

6:00pm Finance Committee

Shelby City Council Agenda
Monday, November 21, 2011
COUNCIL CHAMBERS
5 WATER STREET
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Dispense with Reading of Journal from November 7, 2011

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Public Comment

Reports from Standing and Special Committees

Finance Committee—Steve Schag

Utility Committee—Garland John Gates

Reports of City Officials

Marilyn S. John—Mayor

Robert Lafferty—Director of Finance

R. Lee Shepherd—Law Director

Joe Gies—Project Coordinator

Aaron Wiegand—Community & Economic Development Coordinator

Unfinished Business
Mickey Road Sanitary Sewer
Smiley Avenue Bridge

New Business

MOTION TO GO INTO EXECUTIVE SESSION TO INCLUDE THE MAYOR, FINANCE DIRECTOR, LAW DIRECTOR AND COUNCILMEMBERS TO DISCUSS PENDING LEGAL MATTERS

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

MOTION TO COME OUT OF EXECUTIVE SESSION

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

Legislation

SUBSTITUTE ORDINANCE NO 29-2011

AMENDING SECTION 1060.02 (PLACING GARBAGE AT STREET FOR COLLECTION; TIME LIMIT) OF CHAPTER 1060 (GARBAGE AND RUBBISH COLLECTION AND DISPOSAL) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

ORDINANCE NO 35-2011

AMENDING CHAPTER 1486 (STORMWATER MANAGEMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

PASSAGE OF ORDINANCE

Moved 2ND
Mr. Shepherd Mr. Shasky Mr. Gates Mr. Hoover Mr. Schag

**ORDINANCE NO 40-2011 AMENDING SECTION 276.04 (FEES) OF CHAPTER 276
(DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

1ST READING

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

RESOLUTION NO 47-2011

**DECLARING THE AMOUNT OF TAXES THAT MAY BE
RAISED BY LEVY AT THE MAXIMUM RATE
AUTHORIZED BY LAW WITHOUT A VOTE OF THE
ELECTORS TO BE INSUFFICIENT, AND DECLARING THE
NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR
THE GENERAL OPERATION OF THE SHELBY BOARD OF
PARK COMMISSIONERS IN ACCORDANCE WITH OHIO
REVISED CODE §§5705.19, 5705.191, 5705.194, 5705.21 AND
5705.26**

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

Miscellaneous business

Adjournment at _____ p.m

Moved _____ 2ND _____

Mr. Shepherd _____ Mr. Shasky _____ Mr. Gates _____ Mr. Hoover _____ Mr. Schag _____

SUBSTITUTE ORDINANCE NO. 29-2011
(Sponsor – Councilmembers Shasky, Schag, Hoover)

AMENDING SECTION 1060.02 (PLACING GARBAGE AT STREET FOR COLLECTION; TIME LIMIT) OF CHAPTER 1060 (GARBAGE AND RUBBISH COLLECTION AND DISPOSAL) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, identity theft and the problems associated therewith has increased throughout the nation over the past several years, and

WHEREAS, identity thieves often go through refuse, garbage, and/or trash in an attempt to gather information and/or steal identities, 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 1060.02 (Placing Garbage at Street for Collection; Time Limit) of Chapter 1060 (Garbage and Rubbish Collections and Disposal) of the Codified Ordinances of the City of Shelby be amended in an attempt to discourage and or punish identity thieves who engage in the aforesaid conduct, and

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

Section 1: That Section 1060.02 (Placing Garbage at Street for Collection; Time Limit) of the Codified Ordinances of the City of Shelby to be amended to read as follows:

SECTION 1060.02 GARBAGE AND RUBBISH COLLECTION AND DISPOSAL

- (a) No person, owner or occupant of land in the city shall place, for a period exceeding 24 hours, any trash, garbage, refuse or tree or shrub trimmings upon any right of way of the city, or any part thereof, including any tree lawn. The trash, garbage, refuse and tree or shrub trimmings shall be placed in a closed and secured container.
- (b) For the purpose of this section, a 24-hour period shall commence upon the placement of any article of trash, or garbage, refuse or tree or shrub trimmings within the areas set forth in division (a) hereof.
- (c) The culpability required for a violation of this section shall be one of recklessness as defined in §606.08 of these Codified Ordinances.
- (d) Failure of the sanitation hauler to timely collect any trash, garbage, refuse or tree or shrub trimmings shall not be a defense to a violation of this section.
- (e) No person (except law enforcement) without permission of said resident shall at any time go through or rummage through any person(s) trash, refuse or garbage left at the curb for removal.

