

6:30pm Finance Committee

Shelby City Council Agenda
Monday, October 17, 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 October 3, 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

Reports of City Officials

Marilyn S. John—Mayor

**MOTION TO APPROVE A SITE PLAN FOR CORE COMMUNITY CHURCH LOCATED AT
3319 STATE ROUTE 96 EAST**

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

**MOTION TO APPROVE A SITE PLAN FOR BUCKEYE MOTORS FOR AN ADDITION AT 278
MANSFIELD AVENUE**

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

Robert Lafferty—Director of Finance

R. Lee Shepherd—Law Director

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City Council
Monday, October 17, 2011

Joe Gies—Project Coordinator

Aaron Wiegand—Community & Economic Development Coordinator

Unfinished Business

Mickey Road Sanitary Sewer
Smiley Avenue Bridge

New Business

Legislation

ORDINANCE NO 33-2011

**AMENDING SECTION 206.02 (BOUNDARIES OF
WARDS) OF CHAPTER 206 (WARDS AND
BOUNDARIES) OF THE CODIFIED ORDINANCES
OF THE CITY OF SHELBY**

2ND READING

Moved 2ND

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

ORDINANCE NO 34-2011

**ENACTING SECTION 452.19 (PARKING
PROHIBITED; SNOW STORMS) OF CHAPTER 452
(PARKING GENERALLY) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, OHIO**

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**

1ST READING

Moved 2ND

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

RESOLUTION NO 44-2011

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

RESOLUTION NO 45-2011

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A GRANT THROUGH THE WOMEN'S FUND OF THE RICHLAND COUNTY FOUNDATION FOR THE DEVELOPMENT OF THE LEADERSHELBY PROGRAM

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

Miscellaneous business

Miscellaneous business

Adjournment at _____ p.m.

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

1st Reading
12/3/2011

ORDINANCE NO. 33-2011
(Sponsor - Councilmember Gates)

AMENDING SECTION 206.02 (BOUNDARIES OF WARDS) OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Local, State, and Federal laws mandate that the City of Shelby be divided into wards which contain as nearly as practicable an equal number of inhabitants, and

WHEREAS, Section 731.06 (Division of City into Wards) of the Ohio Revised Code mandates that the division into wards take place during October of the year following the decennial census year, and

WHEREAS, the most recent census was conducted during calendar year 2010 and the results thereof are now available and at the disposal of the council of the City of Shelby, 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 206.02 (Boundaries of Wards) of Chapter 206 (Wards and Boundaries) be amended so as to assure that each of Shelby's wards contain as nearly as practicable an equal number of inhabitants, and

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

Section 1: That Section 206.02 (Boundaries of Wards) of Chapter 206 (Wards and Boundaries) be amended to read as follows:

206.02 BOUNDARIES OF WARDS

The boundaries of the wards of the city are as follows:

(a) *First Ward*. The first ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of the Black Fork of the Mohican River and West Main Street; thence westerly along the centerline of West Main Street to the west corporation line; thence generally northerly and easterly along the corporation line to the centerline of North Gamble Street; thence southerly along the centerline of North Gamble Street to the centerline of West State Street; thence westerly along the centerline of West State Street to the centerline of Leslie Lane; thence southerly along the centerline of Leslie Lane to the centerline of Maple Street; thence easterly along the centerline of Maple Street to the centerline of North Gamble Street; thence southerly along the centerline of North Gamble Street to the centerline of West Smiley Avenue; thence easterly along the centerline of West Smiley Avenue to the centerline of the Black Fork of the Mohican River; thence southerly along the centerline of the Black Fork of the Mohican River to the point of beginning.

