

**3:30pm Finance & Personnel Committee**

**Shelby City Council Agenda  
Tuesday, February 17, 2015  
COUNCIL CHAMBERS  
29 MACK AVENUE  
Shelby, Ohio  
7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mrs. Carlisle \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from February 2, 2015**

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

Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Pat Carlisle  
Safety Committee—Pat Carlisle  
Utilities & Streets Committee—Nathan Martin

**Reports of City Officials**

Steven L. Schag—Mayor

**Need to nominate a chairperson to the 2015 Volunteer Firefighters' Dependents Fund**

**MOTION TO NOMINATE \_\_\_\_\_ TO THE 2015  
VOLUNTEER FIREFIGHTERS' DEPENDENTS FUND**

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

Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

Jeff Fenner—Assistant Director, Finance

**MOTION TO RECORD, FILE, AND POST TO CITY WEBSITE THE MONTHLY COMBINED  
FINANCIAL AND CASH INVESTMENT RECONCILIATION**

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

Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

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City Council

Tuesday, February 17, 2015

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**

**Legislation**

**AMENDED ORDINANCE NO 20-2014 ENACTING CHAPTER 1488 (HISTORIC LANDMARKS AND BUILDINGS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

Moved        2<sup>ND</sup>         
Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>         
Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin       

**ORDINANCE NO 27-2014 AMENDING SECTION 276.04 (FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

Moved        2<sup>ND</sup>         
Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin       

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>         
Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin

**ORDINANCE NO 3-2015**

**ENACTING SECTION 214.03 (PURCHASE AND/OR LEASE OF TITLE VEHICLES) OF CHAPTER 214 (CONTRACTS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**2ND READING**

Moved        2<sup>ND</sup>       

Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin       

**ORDINANCE NO 6-2015**

**ENACTING SECTION 452.19 (COMMERCIAL VEHICLE PARKING IN RESIDENTIAL OR MANUFACTURED HOME PARK DISTRICTS) OF CHAPTER 452 (PARKING) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**1ST READING**

Moved        2<sup>ND</sup>       

Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin       

**ORDINANCE NO 7-2015**

**AMENDING SECTION 1050.02 (RATES AND CHARGES FOR SERVICE) OF CHAPTER 1050 ELECTRICITY OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO**

**1ST READING**

Moved        2<sup>ND</sup>       

Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin       

**RESOLUTION NO 8-2015**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AND ACQUIRE RIGHTS OF EASEMENT FOR DRAINAGE ON WEST MAIN STREET AND ACCEPT PAYMENT**

Moved        2<sup>ND</sup>       

Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin       

**Miscellaneous Business**

**Adjournment** at                    p.m.

Moved        2<sup>ND</sup>       

Mr. McLaughlin        Mrs. Carlisle        Mr. Gates        Mr. Martin

10/20/2014  
1st Reading  
11/3/2014

AMENDED ORDINANCE NO. 20 -2014  
(Sponsors – Councilmembers Gates, Carlisle, Schag and Shasky)

ENACTING CHAPTER 1488 (HISTORIC LANDMARKS AND BUILDINGS) OF THE  
CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: Cities and villages are increasingly searching for effective ways to protect their historic neighborhoods, downtowns, and landscapes and the irreplaceable character of the buildings and structures that define these places and provide them with visible evidence of their past; and

WHEREAS: For over 75 years, the local historic preservation ordinance has been an effective tool for accomplishing this goal; and

WHEREAS: By enacting a historic preservation ordinance and becoming a Certified Local Government (CLG), the City of Shelby becomes eligible for training, technical assistance, and additional benefits from the Ohio Historic Preservation Office and for CLG Grants to cover the costs of historic preservation planning, surveys, and inventories; National Register of Historic Places registration; development and acquisition of National Register properties; and public education; and

WHEREAS: It is in the interest of the public health, safety, and general welfare of the City of Shelby that Council enact a historic preservation ordinance so that the City may become a Certified Local Government.

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

Section 1: That Chapter 1488 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**CHAPTER 1488**  
**Historic Landmarks and Buildings**

- 1488.01 Statement of purpose.
- 1488.02 Shelby Historic Preservation Commission.
- 1488.03 Duties of the Commission.
- 1488.04 Definitions.
- 1488.05 Standards for designating a landmark.
- 1488.06 Standards for designating a historic district.
- 1488.07 Procedures for designation of individual landmarks.
- 1488.08 Procedures for designation of historic districts.
- 1488.09 Procedures for review of proposed alterations to historic landmarks and properties within historic districts.
- 1488.99 Penalty.
- Appendix A The Secretary of the Interior's Standards for Rehabilitation.
- Appendix B The National Register of Historic Places and The Ohio Historic Inventory Defined.

