

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

Shelby City Council Agenda
Monday, March 20, 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 March 6, 2017

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

PROCLAMATION

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business
West Main Street Sanitary Sewer

Legislation

ORDINANCE NO 6-2017

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

2ND READING

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

ORDINANCE NO 7-2017

**VACATING AN ALLEY RUNNING PERPENDICULAR OF
SOUTH STREET BETWEEN LOTS 211 & 201 AND 210 & 202
IN THE CITY OF SHELBY, OHIO**

1ST READING

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

ORDINANCE NO 8-2017

**CREATING 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. Martin Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

PASSAGE OF ORDINANCE

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

RESOLUTION NO 9-2017

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT CHANGE ORDER WITH SMITH PAVING & EXCAVATING, INC. FOR THE MANSFIELD AVENUE (RIC-39-3.68) PROJECT IN THE AMOUNT OF SEVENTEEN THOUSAND NINE HUNDRED SIX AND 23/100 DOLLARS (\$17,906.23) AS AN INCREASE

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

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

Proclamation for Developmental Disabilities Awareness Month

March 2017

Whereas: the more than 1,700 individuals served by Richland Newhope, their families, friends, neighbors, and co-workers encourage everyone to focus on the *abilities* of all people:

And,

Whereas: the most effective way to increase this awareness is through everyone's active participation in community activities and the openness to learn and acknowledge each individual's contribution;

And,

Whereas: policies must be developed, attitudes shaped, and opportunities offered for citizens with developmental disabilities to live as independently and productively as possible in our community;

And,

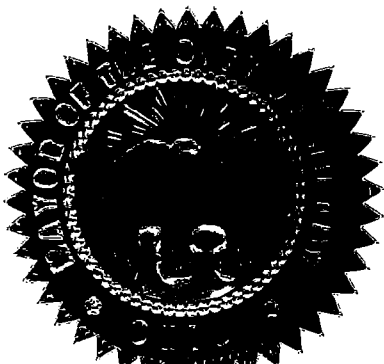
Whereas: this year marks the 50th anniversary of the Richland County Board of Developmental Disabilities supporting individuals and families through a variety of services and supports.

NOW THEREFORE I, Steven L. Schag, Mayor of the City of Shelby, do hereby proclaim March 2017 as

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

and offer full support to efforts that assist people with developmental disabilities to make choices that enable them to live successful lives and realize their full potential.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Shelby, Ohio to be affixed this 20th day of March, in the year of our Lord, two thousand and seventeen.



Steven L. Schag
Mayor

3/6/2017

ORDINANCE NO. 6-2017
(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 4-2017 in January of 2017; and

WHEREAS, the Division of Health may establish fees for attendance at a course of study offered by the licenser 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 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 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	\$125	
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	
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

Sewage Treatment Systems

Type	Local Fee	State Fee	Total
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 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: 7-2017
(Sponsor: Councilmember Gates)

VACATING AN ALLEY RUNNING PERPENDICULAR OF SOUTH STREET BETWEEN LOTS 211 & 201 AND 210 & 202 IN THE CITY OF SHELBY, OHIO.

WHEREAS, on the 3rd day of January, 2017, the Council of the City of Shelby adopted Resolution No: 2-2017 and in so doing declared its intent to vacate an alley running perpendicular to South Street between Lots 211 & 201 and 210 & 202, within the City of Shelby; and

WHEREAS, a majority of the owners of property bounding and abutting upon said alley have submitted a "Petition to Vacate Street or Alley" to Council of the City of Shelby, Ohio, asking the alley to be vacated; and

WHEREAS, notice of the adoption of the above Resolution has been provided to the owners of property abutting said alley thereby notifying said property owners of the time and place at which objections could be presented to the Board of Revision of Assessments (pursuant to Section 105 of the charter of the City of Shelby); and

WHEREAS, the Board of Revision of Assessments met on 28th day of February (said meeting and procedure being in accordance with the provisions of Section 105 of the charter of the City of Shelby) and voted unanimously to approve and recommend the vacation of an alley running perpendicular to South Street, between Lots 211 & 201 and 210 & 202, within the City of Shelby; and

WHEREAS, the Council of the City of Shelby is satisfied that there is good cause for vacating said alley which is hereinafter described and that said vacation will not be detrimental to the general interest and public welfare.

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

Section 1: That an alley running perpendicular to South Street between lots 211 & 201 and 210 & 202 as shown on Exhibit A within the City of Shelby, Ohio is hereby vacated.

