

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

Shelby City Council Agenda
Monday, October 2, 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 September 18, 2017

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

Public Comment

District Five Area Agency on Aging—Jim Hairston

Reports from Standing and Special Committees

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

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

2ND READING

Moved 2ND

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

RESOLUTION NO 27-2017

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A NEW METHANE BOILER FROM GUENTHER MECHANICAL, INC. TO BE REPLACED AT THE SHELBY WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY

Moved 2ND

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

RESOLUTION NO 28-2017

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

RESOLUTION NO 29-2017

APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE LED STREET LIGHT PURCHASE PROJECT WITHIN THE CITY OF SHELBY, OHIO

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

RESOLUTION NO 30-2017

APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE WATER METER PURCHASE PROJECT WITHIN THE CITY OF SHELBY, OHIO

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

RESOLUTION NO 31-2017

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE LEAD POISONING PREVENTION AND HEALTHY HOMES GRANT FOR THE EDUCATION AND PREVENTION OF LEAD & HEALTH HAZARDS IN THE HOME AND DECLARING AN EMERGENCY

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

Miscellaneous Business

Adjournment at _____ p.m.

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

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
- (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 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 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

RESOLUTION NO. 27-2017
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A NEW METHANE BOILER FROM GUENTHER MECHANICAL, INC. TO BE REPLACED AT THE SHELBY WASTEWATER TREATMENT PLANT AND DECLARING AN EMERGENCY.

WHEREAS, The Shelby Wastewater Treatment Plant is in need of replacing its existing methane boiler; and

WHEREAS, the methane boiler is a crucial piece of equipment for the efficient operation of the Shelby Wastewater Treatment Plant; and

WHEREAS, Guenther Mechanical, Inc. had the best quote for providing and installing 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 boiler be replaced 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 Guenther Mechanical, Inc. a new methane boiler to be replaced at the Shelby Wastewater Treatment Plant.

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

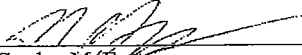
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 28-2017
(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 on to its waterline infrastructure with the East Madison Street Waterline 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.

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 agreements 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. Lyster
Director of Law

RESOLUTION NO. 29-2017
(Sponsor: Councilmember Martin)

APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE LED STREET LIGHT PURCHASE PROJECT WITHIN THE CITY OF SHELBY, OHIO.

WHEREAS, specifications have been completed for the LED (Light Emitting Diode) Street Light Purchase Project; and

WHEREAS, the City of Shelby Line Department has been replacing the existing Mercury Vapor High Pressure Sodium Lights with LED Lights for greater efficiency; 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 advertise and enter into a contract for said project.

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

Section 1: That the specifications for the LED Street Light Purchase Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said project.

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 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. 30-2017
(Sponsor: Councilmember Martin)

APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE WATER METER PURCHASE PROJECT WITHIN THE CITY OF SHELBY, OHIO.

WHEREAS, the majority of water meters and meter registers in the City water distribution system were installed in 1987, and are in need of replacement; and

WHEREAS, specifications have been completed for the Water Meter Purchase Project; and

WHEREAS, said project will allow for remote meter reading creating efficiencies in the Utility Department; 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 advertise for and enter into a contract for said project.

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

Section 1: That the specifications for the Water Meter Purchase Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said project.

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 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

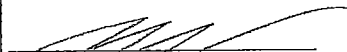
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO: 31-2017
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE LEAD POISONING PREVENTION AND HEALTHY HOMES GRANT FOR THE EDUCATION AND PREVENTION OF LEAD & HEALTH HAZARDS IN THE HOME AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Health provides financial assistance for the Education & equipment through the Ohio Healthy Homes and Lead Poisoning Prevention Program (OHHLPPP); and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Ohio Healthy Homes and Lead Poisoning Prevention Program (OHHLPPP) to help with the Education and equipment for Healthier homes; 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 Safety of City of Shelby apply for funding through the Ohio Healthy Homes and Lead Poisoning Prevention Program (OHHLPPP).

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 City of Shelby Council approves an application for financial assistance for the Education and equipment.

Section 2: That the Mayors as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Health and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Ohio Healthy Homes and Lead Poisoning Prevention Program (OHHLPPP).

Section 4: 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 5: 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: _____

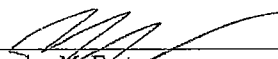
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law