**1488.01 STATEMENT OF PURPOSE.**

The purpose of this chapter is:

- (a) To preserve Shelby's distinctive character and its cultural, social, residential, commercial, industrial, educational, political, or architectural heritage for the enjoyment, enrichment, and benefit of the citizens of Shelby.
- (b) To foster economic vitality by publicly encouraging both private and public investment in Shelby's older buildings, neighborhoods and districts.
- (c) To foster civic pride in the beauty and notable accomplishments of the past.

(d) To provide guidance for preservation and enhancement of existing historical structures and new structures in historic districts.

(e) To act as liaison on behalf of the City of Shelby to individuals and groups concerned with historic preservation, and help property owners to make judicious and historically correct decisions relating to proposed modifications and/or repairs to historic structures.

(f) To provide available preservation, restoration, and rehabilitation information to the citizens of Shelby.

**1488.02 SHELBY HISTORIC PRESERVATION COMMISSION.**

(a) The Shelby Historic Preservation Commission is hereby created and shall consist of five members. Members shall be appointed by the Mayor and confirmed by City Council. A majority of the members shall be resident electors of the City.

(b) Commission members shall each serve five-year staggered terms. In order to stagger the terms, the first members of the Commission shall be appointed as follows: One person to a term ending December 31, 2015; One person to a term ending December 31, 2016; One person to a term ending December 31, 2017; One person to a term ending December 31, 2018; and One person to a term ending December 31, 2019. Full terms shall commence on January 1. Any vacancy during the unexpired term of any appointed member shall be filled, within sixty days if possible, for the remainder of the term. Members shall serve without compensation.

(c) All Commission members shall have a demonstrated special interest, experience, or knowledge of historic preservation, history, architecture, or related disciplines. At least two members of the Commission shall be preservation-related professionals in a field such as architecture, architectural history, history, archeology, planning, or a related area, if such are available in Shelby. However, no more than two members shall be employees of or policy-makers for any one non-governmental organization.

(d) Upon appointment, the Commission shall convene and select a chair, vice chair, and secretary. The Commission may establish its own rules and regulations, subject to City Council approval.

(e) The Commission shall establish its schedule of meeting times and places and shall meet at least once quarterly.

(f) The Commission shall comply with state and local laws dealing with public meetings and shall provide adequate advance notice of meetings. Written and/or electronic minutes of Commission meetings shall be kept and made available for public inspection.

(g) Commission members shall be subject to Shelby ordinances regarding conflict of interest and ethics as well as provisions on these subjects in the Ohio Revised Code.

(h) No later than January 31 of each year, the Commission shall submit a written report to City Council that summarizes its activities, cases, special projects, recommendations, and the qualifications of its members for the previous year. Such reports shall be available for public inspection.

(i) All Commission documents and materials shall be available for public inspection in compliance with Ohio's public records laws.

**1488.03 DUTIES OF THE COMMISSION.**

The Shelby Historic Preservation Commission shall have the following responsibilities:

(a) It shall promote interest in historic preservation and educate Shelby citizens about historic preservation by holding workshops and preparing informational material, as appropriate.

(b) The Commission shall recommend to City Council the designation of landmarks and historic districts according to the procedures set forth for such matters in Sections 1488.07 and 1488.08. It shall keep a list of designated landmarks and historic districts; furnish the list to the

Mayor, the Clerk of Council, and pertinent City Commissions; and make it available to the public.

(c) It shall issue Certificates of Appropriateness in response to applications for construction, preservation, restoration, reconstruction, rehabilitation, and/or demolition of any building, object or feature within any historic district, or of any designated landmark, according to the procedures set forth for such matters in Section 1488.09.

(d) It shall use the Secretary of Interior's Standards for Rehabilitation (Appendix A) and apply them within the City of Shelby as deemed appropriate by the Commission.

(e) It shall work with property owners to designate eligible Shelby landmarks, buildings, or structures on the National Register and to participate in the Ohio Historic Inventory (Appendix B).

(f) It shall review all proposed National Register nominations for properties within its jurisdiction.

(g) It shall advise other officials and departments in Shelby's city government regarding the protection of local cultural resources.

(h) It shall act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.

(i) When the Commission considers a National Register nomination or other action, which is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission may, upon authorization of City Council, seek expertise in this area before rendering its decision. It may be advised by technical consultants, under contract executed by the Mayor as Director of Public Service, as City finances permit, to assist it in performing its functions.

(j) It shall encourage its members to attend workshops, seminars, and other educational programs on historic preservation.

(k) It shall be responsible for maintaining a system for the survey and inventory of historic properties and cultural resources. All inventory material shall be recorded according to Ohio Historic Preservation Office guidelines, maintained securely, and made accessible to the public. The inventory shall be updated periodically to reflect alterations and demolitions.

