

6:30pm Service & Development Committee

**Shelby City Council Agenda**  
**Monday, October 3, 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 September 19, 2011**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Shepherd \_\_\_\_\_ Mr. Shasky \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Hoover \_\_\_\_\_ Mr. Schag \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Service & Development Committee—Harold Shasky

**Reports of City Officials**

Marilyn S. John—Mayor

**MOTION TO APPROVE A SITE PLAN FOR VERIZON WIRELESS FOR A  
COMMUNICATION TOWER LOCATED AT 109 WEST SMILEY AVENUE (SHELBY HIGH  
SCHOOL)**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Shepherd \_\_\_\_\_ Mr. Shasky \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Hoover \_\_\_\_\_ Mr. Schag \_\_\_\_\_

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**

**Legislation**

**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**

**2<sup>ND</sup> READING**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Shepherd \_\_\_\_\_ Mr. Shasky \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Hoover \_\_\_\_\_ Mr. Schag \_\_\_\_\_

**ORDINANCE NO 30-2011**

**AMENDING ORDINANCE NO. 5-2011 (ANNUAL APPROPRIATIONS), AND DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended and declare an emergency**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Shepherd \_\_\_\_\_ Mr. Shasky \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Hoover \_\_\_\_\_ Mr. Schag \_\_\_\_\_

**PASSAGE OF ORDINANCE**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. Shepherd \_\_\_\_\_ Mr. Shasky \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Hoover \_\_\_\_\_ Mr. Schag \_\_\_\_\_

1st Reading  
9/19/2011

**ORDINANCE NO. 29-2011**  
(Sponsor - Councilmember Shasky)

**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 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.

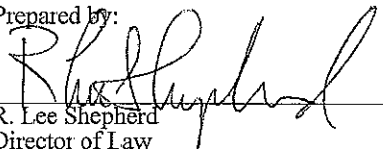
PASSED: \_\_\_\_\_

\_\_\_\_\_  
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

ORDINANCE NO. 30-2011  
(Sponsor - Councilmember Schag)

AMENDING ORDINANCE NO. 5-2011 (ANNUAL APPROPRIATIONS), AND  
DECLARING AN EMERGENCY

WHEREAS, on March 23, 2011, the Council of the City of Shelby passed its Annual Appropriation Ordinance as required by the Ohio Revised Code Section 5705.38;

WHEREAS, it is necessary to increase line items within the 2011 budget and to fund said line items 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 2011, and so as to fund necessary expenditures and/or projects, and

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

Section 1: That Ordinance No. 5-2011 (Annual Appropriations) is hereby amended as follows:

600-DBI-503	NOTE/LOAN PAYMENT	\$2,300,000 00
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Section 2: That all other portions of Ordinance No. 5-2011 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 is hereby deemed to be 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 I. Schag  
Vice President of Council

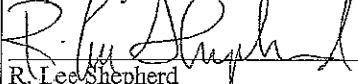
APPROVED:

ATTEST: \_\_\_\_\_

Robert A. Lafferty  
Director of Finance

Marilyn S. John  
Mayor

Prepared by:

  
\_\_\_\_\_  
R. Lee Shepherd

Director of Law

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ORDINANCE NO. 32-2011  
(Sponsor - Councilmember Schag)

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2011 AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2011 budget, 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 this transfer be made effective so as to balance the books for the calendar year 2011, and so as to fund necessary expenditures and/or projects, and

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

Section 1: That the Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	101-POL-418	HOSPITALIZATION	\$45,000.00
TO	101-POL-600	PRISONER HOUSING	\$45,000.00

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 is hereby deemed to be 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 L. Schag  
Vice President of Council

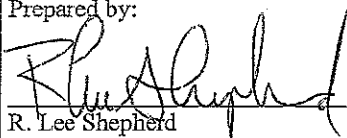
APPROVED:

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Robert A. Lafferty  
Director of Finance

\_\_\_\_\_  
Marilyn S. John  
Mayor

Prepared by:

  
\_\_\_\_\_  
R. Lee Shepherd  
Director of Law

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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:

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Steven L. Schag  
Vice President of Council

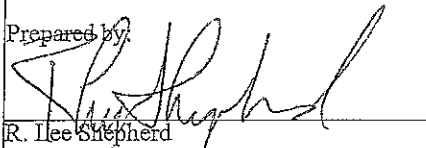
APPROVED:

ATTEST:

\_\_\_\_\_  
Robert A. Lafferty  
Clerk of Council

\_\_\_\_\_  
Marilyn S. John  
Mayor

Prepared by:

  
\_\_\_\_\_  
R. Lee Shepherd  
Director of Law

RESOLUTION NO. 43-2011  
(Sponsor - Councilmember Gates)

**NAMING THE BUILDING THAT THE CITY OF SHELBY INTENDS TO CONSTRUCT TO HOUSE THE SHELBY POLICE DEPARTMENT AND JAIL AND THE SHELBY MUNICIPAL COURT.**

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

Section 1: That the building that the City of Shelby intends to construct to house the Shelby Police Department and Jail and the Shelby Municipal Court shall be known as the "Shelby Justice Center".

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 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

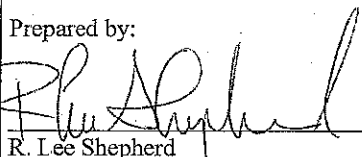
APPROVED:

ATTEST: \_\_\_\_\_

Robert A. Lafferty  
Clerk of Council

\_\_\_\_\_  
Marilyn S. John  
Mayor

Prepared by:

  
\_\_\_\_\_  
R. Lee Shepherd

Director of Law