

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

Shelby City Council Agenda
Monday, July 16, 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 July 2, 2018

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Utilities & Streets Committee—Nathan Martin

Safety Committee—Derrin Roberts.

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
State Street Bridge

Unfinished Business
Future Use of Present Fire Station

West Main Street Sewer Project

Legislation

ORDINANCE NO 7-2018

AMENDING THE ZONING ORDINANCE (ORDINANCE 1-91, PART 12, TITLE 6) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO TO CHANGE PERMANENT PARCEL NUMBERS ON EAST MAIN STREET WHICH ARE DESIGNATED R-1-A (RESIDENTIAL DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AND CHANGING A PERMANENT PARCEL NUMBER ON WEST MAIN STREET FROM B-2 (CENTRAL BUSINESS DISTRICT) TO CD (CONSERVATION DISTRICT)

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 12-2018

**AMENDING SECTION 678.15 (b)(2)(I) (CONCEALED
HANDGUN LICENSES: POSSESSION OF A
REVOKED OR SUSPENDED LICENSE;
ADDITIONAL RESTRICTIONS; POSTING OF SIGNS
PROHIBITING POSSESSION), OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 14-2018

**ENACTING SECTION 1054 (RIGHT OF WAY
OCCUPANCY PERMIT) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

1ST READING

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

RESOLUTION NO 33-2018

**AUTHORIZING THE MAYOR AS DIRECTOR OF
PUBLIC SAFETY TO PURCHASE RADIO, PUBLIC
ADDRESS, AND CAMERA SYSTEMS FROM VASU
COMMUNICATIONS, INC. FOR OPERATIONS IN
THE SHELBY FIRE DEPARTMENT AND
DECLARING AN EMERGENCY**

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

RESOLUTION NO 34-2018

**AUTHORIZING THE MAYOR TO ISSUE A REVOCABLE
PERMIT TO OCCUPY THE RIGHT-OF-WAY ON NORTH
GAMBLE STREET**

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

5/17/2018
5/21/2018
Postponed
2nd Reading
7/12/2018

ORDINANCE NO. 7 -2018
(Sponsor: Councilmembers Roberts and Roub)

AMENDING THE ZONING ORDINANCE (ORDINANCE 1-91, PART 12, TITLE 6) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO TO CHANGE PERMANENT PARCEL NUMBERS ON EAST MAIN STREET WHICH ARE DESIGNATED R-1-A (RESIDENTIAL DISTRICT) TO B-2 (CENTRAL BUSINESS DISTRICT) AND CHANGING A PERMANENT PARCEL NUMBER ON WEST MAIN STREET FROM B-2 (CENTRAL BUSINESS DISTRICT) TO CD (CONSERVATION DISTRICT)

WHEREAS, by authority of Codified Ordinances 1260.05, the Council of the City of Shelby has determined that permanent parcel numbers on East Main Street as located in the R-1-A (Residential District) be zoned as B-2 (Central Business District) property, and a permanent parcel number on West Main Street as located in the B-2 (Central Business District) be zoned as CD (Conservation 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 April 24, 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 East Main Street and West Main 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:

0460850012000	10 East Main Street
0460850144000	10 East Main Street

from R-1-A (Residential District) to B-2 (Central Business District)

Section 2: 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 Number:

0460818609000	10 West Main Street
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from B-2 (Central Business District) to CD (Conservation District)

Section 3: 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 4: That all other zones and designations currently on said map; not modified herein are to remain in full force and effect.

Section 5: 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 6: 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

411810018
2nd Reading
7/2/2018

ORDINANCE NO. 12-2018
(Sponsor: Councilmember McLaughlin)

AMENDING SECTION 678.15 (b)(2)(I) (CONCEALED HANDGUN LICENSES: POSSESSION OF A REVOKED OR SUSPENDED LICENSE; ADDITIONAL RESTRICTIONS; POSTING OF SIGNS PROHIBITING POSSESSION), OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the 131st Ohio General Assembly, passed Senate Bill 199, signed by the Governor, in December 2016, with an effective date of March 21, 2017, which allows local governments to enact an ordinance that permits a licensee to carry a concealed handgun into buildings within their governing authority; and

WHEREAS, ORC §2923.126 (B)(7) provides, "Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building"; and

WHEREAS, Shelby Ordinance 678.15 (b)(2)(I) provides, "Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section"; 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 678.15 (Concealed Handgun Licenses) of Chapter 678 (Weapons and Explosives) be amended and/or modified.

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

Section 1: That Section 678.15 (b)(2)(I) of the Codified Ordinances of the City of Shelby be and is hereby amended as follows:

"Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (B)(3) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building".

Section 2: That all other sections of Chapter 678 (Weapons and Explosives) 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.

PASSED:

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST:

Steven T. Lifer
Director of Finance

Steven L. Schag
Mayor

ORDINANCE NO. 14 -2018
(Sponsor: Councilmember Martin and Gates)

**ENACTING SECTION 1054 (RIGHT OF WAY OCCUPANCY PERMIT) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, Ohio House Bill 478 allowed for measures and ends of a legal challenge as concerning claims filed against the State of Ohio regarding right of way utility permits; and

WHEREAS, State of Ohio has passed certain laws which allow for municipalities to charge fees for the occupancy of facilities in the right of way owned by the City of Shelby for purposes of small cell wireless; and

WHEREAS, small cell wireless companies will have the ability to install equipment, goods, furnishings and facilities along City owned right of ways without the approval of the City unless legislation is adopted.

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

Section 1: That Chapter 1054 of the Codified Ordinances of the City of Shelby be and is hereby enacted as set forth in Exhibit A, attached hereto and incorporated by reference herein.

Section 2: 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 3: 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
Director of Finance

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 33 -2018
(Sponsor: Councilmember Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PURCHASE RADIO, PUBLIC ADDRESS, AND CAMERA SYSTEMS FROM VASU COMMUNICATIONS, INC. FOR OPERATIONS IN THE SHELBY FIRE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Shelby Fire Department is in need of new equipment for the operation of the fire station; and

WHEREAS, VASU Communications, Inc., has provided the City of Shelby a quote for equipment and installation; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said equipment be purchased.

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 shall be and is hereby authorized to purchase from VASU Communications, Inc., radio, public address, and camera systems, including installation, for the Shelby Fire Station.

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 T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Hyster
Director of Law

RESOLUTION NO. 34 -2018
(Sponsor: Councilmember Roub)

AUTHORIZING THE MAYOR TO ISSUE A REVOCABLE PERMIT TO OCCUPY THE RIGHT-OF-WAY ON NORTH GAMBLE STREET.

WHEREAS, Section 102 of the Charter of the City of Shelby reads as follows: "The council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts, within the city, and shall cause them to be kept open, in repair and free from nuisance; and

WHEREAS, the City has recently learned, as a result of the design work for the reconstruction of the North Gamble Street and West Smiley Avenue intersection (ODOT Project No. RIC-61-6.38, PID 106258), that a privately-owned structure encroaches upon the public right-of-way on North Gamble Street; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said encroachment either be permitted or removed.

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

Section 1: That the Mayor shall be and is hereby authorized to issue a revocable Permit to Occupy the Right-of-Way to Amanda Stone for the Ted and Ali's sign at 69 North Gamble Street.

Section 2: That should the owner as noted in Section 1 fail to accept the terms and conditions of said permit, the Director of Law shall be and is hereby directed to initiate action to remove said encroachment pursuant to Section 33 of the Charter of the City of Shelby.

Section 3: 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 4: 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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director Law