#### **1488.04 DEFINITIONS.**

(a) "Alteration" means any material change in the external architectural features of any designated landmark. Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any designated property provided such work involves no change in material, design, texture or exterior appearance; nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration, or demolition of any feature which in the view of a duly authorized building official or Fire Chief is required for the public safety because of an unsafe, insecure, or dangerous condition.

(b) "Certificate of Appropriateness" means a certificate issued by the Shelby Historic Preservation Commission indicating that a proposed alteration or demolition of a designated landmark or of a building or structure within a historic district is in accordance with the provisions of this chapter.

(c) "Cultural Resources" means the building, sites, objects, and districts that embody or convey Shelby's history.

(d) "Demolition" means the removal or destruction in whole or in part of any designated landmark, building, or structure, including those in historic districts.

#### **1488.05 STANDARDS FOR DESIGNATING A LANDMARK.**

(a) A Designated Landmark is any real property that has been designated as a historic landmark under the provisions of this chapter.

(b) To qualify as a designated landmark, real property must have integrity of design, material, and workmanship and have historic or cultural significance. Historically or culturally significant real property:

- (1) Is associated with an event(s) that has (have) made a significant contribution to the broad patterns of history; or
- (2) Is associated with the life of a person(s) significant in the past; or
- (3) Embodies the distinctive characteristics of a type, period, or method of construction; or which embodies the distinguishing characteristics of an architectural style, or a work of a noted architect or builder; or
- (4) Has yielded or is likely to yield information important to prehistory or history.

(c) Cemeteries, birthplaces, or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years shall not be considered to be of historic significance unless they are integral parts of districts that meet the above criteria or unless they fall within the following categories:

- (1) A religious property which is primarily significant for its architecture or secular history; or
- (2) A relocated building which has a high degree of architectural significance or which is the primary building or structure associated with an individual or an event; or
- (3) The birthplace site or grave site of a historical figure if no other built feature survives which is directly associated with his or her productive life; or
- (4) A cemetery primarily important because of its age, distinctive design features, association with the graves of persons of transcendent importance, or which is associated with historic events; or
- (5) A reconstructed building or structure when accurately represented in a suitable environment as part of a restoration master plan and when no other building or structure with the same association has survived; or
- (6) A property primarily commemorative in intent if design, age, tradition, or symbolic value have given it significance; or
- (7) A property achieving significance within the past fifty years if it is of exceptional importance or is unique in the City of Shelby.

#### **1488.06 STANDARDS FOR DESIGNATING A HISTORIC DISTRICT.**

(a) A Historic District is any area which has been designated a historic district under the provisions of this chapter.

(b) In addition to meeting at least one of the above criteria for historic landmarks, proposed historic districts must also meet the following criteria:

- (1) The proposed area must be defined by boundaries that set the area off in relation to its surroundings;
- (2) The area within the proposed boundaries must have a high degree of historic integrity, without excessive loss of architectural or historic character; and
- (3) The area within the proposed boundaries must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development according to a master plan, shared architectural styles or designs, or a body of architecture illustrating the evolution of architectural styles over a period of time.

#### **1488.07 PROCEDURES FOR DESIGNATION OF INDIVIDUAL LANDMARKS.**

(a) When a proposal to designate an individual property as a landmark is received from a property owner or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria defined in Section 1488.05 and make a recommendation to City Council.

(b) For proposed individual landmarks, the following procedure shall be followed:

- (1) The owner(s) shall be notified by personal service or certified mail that the property is being considered for designation by the Commission. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owner(s) shall be invited to comment in writing. The general public shall also be notified through the local newspaper.

(2) No sooner than thirty (30) days after sending its notice to the owners and publishing a legal notice in the newspaper, the Commission shall conduct a public hearing and review any written comments received. The hearing shall be open for public comment. At the close of the hearing, and if there is no objection by the property owner, the Commission shall forward a copy of the minutes of the hearing, along with its recommendation for designation to City Council.

(3) At the next regular City Council meeting occurring subsequent to the receipt of a recommendation from the Historic Preservation Commission to designate an individual landmark, Council shall vote by motion on the designation of the property(ies).

(4) If Council does not approve the nomination(s), and if there is no objection from the property owner, then the Commission may revise and/or resubmit the nomination(s) to Council with any additional supportive information. The property owner shall be notified as to the date that City Council will be acting on the renomination.

(c) Immediately after the approval of the individual landmark by City Council, the Clerk of Council shall notify all affected property owner(s) of the decision in writing, add the individual landmark designation to the list of same, and forward a copy of the information to the Mayor and all pertinent City commissions and personnel. The Clerk shall keep a copy of the list on file for public inspection.

(d) The Commission may recommend that Council remove from the landmarks list properties that no longer meet the criteria of this chapter.

