

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

Shelby City Council Agenda
Monday, October 16, 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 October 2, 2017

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

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

PROCLAMATION

**MOTION TO REQUEST A LIQUOR HEARING FOR LAUREL SHELBY LLC 138-42.
MANSFIELD AVENUE (LIQUOR AGENCY)**

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

**MOTION TO REQUEST A LIQUOR HEARING FOR LAUREL SHELBY LLC 138-42
MANSFIELD AVENUE (CARRY OUT)**

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

MOTION TO CONFIRM THE APPOINTMENT OF GEOFFREY L. ALLEN TO THE BOARD OF PARK COMMISSIONERS TO FILL AN UNEXPIRED TERM ENDING 12/31/2020 FOR WARD TWO

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

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

ORDINANCE NO 25-2017

AMENDING SECTION 276.04 (FEES) AND ENACTING SECTION 276.05 (BODY ART APPROVAL FEES), SECTION 276.06 (PRIVATE WATER SYSTEM FEES), SECTION 276.07 (PUBLIC SWIMMING POOL LICENSE FEES), SECTION 276.08 (BIRTH AND DEATH CERTIFICATES FEES), AND SECTION 276.09 (SEWAGE TREATMENT SYSTEMS FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

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 _____

ORDINANCE NO 26-2017

**AMENDING ORDINANCE NO: 8-2017 (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. 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 32-2017

**REQUESTING THAT DDM LLC, AN OHIO LIMITED
LIABILITY COMPANY, CONSTRUCT AN ENTRANCE
FROM ITS PROPERTY AT 219 MANSFIELD AVENUE
ONTO LAMPLIGHTER LANE**

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

1st Reading
9/18/2017
2nd Reading
10/2/2017

AMENDED ORDINANCE NO: 25 -2017
(Sponsors: Councilmembers Gates and Roberts)

AMENDING SECTION 276.04 (FEES) AND ENACTING SECTION 276.05 (BODY ART APPROVAL FEES), SECTION 276.06 (PRIVATE WATER SYSTEM FEES), SECTION 276.07 (PUBLIC SWIMMING POOL LICENSE FEES), SECTION 276.08 (BIRTH AND DEATH CERTIFICATES FEES), AND SECTION 276.09 (SEWAGE TREATMENT SYSTEMS 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, Dividing current Codified Ordinance Section 276.04 into separate, shorter sections will allow for ease of amendment and publication in the future; 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.

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

Section 1: That, effective March 1, 2018, 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: \$90 + current state fee
 - (2) Business over 25,000 square feet: \$125 + current state fee
- (b) Risk class 2
 - (1) Business under 25,000 square feet: \$106 + current state fee
 - (2) Business over 25,000 square feet: \$144 + current state fee
- (c) Risk class 3
 - (1) Business under 25,000 square feet: \$180 + current state fee
 - (2) Business over 25,000 square feet: \$250 + current state fee
- (d) Risk class 4
 - (1) Business under 25,000 square feet: \$210 + current state fee
 - (2) Business over 25,000 square feet: \$313 + current state fee
- (e) Vending machine: \$8.17 + current state fee
- (f) Mobile food service: \$89 + current state fee
- (g) Temporary food service: \$0 per event up to five days + current state fee
- (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 Section 276.05 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

276.05 BODY ART APPROVAL FEES.

The following body art approval fees are hereby adopted:

- (a) Tattooing services: \$125 + current state fee
- (b) Body piercing services: \$125 + current state fee
- (c) Combined body art services: \$125 + current state fee
- (d) Time limited approval for a specific event: \$125 + current state fee
- (e) Late fee: 25% of local fee

Section 3: That Section 276.06 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

276.06 PRIVATE WATER SYSTEM FEES.

The following private water system fees are hereby adopted:

- (a) Single family dwelling
 - (1) Well permit: \$50 + current state fee + current Department of Natural Resources (DNR) fee
 - (2) Cistern permit: \$50 + current state fee + current DNR fee
 - (3) Hauled water storage tank: \$50 + current state fee + Current DNR fee
 - (4) Spring permit: \$50 + current state fee + current DNR fee
 - (5) Pond permit: \$50 + current state fee + current DNR fee
 - (6) Well conversion permit: \$50 + current state fee + current DNR fee
 - (7) Alteration permit: \$50 + current state fee + current DNR fee
 - (8) Well sealing permit: \$10 + current state fee + current DNR fee
- (b) Non-single family dwelling
 - (1) Well permit: \$50 + current state fee + current Department of Natural Resources (DNR) fee
 - (2) Cistern permit: \$50 + current state fee + current DNR fee
 - (3) Hauled water storage tank: \$50 + current state fee + current DNR fee
 - (4) Spring permit: \$50 + current state fee + current DNR fee
 - (5) Well conversion permit: \$50 + current state fee + current DNR fee
 - (6) Alteration permit: \$50 + current state fee + current DNR fee
 - (7) Well sealing permit: \$10 + current state fee + current DNR fee
- (c) Other fees
 - (1) Test well permit: \$50 + current state fee + current DNR fee
 - (2) Contractor inspection: \$50 + current state fee + current DNR fee
 - (3) Water sample: \$50 + current state fee + current DNR fee
 - (4) Water hauler registration and vehicle inspection: \$85 + current state fee + current DNR fee
 - (5) Variance: \$50 + current state fee + current DNR fee
 - (6) Late fee: 25% of local fee

