

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

Shelby City Council Agenda
Monday, October 1, 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 September 17, 2018

Moved _____ 2ND _____

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

Public Comment

Sharon Township Trustees & Fiscal Officer

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF BETH TERMAN TO THE BOARD OF ZONING APPEALS WITH A TERM ENDING 12/31/2022

Moved _____ 2ND _____

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

BOARD OF REVISION MEETING

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business
AMP Annual Conference

Unfinished Business
Future Use of Present Fire Station

West Main Street Sewer Project-Now in legislation form

Legislation

**AMENDED ORDINANCE NO 21-2018 PETITIONING THE RICHLAND COUNTY
COMMISSIONERS FOR THE ERECTION AND
ESTABLISHMENT OF A NEW TOWNSHIP OUT OF
THOSE PORTIONS OF SUCH TOWNSHIPS NOW
INCLUDED WITHIN THE LIMITS OF THE CITY OF
SHELBY**

3RD READING

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

PASSAGE ORDINANCE

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

ORDINANCE NO 22-2018

**AMENDING SECTION 276.04 (FOOD SERVICE/RETAIL
FOOD ESTABLISHMENT LICENSE FEES) OF CHAPTER
276 (DIVISION OF HEALTH) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

2ND READING

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

ORDINANCE NO 23-2018

ENACTING SECTION 678.17 (CONCEALED HANDGUN POSSESSION ON CITY OWNED PROPERTY/BUILDINGS), OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

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

ORDINANCE NO 24-2018

AMENDING ORDINANCE NO 4-2018 (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 Mr. Roub Mr. Roberts Mr. Gates Mr. Martin

PASSAGE OF ORDINANCE

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

RESOLUTION NO 48-2018

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:

Moved 2ND

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

**PREPARING FOR, CONDUCTING, OR REVIEWING NEGOTIATIONS OR BARGAINING
SESSIONS WITH PUBLIC EMPLOYEES CONCERNING THEIR COMPENSATION OR
OTHER TERMS AND CONDITIONS OF THEIR EMPLOYMENT**

Adjournment at p.m.

Moved 2ND

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

9/4/2014
2nd Reading
9/17/2018

AMENDED ORDINANCE NO. 21-2018
(Sponsors – Councilmembers Gates, Martin, and Roberts)

PETITIONING THE RICHLAND COUNTY COMMISSIONERS FOR THE ERECTION AND ESTABLISHMENT OF A NEW TOWNSHIP OUT OF THOSE PORTIONS OF SUCH TOWNSHIPS NOW INCLUDED WITHIN THE LIMITS OF THE CITY OF SHELBY.

WHEREAS, the City of Shelby needs to ensure that the citizens of Shelby's best interests are looked after and represented at every turn; and

WHEREAS, the best way to ensure this is to have a singular place of representation and accountability as well as ensuring that the taxation follows that hereto; and

WHEREAS, Council -which earlier this year reduced electric rates – wishes to reduce the real-estate tax burden for taxpayers within the city limits; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the City petition the Board of County Commissioners of Richland County for the establishment of a new township within the city limits of Shelby.

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

Section 1: That this Council hereby petition the Board of County Commissioners of Richland County, Ohio, under the provisions of Ohio Revised Code Section 503.07 for the erection and establishment of a new township out of those portions of Cass Township, Jackson Township, Plymouth Township, and Sharon Township now included within the limits of the City of Shelby, effective January 1, 2019.

Section 2: That the description for said new township, being a description of boundaries coterminous and identical with the present limits of the City of Shelby, be attached hereto, marked "Exhibit A" and specifically made a part hereof.

Section 3: That this Council further petition the Board of County Commissioners to name the new township as Gambles Mill Township.

Section 4: That the new boundaries of each of the four townships from which the new township is erected and established be attached hereto and specifically made a part hereof as follows:

- "Exhibit B – Cass Township"
- "Exhibit C – Jackson Township"
- "Exhibit D – Plymouth Township"
- "Exhibit E – Sharon Township"

Section 5: That the Director of Law shall be and is hereby directed to represent the City in this matter before the Board of County Commissioners.

Section 6: That the Clerk of Council shall be and is hereby directed to deliver a certified true copy of this Ordinance petition together with all its exhibits and an authenticated copy of the proceedings of this Council relating thereto to the Board of County Commissioners for further proceedings according to law.