#### **1488.08 PROCEDURES FOR DESIGNATION OF HISTORIC DISTRICTS.**

(a) When a proposal to create a historic district is received or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria defined in Section 1488.06 and make a recommendation to City Council.

(b) For proposed historic districts, the following procedures shall be followed:

(1) All property owners within the proposed historic district shall be notified by personal service or certified mail that the property is being considered for designation within a historic district. The notice shall include the date, time, and place of a public hearing relative to the proposed designation. The owners shall be invited to comment in writing. The general public shall also be notified through the local newspaper.

(2) No sooner than thirty days after sending its notice to the owners and publishing a legal notice in the newspaper, the Commission shall conduct a public hearing and review any written comments received. The hearing shall be open for public comment. The Commission shall explain the effects of designation, why landmark status is being sought, and record the comments of persons in attendance. At the close of the hearing, and if there is no objection by fifty-one percent or more of the property owners, the Commission shall forward a copy of the minutes of the hearing, along with its recommendation for designation to City Council.

(3) At the next regular City Council meeting occurring subsequent to the receipt of a recommendation from the Historic Preservation Commission to designate a historic district, Council shall vote by motion on the designation of the district.

(4) If Council does not approve the nomination, and if owners pose no objections, then the Commission may revise and/or resubmit the nomination to Council with any additional supportive information. The property owners shall be notified as to the date that City Council will be acting on the designation of the historic district.

(c) Immediately after the approval of the historic district by City Council, the Clerk of Council shall notify all property owners in the district of the decision in writing, add the historic district designation to the list of same, and forward a copy of the information to the Mayor and all pertinent City commissions and personnel. The Clerk shall keep a copy of the list on file for public inspection.

#### **1488.09 PROCEDURES FOR REVIEW OF PROPOSED ALTERATIONS TO HISTORIC LANDMARKS AND PROPERTIES WITHIN HISTORIC DISTRICTS.**

(a) The Commission, assisted by City personnel, shall be available to applicants as a source of information and assistance before an application is made. Applicants are encouraged to make use of this service.

(b) No person shall make any exterior alteration to or demolish any historic structure or part thereof which is a designated City landmark or lies within a local historic district without first obtaining a Certificate of Appropriateness. A Certificate of Appropriateness must be obtained for new construction on vacant sites within historic districts.

(c) Application(s) for a Certificate of Appropriateness shall be filed at City Hall in such form as may be prescribed by the Commission and approved by the Mayor. The Mayor or his/her designee is responsible for ensuring that any construction to be undertaken is in accordance with the Certificate of Appropriateness.

(d) The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five days of the filing of a complete application. If the Commission fails to act within the time period, the application for a Certificate of Appropriateness shall be deemed approved.

(e) Each case will require careful consideration of all relevant factors, including earlier changes, existing conditions, and surrounding properties. Some flexibility is often necessary to accommodate the property owner. The Commission shall approve, or approve with conditions, the Certificate of Appropriateness if it finds that the proposal conforms to the Secretary of the Interior's Standards for Rehabilitation.

(f) In the case of the denial of a Certificate of Appropriateness, the Commission shall state the reasons for denial in writing and include findings of fact in support of the decision. Copies of the decision shall be mailed to the applicant. The Commission may suggest changes which can result in approval and offer to continue to meet with the owner to achieve a mutually satisfactory compromise.

The property owner may, within ten days of receipt of the decision of the Historic Preservation Commission, appeal to City Council by filing a written notice of appeal with the Commission and the Clerk of Council. City Council shall hear the appeal and render a decision within thirty days of the filing of the notice of appeal. City Council may affirm, reverse, or modify the decision of the Historic Preservation Commission. The property owner shall receive written notification of Council's decision.

#### **1488.99 PENALTY.**

Any person, firm, or corporation who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each violation. Each and every day that a violation continues shall constitute a separate offense.

The foregoing remedy is not exclusive and shall be in addition to any other remedy, including civil action(s) in a court of competent jurisdiction to enjoin any violations of this chapter.

### **APPENDIX A THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved:
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**APPENDIX B  
THE NATIONAL REGISTER OF HISTORIC PLACES  
& THE OHIO HISTORIC INVENTORY DEFINED**

The National Register of Historic Places is the official list of properties recognized by the federal government as worthy of preservation for their local, state, or national significance in American history, architecture, archaeology, engineering, or culture.

The Ohio Historic Inventory is an accurate, continuing record of the architectural and historic properties of the state. The Ohio Historic Inventory form records basic information on historic properties in Ohio. The form succinctly and accurately describes a building, site, structure or object and its history. By including a photo and a map, each form summarizes both graphic and written information about a property.