Section 2: That in accordance with Section 105 of the charter of the City of Shelby, Ohio, the City shall retain any and all easements necessary for the maintenance of utilities currently located within said alley.

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 T. Lifer
Clerk of Council
Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO. 8-2017
(Sponsor: Councilmember McLaughlin)

CREATING APPROPRIATIONS FOR THE YEAR 2017, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code §5705.38 requires that "the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure. . . . no later than the first day of April of the current year"; and

WHEREAS, the Director of Finance and Public Record, in cooperation with the Finance Committee of City Council, and the Administration and Department Heads have prepared the "Annual Appropriation Ordinance" as attached hereto and made a part hereof; 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 Annual Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and so as to comply with the provisions of the Ohio Revised Code.

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 an appropriation is hereby made and authorized for the year 2017, the same to be in full force and effect from and after approval, as and for the general appropriations for the City of Shelby for the year 2017.

Section 2: That City Council does hereby appropriate as an appropriation for the year 2017 the following sums, to wit:

	ACCT. NO.	PERSONAL SERVICES	OTHER	APPROPRIATION EXPENSE
GENERAL FUND				
	101			
Building and Zoning		\$0.00	\$3,250.00	\$3,250.00
Civil Service		\$75.00	\$250.00	\$325.00
Council		\$23,385.00	\$21,862.00	\$45,247.00
Court		\$265,960.00	\$82,385.00	\$348,345.00
Finance		\$186,100.00	\$10,360.00	\$196,460.00
Law		\$77,640.00	\$42,440.00	\$120,080.00
Economic Development		\$0.00	\$56,400.00	\$56,400.00
Engineering		\$91,600.00	\$15,180.00	\$106,780.00
Fire		\$1,156,100.00	\$38,420.00	\$1,194,520.00
Mayor		\$133,550.00	\$6,305.00	\$139,855.00
Misc.		\$0.00	\$41,100.00	\$41,100.00
Police		\$1,654,500.00	\$300,950.00	\$1,955,450.00
Transportation		\$0.00	\$44,450.00	\$44,450.00
Transfers		\$0.00	\$389,000.00	\$389,000.00
TOTAL GENERAL FUND		\$3,588,910.00	\$1,052,352.00	\$4,641,262.00
SPECIAL FUNDS				
Street	200	\$305,475.00	\$159,525.00	\$465,000.00
State Highway	205	\$33,560.00	\$0.00	\$33,560.00
Street Sales Tax	210	\$0.00	\$100,250.00	\$100,250.00
Income Tax	220	\$132,400.00	\$3,467,700.00	\$3,600,100.00
Health	225	\$173,865.00	\$180,410.00	\$354,275.00
Park	230	\$26,050.00	\$280,800.00	\$306,850.00
Rehab Escrow CDBG	232	\$0.00	\$20,500.00	\$20,500.00
Court Probation	233	\$9,590.00	\$2,940.00	\$12,530.00
BMV Reimbursement	234	\$0.00	\$0.00	\$0.00

