

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

Shelby City Council Agenda

Monday, November 4, 2019

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 October 21, 2019**

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

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

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Steve McLaughlin—No Meeting

Public Works & General Operation Committee—Charlie Roub

**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**

Future Use of Main Street Fire Station

Live streaming of Council meetings

**Legislation**

**ORDINANCE NO 31-2019**

**REPEALING SECTION 292.02 OF CHAPTER 292  
(RECORDS COMMISSION) OF THE CODIFIED  
ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

Moved        2<sup>ND</sup>       

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

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

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

**ORDINANCE NO 35-2019**

**AMENDING ORDINANCE NO 7-2019 (ANNUAL  
APPROPRIATIONS) AND DECLARING AN  
EMERGENCY**

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

Moved        2<sup>ND</sup>       

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

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

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

**ORDINANCE NO 36-2019**

**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 NORTH GAMBLE STREET  
WHICH ARE DESIGNATED AT B-3 (HIGHWAY  
SERVICE BUSINESS DISTRICT) TO I-2 (HEAVY  
INDUSTRIAL AND MANUFACTURING DISTRICT)**

**1ST READING**

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

**RESOLUTION NO 55-2019**

**AUTHORIZING THE MAYOR AS DIRECTOR OF  
PUBLIC SERVICE TO ENTER INTO A CONTRACT  
WITH GREAT LAKES COMMUNITY ACTION  
PARTNERSHIP TO UPGRADE AND DEVELOP THE  
CITY'S GEOGRAPHIC INFORMATION SYSTEM  
(GIS)**

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

**RESOLUTION NO 56-2019**

**AUTHORIZING THE MAYOR AS DIRECTOR OF  
PUBLIC SERVICE TO ENTER INTO CONTRACT  
CHANGE ORDER WITH NORTH BAY  
CONSTRUCTION, INC FOR THE WASTE WATER  
TREATMENT PLANT IMPROVEMENT PROJECT IN  
THE AMOUNT OF SIXTY-TWO THOUSAND ONE  
HUNDRED NINETY-SIX AND 14/100 DOLLARS  
(\$62,196.14) AS AN INCREASE AND DECLARING AN  
EMERGENCY**

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

Miscellaneous Business

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

1st Reading  
10/17/2019

2nd Reading  
10/21/2019

**ORDINANCE NO. 31-2019**  
**(Sponsor – Councilmember Gates)**

**REPEALING SECTION 292.02 OF CHAPTER 292 (RECORDS COMMISSION) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, on August 5, 2019, Council passed Ordinance No. 20-2019, "Amending Chapter 210 (Public Records Policy) of the Codified Ordinance of the City of Shelby"; and

WHEREAS, since the provisions of Codified Ordinance Section 292.02 conflict with the provisions of the aforementioned legislation, said section should be repealed.

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

Section 1: That Section 292.02 of Chapter 292 (Records Commission) the Codified Ordinances of the City of Shelby shall be and is hereby repealed.

Section 2: That all other sections of Chapter 292 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: \_\_\_\_\_

\_\_\_\_\_  
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

**ORDINANCE NO: 35 -2019**  
**(Sponsor: Councilmember McLaughlin)**

**AMENDING ORDINANCE NO: 7-2019 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.**

WHEREAS, on March 18, 2019, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase a line item within the 2019 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 2019 and so as to fund necessary expenditure 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: The Ordinance No: 7-2019 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES**

200 – STR- 435	Property & Liability Insurance	\$6,000.00
400 – DIS- 418	Hospitalization	\$11,000.00
400 – MFG- 435	Property & Liability Insurance	\$5,000.00
500 – MFG- 435	Property & Liability Insurance	\$6,000.00

Section 2: That all other portions of Ordinance No.: 7-2019, not modified expressly 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 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed 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 McLaughlin  
Vice President of Council

APPROVED:

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

Steven Lifer  
Clerk of Council

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

Prepared by:

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

**ORDINANCE NO. 36 -2019**  
**(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 NORTH GAMBLE STREET WHICH ARE DESIGNATED AT B-3 (HIGHWAY SERVICE BUSINESS DISTRICT) TO I-2 (HEAVY INDUSTRIAL AND MANUFACTURING DISTRICT)**

WHEREAS, an application for amendment to the city zoning code for the City of Shelby, Ohio was submitted by C.E. Holdings, LLC on October 10, 2019; and

WHEREAS, by authority of Codified Ordinances 1260.05, the Council of the City of Shelby has determined that permanent parcel numbers on North Gamble Street as located in the B-3 (Highway Service Business District) be zoned as I-2 (Heavy Industrial and Manufacturing 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 October 22, 2019; 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 North Gamble 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:

0460818713000	210 North Gamble Street
0460815403000	212 North Gamble Street
0460803402000	214 North Gamble Street

From B-3 (Highway Service Business District) to I-2 (Heavy Industrial and Manufacturing District)

Section 2: 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 3: That all other zones and designations currently on said map; not modified herein are to 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, Ohio.

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 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. 55-2019**  
**(Sponsor – Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH GREAT LAKES COMMUNITY ACTION PARTNERSHIP TO UPGRADE AND DEVELOP THE CITY'S GEOGRAPHIC INFORMATION SYSTEM (GIS).**

WHEREAS, included in the Capital Improvement Fund, appropriations were made to upgrade the city's geographic information system (GIS); and

WHEREAS, The City of Shelby was a member of the Richland County GIS consortium and the said consortium dissolved several years ago leaving the city's GIS unsupported; and

WHEREAS, GIS is vital to the operation of the Shelby utility departments for utility location, documentation for work orders, water line replacement and repair, water valve replacement, valve exercise program, fire hydrant replacement or repair, sanitary and storm sewer replacement or repair, the asset management program, and general utility documentation; 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 enter into an agreement with Great Lakes Community Action Partnership, which administers and operates the Rural Community Assistance Program (RCAP), to upgrade the city's geographic information system.

**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 is hereby authorized to enter into a contract with Great Lakes Community Action Partnership, which administers and operates the Rural Community Assistance Program (RCAP), for the upgrade and development of the geographic information system (GIS) for the Shelby utility departments.

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 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

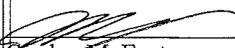
APPROVED:

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

Steven T. Lifer  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 56-2019  
(Sponsor- Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF SIXTY-TWO THOUSAND ONE HUNDRED NINETY-SIX AND 14/100 DOLLARS (\$62,196.14) AS AN INCREASE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has entered into a contract with North Bay Construction, Inc. for the Waste Water Treatment Plant Improvement Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #31; 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, and

**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 enter into Contract Change Order with North Bay Construction, Inc. for the total amount of Sixty-Two Thousand One Hundred Ninety-Six and 14/100 Dollars (\$62,196.14) 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 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