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; and

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 L. Schag  
Vice President of Council

APPROVED:

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

Robert L. Lafferty  
Clerk of Council

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

Prepared by:

  
\_\_\_\_\_  
Gordon M. Byster  
Director of Law

1st Reading  
12/15/2014  
2nd Reading  
1/5/2015

As shown  
to  
the City

**ORDINANCE NO. 27-2014**  
(Sponsors- Councilmembers Carlisle and Shasky)

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

WHEREAS, the 128<sup>th</sup> General Assembly of the State of Ohio passed a revising the Household Sewage and Small Flow On-Site Sewage Treatment Law; and

WHEREAS, the State of Ohio Department of Health has established rules for the enforcement of said law; and

WHEREAS, it is necessary for the City of Shelby Division of Health to establish a fee schedule to administer said laws and rules; 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 of Chapter 276 of the Codified Ordinances of the City of Shelby be amended so as to reflect the changes of the rules and laws concerning Household Sewage and Small Flow On-Site Sewage Treatment Systems, and.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF 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 so that said section shall read as follows:

**276.04 FEES**

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

<i>Food Service/Retail Food Establishment License Fees</i>		
<i>Level</i>	<i>Business Under 25,000 Sq. Ft.</i>	<i>Business Over 25,000 Sq. Ft.</i>
Level 1	\$72 + \$28 State Fee = \$100	\$100 + \$28 State Fee = \$128
Level 2	\$85 + \$28 State Fee = \$113	\$115 + \$28 State Fee = \$143
Level 3	\$144 + \$28 State Fee = \$172	\$200 + \$28 State Fee = \$228
Level 4	\$168 + \$28 State Fee = \$196	\$250 + \$28 State Fee = \$278
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	

<i>Body Art Approval Fees</i>			
<i>Service</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>Total Fee</i>
Tattooing services	\$125	\$0	\$125

Body piercing services	\$125	\$0	\$125
Combined body art services	\$125	\$0	\$125
Time-limited approval for a specific event	\$125	\$0	\$125
Late fee	25% of local fee	\$0	

*Private Water System Fees*

<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>ODNR</i>	<i>Total Fee</i>
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	\$85	\$	\$0	\$85

vehicle inspection				
Variance	\$50	\$0	\$0	\$50
Late fee	25% of local fee			
*HWST = Hauled water storage tank				

**Public Swimming Pool License Fee**

Type	Local Fee	State Fee	Total Fee	
Public Pool Spa Special use pool	\$175	\$80	\$255	
Additional pool, spa, and special use pool. (at the same facility as the first pool)	\$75	\$55	\$130	
Government/tax supported school pool, spa and special use pool.	\$175	\$80	\$255	
Additional government/tax supported school pool, spa and special use pool. (At the same facility as the first pool)	\$75	\$55	\$130	
Late Fee	25% of local fee	\$0		

**Birth and Death Certificates**

Death certificates	\$25 each
Birth certificates	\$25 each

<i>Sewage Treatment Systems</i>			
<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>Total</i>
Application for Site Review	\$55	\$0	\$55
Application for Soil Evaluation	\$55	\$0	\$55
Application for Design	\$55	\$0	\$55
Permit for New/Replacement Installation for years 2015, 2016, 2017	\$115	2015 2016 2017 \$25 \$50 \$74	2015 2016 2017 \$140 \$165 \$189
Permit for Alteration of Existing System for years 2015, 2016, 2017	\$75	2015 2016 2017 \$15 \$25 \$35	2015 2016 2017 \$90 \$100 \$110
Operational Permit	\$75	\$0	\$75
Registration of Installer	\$55	\$0	\$55
Registration of Service Provider	\$55	\$0	\$55
Registration of Septage Hauler	\$15	\$0	\$15
Septage Hauler Truck	\$15	\$0	\$15
Additional Inspection	\$55	\$0	\$55
Abandonment of System	\$10	\$0	\$10
Variance	\$75	\$0	\$75
Effluent Sample	\$115	\$0	\$115
Review of Subdivision or Lots	\$150	\$0	\$150
Late Penalty	25%	\$0	25%

Section 2: That all other Sections of Chapter 276 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearing 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: \_\_\_\_\_

Vice President of Council

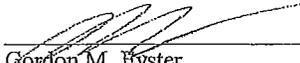
APPROVED:

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

Robert A. Lafferty  
Clerk of Council

Steve L. Schag  
Mayor

Prepared by:

  
Gordon M. Byster  
Director of Law

2/2/2015

ORDINANCE NO. 3 -2015  
(Sponsor - Councilmembers Gates & Carlisle)

**ENACTING SECTION 214.03 (PURCHASE AND/OR LEASE OF TITLED VEHICLES)  
OF CHAPTER 214 (CONTRACTS) OF THE CODIFIED ORDINANCES OF THE CITY  
OF SHELBY.**

WHEREAS: Historically, the force account limit had been set at an amount so that a late-model vehicle could not be purchased without approval of City Council; however, that is not longer the case; for example, the Director of Public Safety in September 2013 purchased a 2012 Ford Escape at a cost of \$20,700 without specific Council authorization or approval; 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 no titled vehicle be purchased or leased without Council's approval.