Law Enforcement Trust	235	\$0.00	\$5,750.00	\$5,750.00
Court IDAT	236	\$0.00	\$52,000.00	\$52,000.00
Court Enforce. & Education	237	\$0.00	\$750.00	\$750.00
Dare	238	\$0.00	\$1,500.00	\$1,500.00
Unclaimed Monies	240	\$0.00	\$500.00	\$500.00
Court IDAM	242	\$0.00	\$5,500.00	\$5,500.00
CDBG General	250	\$0.00	\$254,000.00	\$254,000.00
Home Program	251	\$0.00	\$342,000.00	\$342,000.00
City Admin. & Bldg.	650	\$0.00	\$10,130.00	\$10,130.00
Police Pension	700	\$200,000.00	\$870.00	\$200,870.00
Fire Pension	701	\$220,000.00	\$820.00	\$220,820.00
Shade Tree Trust	705	\$0.00	\$4,150.00	\$4,150.00
FEMA	815	\$0.00	\$0.00	\$0.00
Total Special Revenue Funds		\$1,100,940.00	\$4,890,095.00	\$5,991,035.00
Debt Service Funds				
Special Bond	275	\$0.00	\$22,297.00	\$22,297.00
General Bond SSE	281	\$0.00	\$8,123.00	\$8,123.00
Light Debt Reserve	602	\$0.00	\$0.00	\$0.00
Total Debt Service		\$0.00	\$30,420.00	\$30,420.00
Capital Project Funds				
Court Computer	239	\$0.00	\$13,500.00	\$13,500.00
Police Computer	241	\$0.00	\$750.00	\$750.00
Capital Improvement	300	\$0.00	\$262,100.00	\$262,100.00
Shelby Reservoir	301	\$0.00	\$0.00	\$0.00
Sewer Construction	302	\$0.00	\$0.00	\$0.00
San./Storm/Sewer - Equipment	303	\$0.00	\$0.00	\$0.00
Court Capital Improvement	304	\$0.00	\$3,850.00	\$3,850.00
Fox Run Six	322	\$0.00	\$0.00	\$0.00
Fox Run Seven	324	\$0.00	\$0.00	\$0.00
Water Facilities	350	\$0.00	\$0.00	\$0.00
Bridges & Sidewalks	351	\$0.00	\$0.00	\$0.00
Sidewalks 2% Streets, Alleys, Catch Basin Fund	352	\$0.00	\$30,800.00	\$30,800.00
	353	\$0.00	\$2,390,190.00	\$2,390,190.00
Police/Court	354	\$0.00	\$453,500.00	\$453,500.00
Police Equipment	702	\$0.00	\$26,000.00	\$26,000.00
Fire Equipment	703	\$0.00	\$383,685.00	\$383,685.00
Total Capital Projects		\$0.00	\$3,564,375.00	\$3,564,375.00
Permanent Fund				
Mini Park Trust	710	\$0.00	\$3,000.00	\$3,000.00
Total Permanent Funds		\$0.00	\$3,000.00	\$3,000.00
Special Assessment Fund				
Fire Damage Fund	253	\$0.00	\$500.00	\$500.00
Total Special Assessment Funds		\$0.00	\$500.00	\$500.00
Enterprise Funds				
Sewer	400	\$742,380.00	\$642,020.00	\$1,384,400.00
San. Sewer Capital Improvements	401	\$0.00	\$8,457,330.00	\$8,457,330.00
Waste Water Capital Improvements	402	\$0.00	\$283,390.00	\$283,390.00
Water	500	\$1,019,500.00	\$827,250.00	\$1,846,750.00
Water Facilities	501	\$0.00	\$226,881.00	\$226,881.00
Water Capital Improvements	502	\$0.00	\$513,000.00	\$513,000.00
Electric	600	\$1,332,540.00	\$11,105,450.00	\$12,437,990.00
Total Enterprise Funds		\$3,094,420.00	\$22,055,321.00	\$25,149,741.00

Internal Service Fund				
Hospitalization	715	\$0.00	\$1,600,000.00	\$1,600,000.00
Sharing Fund	706	\$0.00	\$30,000.00	\$30,000.00
Total Internal Service Fund		\$0.00	\$1,630,000.00	\$1,630,000.00
Agency Fund				
Playscape Trust	231	\$0.00	\$0.00	\$0.00
Bicentennial Trust	800	\$0.00	\$0.00	\$0.00
Light Customer Deposit	601	\$0.00	\$111,000.00	\$111,000.00
Total Agency Funds		\$0.00	\$111,000.00	\$111,000.00
Total Appropriations				
All Funds		\$7,784,270.00	\$33,337,063.00	\$41,121,333.00

Section 3: That the Director of Finance and Public Record is hereby authorized to draw warrants on the City Treasury for the amounts appropriated in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

Section 4: That transfers may be made from line item to line item within the Financial Department without specific Council authorization provided, however, that no line item may be increased during 2017 by a sum greater than 10% of the original appropriation or \$5,000.00 whichever is greater. Said transfer shall be certified by the Director of Finance and Public Record, signed by the Mayor, and by the elected official or board or commission responsible for each financial department.

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 is hereby deemed to be an emergency so as to provide for the usual daily operations of municipal government 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 D. 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. 9 -2017
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT CHANGE ORDER WITH SMITH PAVING & EXCAVATING, INC. FOR THE MANSFIELD AVENUE (RIC-39-3.68) PROJECT IN THE AMOUNT OF SEVENTEEN THOUSAND NINE HUNDRED SIX AND 23/100 DOLLARS (\$17,906.23) AS AN INCREASE.

WHEREAS, the City of Shelby has entered into a contract with Smith Paving & Excavating, Inc. for the Mansfield Avenue (RIC-39-3.68) Project, and said contract provides for a written change order; 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.

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 Service shall be and is hereby authorized to enter into Contract Change Order with Smith Paving & Excavating, Inc. for the total amount of Seventeen Thousand Nine Hundred Six and 23/100 Dollars (\$17,906.23) as an increase.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been 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