Section 2: That all other sections and provisions contained within Chapter 1060 (Garbage and Rubbish Collection and Disposal) 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 L. Schag
Vice President of Council

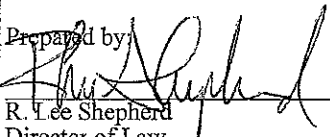
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by



R. Lee Shepherd
Director of Law

1st Reading
10/17/2011
2nd Reading
11/17/2011

ORDINANCE NO. 35-2011
(Sponsor - Councilmembers Shasky, Shepherd, Schag)

AMENDING CHAPTER 1486 (STORMWATER MANAGEMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Chapter 1486 of the Codified Ordinances of the City of Shelby allows for the collection of Plan Checking and Field Inspection Fees, 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 1486 of the Codified Ordinances of the City of Shelby be amended in order to provide a more equitable method of collecting fees, and

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

Section 1: That Section 1486.09(b) be amended to read as follows:

1486.09(b) PLAN CHECKING AND FIELD INSPECTION FEES

(1) A person who obtains a stormwater management permit, upon approval of a stormwater management plan which involves design and construction of stormwater management facilities, shall submit design plans, quantities and itemized cost estimates for the facilities, prepared by a registered professional engineer or registered professional architect, to the City Engineer for review and approval. A certified check in the amount of \$150, or 1% of the project construction cost estimates, whichever is greater not to exceed \$5,000.00, shall be paid to the Director of Finance and Public Record before issuance of the stormwater management permit, to offset the costs of plan review and field inspection of the construction to assure its conformity to the plans. A record shall be kept of the actual costs incurred by the City Engineer for the inspection. The costs shall be charged against the amount deposited. Any remaining money shall be returned to the developer.

Section 2: That all other sections of Chapter 1486 (Stormwater Management) 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.

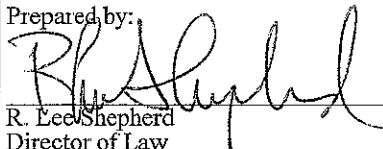
PASSED: _____

Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:


R. Lee Shepherd
Director of Law

ORDINANCE NO. 40-2011
(Sponsor -- Councilmember Gates)

AMENDING SECTION 276.04 (FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, The schedule of fees associated with and administered by the Division of Health was last revised and/or amended by Ordinance 53-2005 in November of 2005, and

WHEREAS, In order for the Division of Health to become compliant with State rules, regulations, and recommendations, it is necessary that said fees be amended, 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 276.04 (Fees) of Chapter 276 (Division of Health) be amended so as to bring the Shelby Division of Health into compliance with State regulations, and

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

Section 1: That Section 276.04 (Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended to read as follows:

§ 276.04 Fees

The following fees are hereby adopted for the Division of Health:

Food Service/ Retail Food Establishment License Fees		
Level	Business Under 25,000 Sq. Ft.	Business Over 25,000 Sq. Ft.
Level 1	\$60 + \$28 State Fee = \$88	\$60 + \$28 State Fee = \$88
Level 2	\$110 + \$28 State Fee = \$138	\$110 + \$28 State Fee = \$138
Level 3	\$120 + \$28 State Fee = \$148	\$120 + \$28 State Fee = \$148
Level 4	\$140 + \$28 State Fee = \$168	\$140 + \$28 State Fee = \$168
Vending	\$14 + \$6 State Fee = \$20 per location	
Mobile Food Service	\$71 + \$28 State Fee = \$99 per unit	
Temporary Food Service	\$35 per event up to five days	

Retail Tattoo License Fees			
Service	Local Fee	State Fee	Total Fee
Tattooing & Body Piercing	\$75	\$0	\$75
Temporary Time-limited	\$75	\$0	\$75
Late Fee	25% of local fee	\$0	

Sewage Permit/License Fees		
Level	Business Under 25,000 Sq. Ft.	Business Over 25,000 Sq. Ft.
Sewage permit		\$50
Repair		\$50
Installation		\$50
Site evaluation		\$0