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

Section 1: That Section 214.03 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**214.03 PURCHASE AND/OR LEASE OF TITLED VEHICLES.**

Council approval is required for the proposed purchase and/or lease of any titled vehicle by any City department under Council's fiscal oversight and funding control.

Section 2: That all other sections of Chapter 214 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 Section 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: \_\_\_\_\_

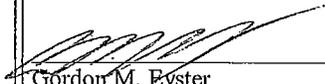
\_\_\_\_\_  
Steven D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Jeffrey D. Fenner  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

ORDINANCE NO. 6 -2015  
(Sponsor – Councilmember Gates)

**ENACTING SECTION 452.19 (COMMERCIAL VEHICLE PARKING IN RESIDENTIAL OR MANUFACTURED HOME PARK DISTRICTS) OF CHAPTER 452 (PARKING) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS: A situation has arisen in which multiple commercial vehicles have been parked for days on end in a manufactured home park district adjacent to a residential district; 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 parking of commercial vehicles in residential and manufactured home park districts be limited.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, 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 COMMERCIAL VEHICLE PARKING IN RESIDENTIAL OR MANUFACTURED HOME PARK DISTRICTS.**

No person shall park or permit to be parked more than one commercial vehicle upon a lot or parcel in a residential or manufactured home park district for a cumulative amount of time greater than six hours in any 48-hour period.

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 Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby; and

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 D. McLaughlin  
Vice President of Council

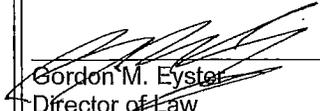
APPROVED:

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

Jeffrey D. Fenner  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO. 7-2015**  
(Sponsors: Councilmember Martin)

**AMENDING SECTION 1050.02 (RATES AND CHARGES FOR SERVICE) OF CHAPTER 1050 ELECTRICITY OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO**

WHEREAS, it is necessary to modify Section 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) so as to continue to provide municipal electric service to the customers of the Division of Electricity and Telecommunications 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 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) be amended and/or modified.

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

Section 1: That Section 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) be amended to read as follows:

**1050.02 RATES AND CHARGES FOR SERVICE**

(a) *Service schedules.*

(1) *Schedule A.*

A. *Availability of service.* Available for single phase electric service at 225 amps capacity (120-240 volts), maximum, through one meter to individual customers.

B. *Rates for service.*

1.	Customer charge	\$7.00
2.	Distribution charge all kWh	\$0.0315

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transmission Cost Rider as specified in this tariff.

D. *Minimum charge.* The minimum charge shall be the customer charge.

E. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

(2) *Schedule A-D.*

A. *Availability of service.* Available for single phase electric service at 225 amps capacity (120-240 volts), maximum, through one meter to individual customers. In addition, customers under Schedule A-D must meet age, income and other prerequisites as determined by the Director of Public Service, subject to the approval of the City Council. Rates under this schedule for distribution charge and all riders, excluding customer charge and kWh taxes shall be reduced by 10% to eligible customers.

B. *Rates for service.*

1.	Customer charge	\$4.75
2.	Distribution charge all kWh	\$0.0284

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transmission Cost Rider as specified in this tariff. The charges shall be discounted by 10%.

- D. *Minimum charge.* The minimum charge shall be the customer charge.
- E. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

(3). *Schedule B.*

A. *Availability of service.* Available for single phase electric service over 225 amps capacity (120–240 volts), minimum, or three phase electric service at 200 kW capacity, maximum, through one meter to individual customers.

B. *Rates for service.*

1.	Customer charge (single phase)	\$9.00
2.	Customer charge (three phase)	\$12.50
3.	Customer charge (primary)	\$21.00
4.	Distribution charge all kWh	\$0.0196
5.	Demand charge all kWh	\$7.50

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transmission Cost Rider as specified in this tariff.

D. *Minimum charge.* The minimum charge shall be the customer charge plus minimum demand charge.

E. *Demand.* The billing load for the month shall be the highest 15-minute integrated demand as determined by the instruments suitable for the purpose. Where energy is delivered through two meters, the monthly billing demand will be taken as the sum of the two demands separately determined. For purposes of billing, no demand shall be less than 10 kW.

F. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

G. *Credit for maintenance of primary service.* When the customer furnishes and maintains the complete substation equipment, including any and all transformers and/or switches and/or other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which the customer is to receive service, a credit shall be applied as follows:

All delivery voltages: \$0.15/kVa

H. *Power factor.* The average power factor shall be determined for each month by comparing the kilowatt hours of power consumed during the month with the reactive power consumed during the month. When the average power factor, as determined by continuous measurement of lagging kVa is less than 90%, the billing demand (kVa) shall be determined by multiplying the maximum demand (kW) shown by the demand meter for the billing period, by the multiplier as indicated in the calculation below:

$$1 + (.9 - pf)$$

where:

pf = customer's power factor

(4) *Schedule C.*

A. *Availability of service.* Available for three-phase electric service over 200 kW capacity through one meter to individual customers. Rates, terms and conditions for service to customers with requirements other than previously stipulated shall be offered only by special contract.

B. *Rates for service.*

1.	Customer charge	\$17.00
2.	Customer charge (primary)	\$25.00
3.	Distribution charge all kWh	\$0.0132
4.	Demand charge all kWh	\$4.00

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transition Cost Rider as specified in this tariff.

D. *Minimum charge.* The minimum charge shall be the customer charge plus minimum demand charge.

E. *Demand.* The billing load for the month shall be the highest 15-minute integrated demand as determined by the instruments suitable for the purpose. Where energy is delivered through two meters, the monthly billing demand will be taken as the sum of the two demands separately determined. For purposes of billing, no demand shall be less than 50 kW.

F. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

G. *Credit for maintenance of primary service.* When the customer furnishes and maintains the complete substation equipment, including any and all transformers and/or switches and/or other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which the customer is to receive service, a credit shall be applied as follows:

All delivery voltages: \$0.15/kVa

H. *Power factor.* The average power factor shall be determined for each month by comparing the kilowatt hours of power consumed during the month with the reactive power consumed during the month. When the average power factor, as determined by continuous measurement of lagging kVars, is less than 90%, the billing demand (kVa) shall be determined by multiplying the maximum demand (kW), shown by the demand meter for the billing period, by the multiplier as indicated in the calculation below:

$$1 + (.9 - pf)$$

where:

pf = customers' power factor

(5) *Schedule D.*

A. *Availability of service.* Available for electrical energy used for city-owned and operated facilities.

B. *Rates for service.*

Customer Charge	\$15.00
Distribution charge, all kWh	\$0.0195

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transmission Cost Rider as specified in this tariff.

D. *Unbilled service.* Service shall be provided without charge to the following facilities: Shelby City Hall, Shelby Municipal Court, Police Department, Sutter-Roush Rooms, Municipal Utilities Office, Fire Department, Marvin Memorial Library, Parks Department, Electric Distribution Department, Municipal Garage, Skiles Field, Girl Scouts' House, Log Cabin and Siegfried Field. Services shall be provided without charge for public street lighting and traffic-control devices.

(6) *Security light service.*

A. *Availability of service.*

1. Available to customers where utility's standard outdoor lighting unit can be installed on utility's existing pole and does not require any extension or addition to utility's existing secondary or primary distribution facilities, including transformer. Any relocation of a lighting unit shall be at customer's expense.

2. Where additional facilities are required, the customer shall pay, in advance, the total installation cost for the additional distribution facilities (poles, wires, transformer and appurtenances) as are required. In all cases, the lighting fixture itself, including lamp, will be installed, owned, operated and maintained by utility.

3. This service is available only where there is reasonable assurance that the service to be furnished will be permanent. Utility reserves the right to refuse to furnish such service when, in utility's opinion, the installation will not be of permanent character.

4. All applications for outdoor security lighting service shall be on a 12-month year-round service basis. Where the premises are occupied by a tenant, utility reserves the right to require the application for service to be made by the property owner with bills to be sent to the premises to the attention of the tenant. However, the property owner shall be responsible for the payment of the bills.

B. *Rates for service.*

1.	100 watt LED	\$5.50
2.	175 watt mercury vapor	\$7.50
3.	400 watt metal halide	\$17.50
4.	1,000 watt metal halide	\$43.00

C. *Additional facilities.* Where a pole is installed in order to provide service under this schedule, the customer shall be charged \$1.00 per month in addition to the rate for service.

(b) *Transition Cost Rider, Fuel and Purchased Power and Generation Charges.* The Transition Cost Rider, Generation Charge and Fuel and Purchased Power Charge shall be applied to the A, A-D, B, C and D Schedules. The rate design of the generation charge and fuel and purchased power charge may be changed from time to time as approved by Council.

(1) *Generation charge.* The generation charge shall be \$0.0100/kWh.

(2) *Determination of fuel and purchased power charge.* The Fuel and Purchased Power Charge shall be derived every three months by dividing (1) the past 12 months' cost of fuel and purchased power, including the cost associated with transmission-related services (hereinafter referred to as "previous 12 months' cost", by (2) the sum of the past 12 months' net kilowatt hours generated and purchased multiplied by 0.94 (hereinafter referred to as "previous 12 months' net kWh").

