT/20% City funding: Pavement planning, asphalt overlay, treatment of shoulder, height adjustment to existing guardrail, pavement markings, temporary and fast dry, adjustments to catch basins, manholes, valve boxes, etc, Mailbox supports & approaches and Work zone signs;
- 5) ODOT agrees to assume and bear one hundred percent (100%) of the bridge related costs;
- 6) ODOT agrees to assume and bear one hundred percent (100%) of the cost of the following construction items, Pavement repair partial and full depth, Curbs, Curb ramps, Sidewalks, City owned signs, Guardrail-replacement of existing and required new locations, and those items requested by the City which are determined to be unnecessary by the State or Federal Highway Administration for the intent of this project;
- 7) A preliminary cost estimate for the city's share of the project is \$598,000 for construction costs and \$14,700 for construction engineering (inspection);

Section 3: Upon completion of the described Project, and unless otherwise agreed, the City of Shelby shall:

- 1) Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;
- 2) Provide ample financial provisions, as necessary, for the maintenance of the described project;
- 3) Maintain the right-of-way, keeping it free of obstructions; and hold said right-of-way inviolate for public highway purposes.

Section 4: The City of Shelby agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5: That all meetings and hearings concerning the adoption of the 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 6: 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: _____

Harold Shasky
Vice President of Council Pro Tempore

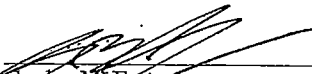
APPROVED:

ATTEST: _____

Jeffrey Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law