

**Shelby City Council Agenda**  
**Monday, May 16, 2016**  
**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 May 2, 2016**

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

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Garland John Gates

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

**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**

**Unfinished Business**  
Golf Carts

Sutter Roush Mausoleum

**Legislation**

**ORDINANCE NO 10-2016**

**ENACTING SECTION 240.06 (EMERGENCY MEDICAL SERVICE CHARGES) OF CHAPTER 240 (FIRE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 13-2016**

**APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY**

**Motion that the rule requiring that an ordinance be read on three separate occasions be suspended**

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

**PASSAGE OF ORDINANCE**

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

**RESOLUTION NO 36-2016**

**THANKING REVEREND DR. RICH RADER FOR HIS YEARS OF SERVICE IN THE CITY OF SHELBY, OHIO**

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

**RESOLUTION NO 37-2016**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR A STORM SEWER LINE WITH THE OAKLAND CEMETARY ASSOCIATION OF SHELBY, OHIO, INC AND DECLARING AN EMERGENCY**

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

RESOLUTION NO 38-2016

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2013 DURACO DURAPATCHER MODEL 125DJT FROM LEADER MACHINERY COMPANY, FOR THE PURCHASE PRICE OF \$47,000.00 INCLUDING WARRANTY, AND DECLARING AN EMERGENCY**

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

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

**Miscellaneous Business**

**MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:**

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

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

**CONFERENCES WITH AN ATTORNEY FOR THE PUBLIC BODY CONCERNING DISPUTES INVOLVING THE PUBLIC BODY THAT ARE THE SUBJECT OF PENDING OR IMMINENT COURT ACTION**

Adjournment at \_\_\_\_\_ p.m.

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

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

18/2016  
Reading  
2/2016

**ORDINANCE NO. 10-2016**  
(Sponsors – Councilmembers Gates & Roberts)

**ENACTING SECTION 240.06 (EMERGENCY MEDICAL SERVICE CHARGES) OF CHAPTER 240 (FIRE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS: On March 21, 2016, the Council of the City of Shelby passed Resolution No. 21-2016, "Authorizing the Mayor as Director of Public Safety to Enter into a Contract with Medicount Management, Inc. for the City of Shelby EMS Billing Needs"; and

WHEREAS: It is in the interest of the public health, safety, morals, and general welfare that the Council set reasonable and customary Emergency Medical Services charges.

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

Section 1: That Section 240.06 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**240.06 EMERGENCY MEDICAL SERVICE CHARGES.**

The charges for Emergency Medical Services provided by the Fire Department are hereby set as follows:

- (a) \$550.00 for Basic Life Support
- (b) \$750.00 for Advanced Life Support
- (c) \$950.00 for Advanced Life Support-2 (Cardiac)
- (d) \$14.00 per mile for patient transport

Section 2: That all other sections of Chapter 240 shall 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.

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 D. McLaughlin  
Vice President for Council

APPROVED:

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

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

Prepared by:

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

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (February 17, 2015) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State Law.

**NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF SHELBY, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:**

Section 1: That the editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
1-2015	2-2-2015	258.01-258.04
7-2015	3-16-2015	1050.02
12-2015	5-18-2015	208.03
16-2015	11-3-15, by voters	Charter
20-2015	6-15-2015	1468.02, 1468.06
24-2015	8-3-2015	236.04
25-2015	8-3-2015	242.01
26-2015	8-17-2015	TSO III
27-2015	7-20-2015	TSO IV
31-2015	9-8-2015	1050.02
32-2015	9-21-2015	TSO V
50-2015	12-21-2015	881.01-881.26, 881.99

Section 2: That pursuant to Section 17 of the City Charter and Ohio R.C. 731.23, the Clerk of Council shall cause to be published a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to February 17, 2015.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, Ohio R.C. 121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and approval by the Mayor and the earliest period allowed by law.

RESOLUTION NO. 36 -2016  
(Sponsor: Councilmember Roub)

**THANKING REVEREND DR. RICH RADER FOR HIS YEARS OF SERVICE IN THE CITY OF SHELBY OHIO**

WHEREAS: Reverend Dr. Rich Rader has dedicated his life to one of service; and

WHEREAS: Reverend Dr. Rader was instrumental in forming the Safety Forces Chaplaincy for Shelby in 2005; and

WHEREAS: Reverend Dr. Rader has selflessly made himself available to console, comfort, and provide guidance not only to members of Shelby's Safety Forces but to all victims and families severed by the Shelby Safety Forces since the formation of the Chaplaincy; and

WHEREAS: Reverend Dr. Rader performed his duties with great compassion and to the benefit of all he touched.

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

Section 1: That the Council express its sincere appreciation to Reverend Dr. Rich Rader for his years of service on behalf of the Safety Forces, and the citizens of Shelby.

Section 2: That the Council gratefully recognizes the value of Reverend Dr. Rader and the importance of the Chaplaincy program he helped form for the mental health, and spiritual well-being of the Safety Forces and the people that they serve.

Section 3: That the Clerk of Council present Reverend Dr. Rader an authenticated copy of this resolution.

Section 4: 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

Section 5: 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 T. Lifer  
Clerk of Council  
Steven L. Schag  
Mayor

Prepared by:

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

RESOLUTION NO. 37 -2016  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR A STORM SEWER LINE WITH THE OAKLAND CEMETARY ASSOCIATION OF SHELBY, OHIO, INC. AND DECLARING AN EMERGENCY.**

WHEREAS, it has become necessary to extend a storm sewer line on the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; 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 Service be authorized to acquire rights of easement for the installation of a storm sewer line.

**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 is hereby authorized to acquire rights of easement for the installation of a storm sewer line as prepared by Nathan W. Sautter, Ohio Registered Surveyor No. 8252 on April 14, 2016.

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 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. 38-2016

(Sponsors: Councilmembers Martin & McLaughlin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2013 DURACO DURAPATCHER MODEL 125DJT FROM LEADER MACHINERY COMPANY, FOR THE PURCHASE PRICE OF \$47,000.00 INCLUDING WARRANTY, AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has a continuing duty to the public to provide efficient and effective public service to the residents of the City; and

WHEREAS, the City of Shelby has determined it necessary to purchase a 2013 Duraco Durapatcher model 125DJT for use by the Service Department for the maintenance of city streets and alleys; and

WHEREAS, the City of Shelby budgeted for the financing of this street and alley repair equipment in the 2016 budget.

**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: The Mayor, as Director of Public Service is hereby authorized to enter into the purchase agreement with Leader Machinery Company for the procurement of a 2013 Duraco Durapatcher model 125DJT for use by the Service Department.

Section 2: The Mayor is here by authorized to enter into said contract for the procurement of a 2013 Duraco Durapatcher model 125DJT for use by the City of Shelby's Service Department through Leader Machinery Company in an amount of \$47,000.00.

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, Ohio.

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 McLaughlin  
Vice President of Council

APPROVED:

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

Steven Lifer  
Clerk of Council

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

Prepared by:

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