(b) *Second Ward*. The second ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of East Main Street and Mansfield Avenue; thence southerly along the centerline of Mansfield Avenue to the centerline of Monroe Avenue; thence southwestly along the centerline and the extension of the centerline of Monroe Avenue to the centerline of the Ashland Railway right-of-way; thence southerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Simeon Avenue; thence westerly along the extension of the centerline and the centerline of Simeon Avenue to the centerline of Park Avenue; thence northerly along the centerline of Park Avenue to the centerline of East Tucker Avenue; thence westerly along the centerline of East Tucker Avenue to the centerline of the Black Fork of the Mohican River; thence southerly along the centerline of the Black Fork of the Mohican River to the south corporation line; thence generally westerly and northerly along the corporation line to the centerline of West Main Street; thence easterly along the centerlines of West and East Main Streets to the point of beginning.

(c) *Third Ward*. The third ward shall contain all the territory bounded as follows: beginning for the same at the intersection of the centerlines of Mansfield Avenue and East Main Streets; thence westerly along the centerline of East Main Street to the centerline of the Black Fork of the Mohican River; thence northerly along the centerline of the Black Fork of the Mohican River to the centerline of West Smiley Avenue; thence westerly along the centerline of West Smiley Avenue to the centerline of North Gamble Street; thence northerly along the centerline of North Gamble Street to the centerline of Maple Street; thence westerly along the centerline of Maple Street to the centerline of Leslie Lane; thence northerly along the centerline of Leslie Lane to the centerline of West State Street; thence easterly along the

centerline of West State Street to the centerline of North Gamble Street; thence northerly along the centerline of North Gamble Street to the north corporation line; thence generally easterly and southerly along the corporation line to the centerline of East Main Street; thence westerly along the centerline of East Main Street to the centerline of Louise Drive; thence southerly along the centerline of Louise Drive to the centerline of Grand Boulevard Extension; thence westerly along the centerlines of Grand Boulevard Extension and Grand Boulevard to the centerline of Wentz Avenue; thence southerly along the centerline of Wentz Avenue to the defacto centerline of Parkwood Drive; thence westerly along the defacto centerline of Parkwood Drive to the centerline of Mansfield Avenue; thence northerly along the centerline of Mansfield Avenue to the point of beginning

(d) *Fourth Ward* The fourth ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of Wentz Avenue and Grand Boulevard; thence easterly along the centerlines of Grand Boulevard and Grand Boulevard Extension to the centerline of Louise Drive; thence northerly along the centerline of Louise Drive to the centerline of East Main Street; thence easterly along the centerline of East Main Street to the east corporation line; thence generally southerly and westerly along the corporation line to the centerline of the Black Fork of the Mohican River; thence northerly along the centerline of the Black Fork of the Mohican River to the centerline of East Tucker Avenue; thence easterly along the centerline of East Tucker Avenue to the centerline of Park Avenue; thence southerly along the centerline of Park Avenue to the centerline of Simeon Avenue; thence easterly along the centerline and the extension of the centerline of Simeon Avenue to the centerline of Ashland Railway right-of-way; thence northerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Monroe Avenue; thence northeasterly along the extension of the centerline and the centerline of Monroe Avenue to the centerline of Mansfield Avenue; thence southeasterly along the centerline of Mansfield Avenue to the defacto centerline of Parkwood Drive; thence easterly along the defacto centerline of Parkwood Drive to the centerline of Wentz Avenue; thence northerly along the centerline of Wentz Avenue to the point of beginning.

Section 2: That all other sections and provisions contained within Chapter 206 (Wards and Boundaries) 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; after its passage; approval by the Mayor; but no earlier than January 2, 2012.

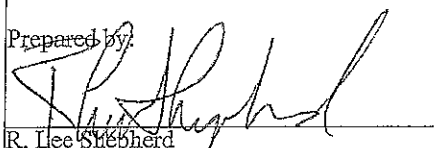
PASSED: _____

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. 34-2011
(Sponsor – Councilmember Shepherd)

ENACTING SECTION 452.19 (PARKING PROHIBITED; SNOW STORMS) OF CHAPTER 452 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, Council desires to initiate a snow parking ban as a means of effective snow removal from the public streets and rights-of-way, and

WHEREAS, it is necessary for the preservation of the public peace, property, health, safety and welfare; and to provide for the continued efficient and effective operation of the City of Shelby, Ohio, and

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

Section 1: That Section 452.19 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

452.19 PARKING PROHIBITED; SNOW STORMS

(a) No owner or operator of any vehicle shall park such vehicle or permit such vehicle to remain parked on any part of the public streets and ways at any time within twenty-four hours after a snowfall of three inches or more has occurred provided, however, that such parking shall be permitted if otherwise lawful on any of such streets after the snow accumulation upon the respective street has been removed or has otherwise been cleared from such street.