Section 7: 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 8: 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

9/17/2018
ORDINANCE NO. 22 -2018
(Sponsors – Councilmembers Gates and Roberts)

AMENDING SECTION 276.04 (FOOD SERVICE/RETAIL FOOD ESTABLISHMENT LICENSE FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, in accordance with Ohio Revised Code Chapter 3717 (Retail Food Establishments; Food Service Operations), the Shelby Division of Health has calculated the cost of licensing retail food establishments and, as a result, has recommended a 25% increase in the local fee – far below the maximum fee that could be charged; 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 Codified Ordinance Chapter 276 (Division of Health) be amended as noted above; and

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

Section 1: That, effective March 1, 2019, Section 276.04 of the Codified Ordinances of the City of Shelby be amended to read as follows:

276.04 FOOD SERVICE/RETAIL FOOD ESTABLISHMENT LICENSE FEES.

The following food service/retail food establishment fees are hereby adopted:

- (a) Risk class 1
 - (1) Business under 25,000 square feet: \$112.50 + current state fee
 - (2) Business over 25,000 square feet: \$156.25 + current state fee
- (b) Risk class 2
 - (1) Business under 25,000 square feet: \$132.50 + current state fee
 - (2) Business over 25,000 square feet: \$180.00 + current state fee
- (c) Risk class 3
 - (1) Business under 25,000 square feet: \$225.00 + current state fee
 - (2) Business over 25,000 square feet: \$312.50 + current state fee
- (d) Risk class 4
 - (1) Business under 25,000 square feet: \$262.50 + current state fee
 - (2) Business over 25,000 square feet: \$391.25 + current state fee
- (e) Vending machine: \$8.17 + 2.1% CPI = \$8.34 + current state fee
- (f) Mobile food service: \$89.00 + current state fee
- (g) Temporary food service: \$=50.00 per event up to five days
- (h) Level I food safety training: \$10
- (i) Level II certification in food protection: \$125
- (j) Level II examination only
 - (1) Shelby City: \$25
 - (2) Non-Shelby City: \$50

Section 2: That all other sections of Chapter 276 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

1st Reading
9/17/2018

ORDINANCE NO. 23-2018
(Sponsor: Councilmember McLaughlin)

ENACTING SECTION 678.17 (CONCEALED HANDGUN POSSESSION ON CITY OWNED PROPERTY/BUILDINGS), OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

WHEREAS, the city desires to allow handguns on city property/buildings pursuant to ORC 2923.126 (B)(7); and

WHEREAS, pursuant to section 678.15 (b)(2)(I) of the Codified Ordinances of the City of Shelby, handguns are prohibited in “[a]ny 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, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that section 678.17 (Concealed Handgun Possession) of Chapter 678 (Weapons and Explosives) be enacted to allow handguns on city property/buildings.

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

Section 1: That Section 678.17 of the Codified Ordinances of the City of Shelby be and is hereby enacted as follows:

“A licensee under ORC 2923.125 or 2923.1213 is hereby authorized to carry a concealed handgun in all city owned buildings and/or property, except the Shelby Justice Center, housing both the Municipal Court at 29 Mack Avenue, and the Police Department, located at 31 Mack Avenue.”

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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven T. Lifer
Director of Finance

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

ORDINANCE NO: 24 -2018
(Sponsor: Councilmember Gates)

AMENDING ORDINANCE NO.: 4-2018 (ANNUAL APPROPRIATIONS) AND
DECLARING AN EMERGENCY.

WHEREAS, on March 19, 2018, 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 line items within the 2018 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 2018 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. 4-2018 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

101 - CRT - 476 LAW LIBRARY FEES \$18,942.10

Section 2: That all other portions of Ordinance No.: 4-2018, 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

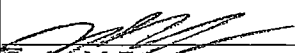
APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 48 -2018
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivision for capital improvement to public infrastructures; and

WHEREAS, the City of Shelby is planning to make capital improvements to its sanitary sewer infrastructure with the Simeon Avenue Sanitary Sewer Replacement Project; 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 apply for said funds; and

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 apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any contracts as may be necessary and appropriate for obtaining this financial assistance.

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. Byster
Director of Law