Section 4: That Section 276.07 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

276.07 PUBLIC SWIMMING POOL LICENCE FEES.

The following public swimming pool license fees are hereby adopted:

- (a) Public pool, spa, or special use pool: \$175 + current state fee
- (b) Additional public pool, spa, or special use pool at the same facility as the first pool: \$75 + current state fee
- (c) Government/tax-supported school pool, spa, or special use pool: \$175 + current state fee
- (d) Additional government/tax-supported school pool, spa, or special use pool at the same facility as the first pool: \$75 + current state fee

Section 5: That Section 276.08 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

276.08 BIRTH AND DEATH CERTIFICATE FEES.

The following birth and death certificate fees are hereby adopted:

- (a) Birth certificate: \$25
- (b) Death certificate: \$25

Section 6: That Section 276.09 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

276.09 SEWAGE TREATMENT SYSTEM FEES.

The following sewage treatment system fees are hereby adopted:

- (a) Application for site review: \$55 + current state fee

- (b) Application for soil evaluation: \$55 + current state fee
- (c) Application for design: \$55 + current state fee
- (d) Permit for new or replacement installation: \$115 + current state fee
- (e) Permit for alteration of existing system: \$75 + current state fee
- (f) Operational permit: \$75 + current state fee
- (g) Registration of installer: \$55 + current state fee
- (h) Registration of service provider: \$55 + current state fee
- (i) Registration of septage hauler: \$15 + current state fee
- (j) Septage hauler truck: \$15 + current state fee
- (k) Additional inspection: \$55 + current state fee
- (l) Abandonment of system: \$10 + current state fee
- (m) Variance: \$75 + current state fee
- (n) Effluent sample: \$115 + current state fee
- (o) Review of subdivision or lots: \$150 + current state fee
- (p) Late penalty: 25% of local fee

Section 7: That all other sections of Chapter 276 shall remain in full force and effect.

Section 8: That all meetings and hearings concerning the adoption of this Amended 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 9: That this Amended 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

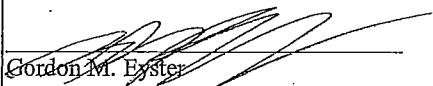
APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 26-2017
(Sponsor: Councilmember Roub)

**AMENDING ORDINANCE NO: 8-2017 (ANNUAL APPROPRIATIONS), AND
DECLARING AN EMERGENCY.**

WHEREAS, on March 20, 2017, 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 2017 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 2017 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: 8-2017 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

300 – POL – 558	POLICE CRUISERS	\$37,000.00
702 – PEF – 531	MISCELLANEOUS	\$1,620.00

Section 2: That all other portions of Ordinance No.: 8-2017, 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

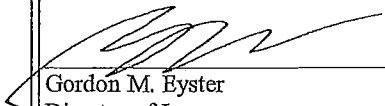
APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

RESOLUTION NO: 32-2017
(Sponsor: Councilmember Gates)

REQUESTING THAT DDM SHELBY LLC, AN OHIO LIMITED LIABILITY COMPANY, CONSTRUCT AN ENTRANCE FROM ITS PROPERTY AT 219 MANSFIELD AVENUE ONTO LAMPLIGHTER LANE.

WHEREAS, the Traffic Commission of the City of Shelby has received reports of vehicles turning left from Lamplighter Lane onto Mansfield Avenue and then driving left-of-center to the entrance into the Discount Drug Mart Plaza; and

WHEREAS, a simple remedy exists to halt this dangerous practice; 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 an entrance onto Lamplighter Lane be constructed from said plaza.

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

Section 1: That the Council of the City of Shelby request that DDM Shelby LLC, an Ohio limited liability company, construct an entrance from its property at 219 Mansfield Avenue onto Lamplighter Lane.

Section 2: That the Clerk of Council send a copy of this Resolution to the owner at its tax mailing address of 6610 Chatfield Street, NW, Canton, Ohio 44718.

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