(b) The Mayor or designee shall determine the time when three or more inches of snow have fallen and shall cause notice to the Police Department. The Police Department shall use all available means of disseminating information as to the existence of weather conditions requiring removal of parked motor vehicles from the streets. The notice shall be disseminated through radio, newspaper, television and all other available media to the extent feasible. The dissemination of this information, however, shall not relieve owners or operators of motor vehicles from the responsibility of ascertaining the existence of weather conditions requiring the removal of parked motor vehicles.

(c) Any vehicle found parked in violation of the provisions of this Chapter may be immediately removed and impounded by the City and a parking violation shall be filed.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Section 2: That all other sections of Chapter 452 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

Ordinance No. 34-2011
Page 2

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

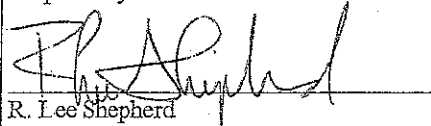
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd

Director of Law

ORDINANCE NO. 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 I. Schag
Vice President of Council

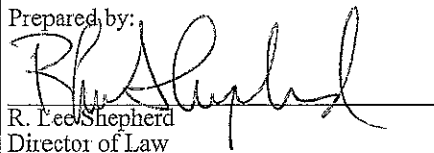
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

RESOLUTION NO. 44-2011
(Sponsor - Councilmember Gates)

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 subdivisions for capital improvements to public infrastructures, and

WHEREAS, the City of Shelby is planning to make capital improvements on Plymouth Street, 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 FOR 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 infrastructures.

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 L. Schag
Vice President of Council

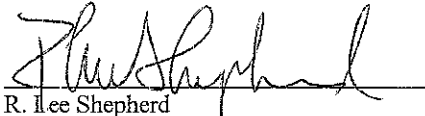
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law

RESOLUTION NO. 45-2011
(Sponsor - Councilmember Schag)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A GRANT THROUGH THE WOMEN'S FUND OF THE RICHLAND COUNTY FOUNDATION FOR THE DEVELOPMENT OF THE LEADERSHELBY PROGRAM.

WHEREAS, The Women's Fund of the Richland County Foundation provides grants for programming targeted to the improvement of females throughout Richland County, with emphasis on programming designed to improve the lives and well being of young females, and

WHEREAS, the City of Shelby has partnered with the Shelby City Schools to develop LeaderShelby, a program emphasizing leadership and professional opportunities available to women in our area and beyond, 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 for the City of Shelby be authorized to apply for a Women's Fund grant, and

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

Section 1: That the City of Shelby approves an application for financial assistance for the development of LeaderShelby through the Women's Fund of the Richland County Foundation.

Section 2: That they Mayor as Director of Public Service is hereby authorized and directed to execute and file an application with The Women's Fund and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: The requested grant funding accounts for all LeaderShelby program costs and requires no financial commitment from the City of Shelby

Section 4: That they City of Shelby does agree to abide by the language of the Richland County Foundation standard grant guidelines and procedures.

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: _____

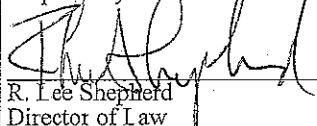
Steven L. Schag
Vice President of Council

APPROVED:

ATTEST: _____
Robert A. Lafferty
Clerk of Council

Marilyn S. John
Mayor

Prepared by:



R. Lee Shepherd
Director of Law