Water/Well License/Permit Fees				
Type	Local Fee	State Fee	ODNR	Total Fee
Single Family Dwelling				
Well Permit	\$50	\$74	\$20	\$144
Cistern Permit	\$50	\$74	\$0	\$124
HWST* Permit	\$50	\$74	\$0	\$124
Spring Permit	\$50	\$74	\$0	\$124
Pond Permit	\$50	\$74	\$0	\$124
Well Conversion Permit	\$50	\$74	\$0	\$124
Alteration Permit	\$50	\$0	\$0	\$50
Well Sealing Permit	\$10	\$0	\$0	\$10
Non-Single Family Dwelling				
Well Permit	\$50	\$74	\$20	\$144
Cistern Permit	\$50	\$74	\$0	\$124
HWST* Permit	\$50	\$74	\$0	\$124
Spring Permit	\$50	\$74	\$0	\$124
Well Conversion Permit	\$50	\$74	\$0	\$124
Alteration Permit	\$50	\$0	\$0	\$50
Well Sealing Permit	\$10	\$0	\$0	\$10
Other Fees				
Test Well Permit	\$50	\$74	\$20	\$144
Contractor Inspection	\$50	\$0	\$0	\$50
Water Sample	\$50	\$0	\$0	\$50
Water Hauler				
Registration and Vehicle Inspection	\$50	\$0	\$0	\$50
Variance	\$50	\$0	\$0	\$50
Late Fee	25% of Local Fee			

*HWST = Hauled Water Storage Tank

Pool Permit/ License Fee				
Type	Local Fee	State Fee	Total Fee	
Public Pool Spa Special Use Pool	\$122	\$72-2011 \$80-2012	\$194-2011 \$202-2012*	*The state fee for 2012 is in the current state rule.
Additional Pool	\$22	\$47-2011 \$55-2012	\$69-2011 \$77-2012	
Government Pool	\$122	\$72-2011 \$80-2012	\$194-2011 \$202-2012*	*The state fee for 2012 is in the current state rule.
Late Fee	25% of local fee	\$0		
License Transfer	Optional	\$0		

Mobile/Manufactured Home Park Permit/License Fees			
Type	Local Fee	State Fee	Total
Each lot 51 and over	\$3	\$0	\$3
MHP: 0-49 lots	\$75	\$79	\$154
MHP: 50 lots and over	\$75	\$132	\$207
Late Fee	25% of local fee		

Birth and Death Certificates	
Death Certificates	\$25 each
Birth Certificates	\$25 each

Section 2: All remaining sections of Chapter 276 (Division of Health) 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 I. Schag
Vice President of Council

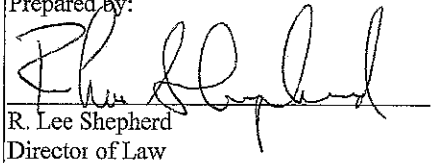
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

RESOLUTION NO 47-2011
(Sponsor - Councilmember Schag)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT, AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS IN ACCORDANCE WITH OHIO REVISED CODE §§5705.19, 5705.191, 5705.194, 5705.21 AND 5705.26.

WHEREAS, in order for the Shelby Board of Park Commissioners to maintain its standard of excellence and in order for said Board to continue to provide parks and parkways for the community, additional funding is required, and

WHEREAS, the amount of taxes which may be raised within the 10-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby Board of Park Commissioners, 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 a levy in excess of the maximum rate authorized by law be approved, and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law on the taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the city, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Board of Park Commissioners that taxes be levied on the taxable property in said City for a period of five (5) years (as a renewal levy) at a rate in excess of such maximum rate; said excess rate being authorized by Ohio Revised Code §§5705.19, 5705.191, 5705.194, 5705.21 and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2012, 2013, 2014, 2015, and 2016, at the rate for each year of 5 mill on each dollar of the tax valuation of the taxable property within the City of Shelby, in excess of the rate authorized by law; said excess rate being authorized by Ohio Revised §§5705.19, 5705.191, 5705.194, 5705.21 and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove

Section 4: That the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution and other necessary documents to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such questions to the electors of said City as provided by law, at the March 6, 2012, primary election.

Section 5: 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 6: 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: _____

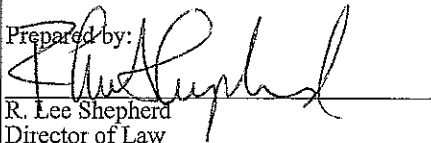
Steven I. Schag
Vice President of Council

APPROVED:

ATTEST:
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:


R. Lee Shepherd
Director of Law