Previous 12 months' cost  
(numerator) = Fuel /  
Purchased  
Previous 12 months' net kWh × Power Charge  
0.94 (denominator)

(3) *Determination of Transition Cost Rider.*

A. The Transition Cost Rider shall be calculated and implemented upon the offering of Open Access Service.

B. Transition costs shall be calculated yearly. Transition costs are generally defined as the difference between purchased power costs of those sources where construction costs, market price at the time of contractual obligation, and/or other factors may cause the fixed and/or average cost of that power to be significantly higher than average market prices. The Transition Cost Rider may be adjusted each year based on projected market price, average cost of power from transition cost sources, fixed costs of contracted power supply, implementation costs of the offering of Open Access Service, and sales of the previous year. A reconciliation of over or under recovery of transition costs is taken forward to the next year as a debit or credit to transition costs. Projected transition cost recovery is allocated between demand and energy costs and credited to total demand and energy costs of generation. This credit ensures that there will be no double recovery of transition costs.

(4) *Project development and construction rider.* The rates and charges set forth in the current city electric rate schedule may be increased for the purpose of providing funding for the city's share of the developmental and/or construction costs associated with projects (undertaken by the city independently or in conjunction with Amp Ohio) in furtherance of the city's goal to provide the city's electric utility consumers with the most economic, environmentally sound and reliable source(s) of power.

(c) *Miscellaneous charges (applicable to all customers).*

(1) *Reconnection charge.* When a customer has previously requested a disconnect and desires to be reconnected at the same address, or if a reconnection is made subsequent to a service disconnection made in violation of provisions of these rules and regulations, a reconnection charge of \$30.00 will be made if the reconnection is made during regular business hours. If the reconnection is requested and made after regular business hours, the charge is \$80.00.

(2) *Late payment charge.* If a bill payment is not received by the utility offices or by the utility's authorized agent on or before the specified payment date (the fifteenth of the month), a one-time, additional amount of 5% of the amount of the bill will become due and payable as part of the customer's total obligation. If the fifteenth of the month falls on a Sunday or holiday where there is no postal service, the specified payment shall be the next business day from the fifteenth.

(3) *Dishonored check charge.* Whenever a customer pays a bill by check and the check is returned to the utility by the customer's financial institution for lack of sufficient funds in the customer's account, the customer will be assessed a dishonored check charge of \$25.00 for each check returned.

(4) *Meter test charge.* The utility shall test the meter at the request of the customer. The test shall be performed in the presence of the customer if he or she so requests. If the meter is found to be correct, the customer shall pay a fee of \$10.00 for the testing.

(5) *Service fee.* All service rendered to customer's equipment will be billed to the customer for labor and material required on the basis of cost plus 10% at the time of service.

(6) *Application fee.* An application fee of \$5.00 shall be assessed to customers at the time of application for service.

(d) *Kilowatt-hour tax adjustment.* The rates and charges set forth in the current city electric rate schedules shall be increased by an amount equal to the kilowatt-hour tax imposed on the city's electric distribution system under R.C. § 5727.81. The increase shall become effective with the bills that include May 1, 2001, as part of the usage period and shall thereafter be automatically adjusted to reflect any change in the kilowatt-hour tax imposed by R.C. § 5727.81 increase in the current schedule that reflects the following:

- (1) For the first 2,000 kWh delivered, the tax rate shall be \$0.00465 per kWh delivered.
- (2) For the next 2,001 to 15,000 kWh delivered, the tax rate shall be \$0.00419 per kWh.
- (3) For any kWh above 15,000, the tax rate shall be \$0.00363.

Section 2: That all other Sections of Chapter 1050 (Electricity) of the Codified Ordinances of the City of Shelby 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 D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Jeffrey D. Fenner  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Bywater  
Director of Law

**RESOLUTION NO. 8-2015**  
(Sponsor: Councilmembers Carlisle and Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AND ACQUIRE RIGHTS OF EASEMENT FOR DRAINAGE ON WEST MAIN STREET AND ACCEPT PAYMENT.**

WHEREAS, the City desires to improve a portion of the Northeast Quarter, Section Twelve 12, Township, Twenty-one (21), Range Twenty (20), in the City of Shelby to provide drainage tile on West Main 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 enter into a contract to acquire rights of easement for drainage tile lines on West Main Street.

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 enter into a contract and to acquire rights of easement for drainage tiles on West Main Street.

Section 2: That the City of Shelby is authorized to accept payment as outline in the attached Agreement.

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 D. McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_  
Jeffrey D. Fenner  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law