

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

Shelby City Council Agenda

Monday, October 7, 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 _____

Motion to excuse Charlie Roub

Moved _____ 2ND _____

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

Motion to excuse Steve McLaughlin

Moved _____ 2ND _____

Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Dispense with Reading of Journal from September 16, 2019 and September 18, 2019

Moved _____ 2ND _____

Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin—**No Meeting**

Public Works & General Operation Committee—Derrin Roberts

Safety Committee—Derrin Roberts

Reports of City Officials

Steven L. Schag—Mayor

Proclamation

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 27-2019

**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. Roberts _____ Mr. Gates _____ Mr. Martin _____

ORDINANCE NO 28-2019

**ENACTING SECTION 276.10 (HEALTH DEPARTMENT
ADVISORY BOARD) OF CHAPTER 276 (DIVISION OF
HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY
OF SHELBY**

2ND READING

Moved _____ 2ND _____

Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

ORDINANCE NO 29-2019

ENACTING CHAPTER 1056 (INTERNET SERVICES) OF
THE CODIFIED ORDINANCES OF THE CITY OF SHELBY,
OHIO

2ND READING

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

ORDINANCE NO 31-2019

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

1ST READING

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

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:

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

**DETAILS RELATIVE TO THE SECURITY ARRANGEMENTS AND EMERGENCY
RESPONSE PROTOCOLS FOR A PUBLIC BODY OR A PUBLIC OFFICE, IF DISCLOSURE
OF THE MATTERS DISCUSSED COULD REASONABLY BE EXPECTED TO JEOPARDIZE
THE SECURITY OF THE PUBLIC BODY OR PUBLIC OFFICE**

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

1st reading
9/16/2019

ORDINANCE NO. 27 -2019
(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 an increase in the local fee for vending for the 2019 CPI the maximum fee that could be charged; and decrease the fee for a temporary food license; 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, 2020, 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: \$8.34 + 1.9% CPI = \$8.50 + current state fee
- (f) Mobile food service: \$89.00 + current state fee
- (g) Temporary food service: \$=00.00 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


APPROVED:

ATTEST:

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

1st reading
9/16/2019

ORDINANCE NO. 28-2019
(Sponsors: Councilmembers Gates and Roberts)

ENACTING SECTION 276.10 (HEALTH DEPARTMENT ADVISORY BOARD) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Shelby City Health Department is completing/satisfying a host of standards and measures in accordance with the national accreditation process of the Public Health Accreditation Board; and

WHEREAS, one of the requirements for national accreditation is that the Shelby City Health Department establish an advisory board for the purpose of enhancing public engagement and providing valuable input; 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 enacted.

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

Section 1: That Section 276.10 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

CHAPTER 276: Division of Health

A Health Department Advisory Board is Hereby established with the following Provisions:

(a) Establishment; Membership; Compensation

There is hereby established a Health Department Advisory Board, which shall consist of the following six members: Mayor, Health Commissioner, one individual representing healthcare, one individual representing environmental health services, and two individuals representing the community at-large. All members shall be appointed by the Mayor and subject to confirmation by Council. Members shall be qualified by their education and/or experience in public health, healthcare, environmental health, community service, concern for the city's welfare, and/or other criteria as determined by the Mayor. Members of the Health Department Advisory Board shall serve faithfully, honestly, impartially, voluntarily, and without compensation.

(b) Terms of Service; Vacancies

The term of office shall be three years, except that of the Mayor and Health Commissioner. The Mayor and Health Commissioner are permanent positions on the Board and shall be filled by the individuals currently holding each position. In the event that a vacancy occurs during the term of any member, the Mayor shall appoint a successor to fulfill the unexpired portion of the term.

(c) Powers and Duties

The Health Department Advisory Board is a standing Board formed to obtain community input and engage stakeholders in services provided by the health department. The Board shall have the power to study, investigate, advise, report, and recommend to the Mayor any action, program, or plan with the Board finds advisable for the city's public health department. The Board shall have no legal responsibilities and is formed to give advice and recommendations to the health department. It cannot compel the Mayor or health department staff to act on its recommendations or feedback.

(d) Officers; Rules, Quorum; Report

The Mayor shall serve as Chair of the Health Department Advisory Board and will designate a health department employee to serve as Secretary. The Secretary shall be responsible for sending meeting notices, preparing meeting minutes, and communicating with the Board at the Mayor's direction. The Board shall meet quarterly. A majority of members shall constitute a quorum for the transaction of business. All findings, advice, reports, and recommendations of the Board shall be made in writing and shall designate by name those members of the Board approving or

concurring therein. Members who do not approve or concur therein shall have the right, as part of the Board's report, to state their reason for disagreement.

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


APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

9/16/2019
ORDINANCE NO. 29-2019

(Sponsor: Councilmember Martin)

ENACTING CHAPTER 1056 (INTERNET SERVICES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, broadband internet is the infrastructure of the future and necessary for jobs of the future, economic development, and the communication of an informed citizenry; and

WHEREAS, implementing broadband internet as a public utility at the local level will allow the Utility to increase speed, service, and reliability to our citizens; and

WHEREAS, the Utility will implement internet services as a tiered approach, first delivering it to the business sector and then to residents; 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 Chapter 1056 (Internet Services) be enacted.

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

Section 1: That Chapter 1056 (Internet Services) of the Codified Ordinances of the City of Shelby be and is hereby enacted as set forth in Exhibit A, attached hereto and incorporate by reference herein.

Section 2: 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 3: 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 D. McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven T. Lifer
Director of Finance

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

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