

3:30pm Finance & Personnel Committee

Shelby City Council Agenda
Monday, November 16, 2015
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from November 2, 2015

Moved _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Pat Carlisle
Safety Committee—Derrin Roberts
Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF JAMES MCCORMICK TO THE
BUILDING AND GROUNDS COMMISSION**

Moved _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

ORDINANCE NO 48-2015

**AMENDING ORDINANCE NO 8-2015 (ANNUAL
APPROPRIATIONS), AND DECLARING AN EMERGENCY**

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

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

PASSAGE OF ORDINANCE

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

ORDINANCE NO 49-2015

**AMENDING ORDINANCE NO 8-2015 (ANNUAL
APPROPRIATIONS), AND DECLARING AN EMERGENCY**

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

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

PASSAGE OF ORDINANCE

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

ORDINANCE NO 50-2015

**AN ORDINANCE TO ENACTING CHAPTER 811 OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY
REGARDING MUNICIPAL INCOME TAX**

1ST READING

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

RESOLUTION NO 52-2015

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO PURCHASE SALT FROM MORTON SALT,
INC. IN CONJUNCTION WITH THE RICHLAND COUNTY
BOARD OF COMMISSIONERS FOR THE PURCHASE OF
ROCK SALT AND DECLARING AN EMERGENCY**

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

RESOLUTION NO 53-2015

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO PURCHASE A PICKUP TRUCK FROM
DONLEY FORD OF SHELBY FOR THE OPERATION OF
THE SHELBY SERVICE DEPARTMENT AND DECLARING
AN EMERGENCY**

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

Miscellaneous Business

Adjournment at p.m.

Moved 2ND

Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

ORDINANCE NO. 48 -2015
(Sponsor – Councilmember Carlisle)

AMENDING ORDINANCE NO. 8-2015 (ANNUAL APPROPRIATIONS), AND
DECLARING AN EMERGENCY.

WHEREAS, on March 16, 2015, the Council of the City of Shelby passed its Annual Appropriation Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase line items within the 2015 budget and to fund said line item with previously unappropriated monies; 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 these additional appropriations be made effective so as to balance the books for the calendar year 2015, and so as to fund necessary expenditures and/or projects.

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 Ordinance No. 8-2015 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

220-CIT-506	REFUNDS	\$29,000.00
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Section 2: That all other portions of Ordinance No. 8-2015 not modified herein 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 is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby, Ohio, 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 W. Eyster
Director of Law

ORDINANCE NO. 49-2015
(Sponsor – Councilmember Carlisle)

AMENDING ORDINANCE NO. 8-2015 (ANNUAL APPROPRIATIONS), AND
DECLARING AN EMERGENCY.

WHEREAS, on March 16, 2015, the Council of the City of Shelby passed its Annual
Appropriation Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase line items within the 2015 budget and to fund
said line item with previously unappropriated monies; 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 these additional appropriations be made
effective so as to balance the books for the calendar year 2015, and so as to fund
necessary expenditures and/or projects.

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 Ordinance No. 8-2015 (Annual Appropriations) is hereby amended as
follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

300-STR-565	PICKUP TRUCK	\$8,545.00
400-DCP-565	PICKUP TRUCK	\$8,545.00
500-DCP-565	PICKUP TRUCK	\$8,545.00
600-DCP-565	PICKUP TRUCK	\$2,848.00

Section 2: That all other portions of Ordinance No. 8-2015 not modified herein 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 is hereby deemed to be an emergency so as to meet
the ongoing contractual and/or monetary obligations of the City of Shelby, Ohio, 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

ORDINANCE NO. 50 - 2015
(SPONSOR COUNCILMEMBER GATES)

AN ORDINANCE TO ENACTING CHAPTER 811 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY REGARDING MUNICIPAL INCOME TAX

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII I, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes"; and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in Chapter 718"; and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Shelby, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in Chapter 718" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO

Section 1. That Chapter 881 of the Codified Ordinances be to read as set forth in the document entitled "Chapter 881 Income Tax" attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That this Ordinance shall take effect and be in force from and after January 1, 2016.

Section 3. That Chapter 880 (Earned Income Tax) apply to years 2015 and before.

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, Ohio.

RESOLUTION NO. 52-2015
(Sponsor-Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SALT FROM MORTON SALT, INC. IN CONJUNCTION WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS FOR THE PURCHASE OF ROCK SALT AND DECLARING AN EMERGENCY.

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer are willing to partner with the City of Shelby in purchasing rock salt in the hopes that the combined, larger purchase, will be at a lesser cost than if purchased independently; and

WHEREAS, Ohio Revised Code 125.04 authorizes political subdivisions to purchase supplies or services from one another as long as said purchase is on equivalent terms, conditions, and specifications (but at a lower price) than could be purchased by bidding or through the state cooperative purchase plan; and

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer have completed the necessary steps to purchase rock salt for both the county and city of Shelby all in accordance with the terms of the Ohio Revised Code and , specifically, 125.04; and

WHEREAS, the Richland County Board of Commissioners have received a low bid of \$62.75 per ton from Morton Salt, Inc.; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Richland County Board of Commissioners for the purchase of rock salt.

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 be authorized to purchase 1600 tons of rock salt at a price of \$62.75 from Morton Salt, Inc.

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 Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

RESOLUTION NO: 53-2015
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A PICKUP TRUCK FROM DONLEY FORD OF SHELBY FOR THE OPERATION OF THE SHELBY SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, The Shelby Service Department is in need of replacing its existing pickup truck; and

WHEREAS, Donley Ford of Shelby had the best quote for providing same; 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 pickup truck be purchased as soon as possible.

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 shall be and is hereby authorized to purchase from Donley Ford of Shelby a pickup truck for the ongoing operation of the Shelby Service Department.

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 Ordinance 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. Eyster
Director of Law