

3:30pm Finance & Personnel Committee

**Shelby City Council Agenda**  
**Monday, April 20, 2015**  
**COUNCIL CHAMBERS**  
**29 MACK AVENUE**  
**Shelby, Ohio**  
**7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

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

**Dispense with Reading of Journal from April 6, 2015**

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

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

**Public Comment**

Brianne Kindinger—Jobs & Family Services

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Pat Carlisle

Safety Committee—Derrin Roberts

Utilities & Streets Committee--Nathan Martin

**Reports of City Officials**

Steven L. Schag—Mayor

Bob Lafferty—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**  
Live streaming of council meetings

**Legislation**

**AMENDED ORDINANCE NO 9-2015      AN ORDINANCE AUTHORIZING ALL ACTIONS  
NECESSARY TO EFFECT A GOVERNMENTAL  
NATURAL GAS AGGREGATION PROGRAM WITH  
OPT-OUT PROVISIONS PURSUANT TO SECTION  
4929.26, OHIO REVISED CODE, DIRECTING THE  
RICHLAND COUNTY BOARD OF ELECTION TO  
SUBMIT A BALLOT QUESTION TO THE  
ELECTORS**

**2ND READING**

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

**ORDINANCE NO 10-2015      AMENDING ORDINANCE NO 8-2015 (ANNUAL  
APPROPRIATIONS), AND DECLARING AN  
EMERGENCY**

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

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

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 11-2015                      TRANSFERRING APPROPRIATIONS FOR THE YEAR 2015  
AND DECLARING AN EMERGENCY**

**Motion that the rules requiring that an ordinance be read on three separate occasions be suspended**  
Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mrs. Carlisle \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_

**PASSAGE OF ORDINANCE**

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

**ORDINANCE NO 12-2015                      AMENDING SECTION 208.03 (STRATEGIC ACTION PLAN)  
OF THE CODIFIED ORDINANCES OF THE CITY OF  
SHELBY**

**1ST READING**

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

**RESOLUTION NO 11-2015                      APPROVING THE PLANS AND AUTHORIZING THE  
MAYOR AS DIRECTOR OF PUBLIC SERVICE TO  
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT  
FOR THE CITY OF SHELBY LIGHT PLANT ASBESTOS  
REMOVAL PROJECT**

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

**RESOLUTION NO 12-2015                      RECOGNIZING APRIL 28, 2015, AS WORKERS  
MEMORIAL DAY**

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

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.

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

4/6/2015

AMENDED ORDINANCE NUMBER 9 -2015  
(Sponsors - Councilmembers: Martin, Carlisle, and McLaughlin)

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE RICHLAND COUNTY BOARD OF ELECTION TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.**

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail natural gas loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and

WHEREAS, this City Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code (the "aggregation Program"), for the residents, businesses and other natural gas consumers in the City and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

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

SECTION 1. This City Council finds and determines that it is in the best interest of the City of Shelby, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish the Aggregation Program in the City of Shelby. Provided that this Ordinance and the Aggregation Program is approved by the electors of the City of Shelby pursuant to Section 2 of this Ordinance, the City of Shelby is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using a natural gas load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Ordinance.

SECTION 2. The Board of Elections of Richland County is hereby directed to submit the following question to the electors of the City of Shelby at the general election on November 3, 2015.

SECTION 3. That the ballot shall be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

**PROPOSED NATURAL GAS AGGREGATION PROGRAM FOR CITY OF SHELBY**

Shall the City of Shelby have the authority to aggregate the retail natural gas loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

SECTION 4: The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than ninety (90) days prior to November 3, 2015. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4929.26 of the Ohio Revised Code.

SECTION 5. Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Ordinance, this City Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this City Council shall aggregate the natural gas load of any natural gas load center within the City unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two years without paying a penalty as set forth in rule 4901:28-04 of the Ohio Revised Code.

SECTION 6. That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

SECTION 7. That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 3, 2015.

SECTION 8. Notice of the adoption of this Ordinance shall be given once by publishing the title of the Ordinance in an abstract.

SECTION 9. 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: \_\_\_\_\_

Robert L. Lafferty  
Clerk of Council

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

Prepared by:

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



ORDINANCE NO. 11 -2015  
(Sponsor - Councilmember Carlisle)

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2015 AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2015 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 these transfers be made effective so as to balance the books for the calendar year 2015, and so as to fund necessary expenditures and/or projects.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF 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	353-SAC-535	STREET RESURFACING	\$50,000.00
TO	353-SAC-500	ENGINEERING	\$ 50,000.00
FROM	703-FEF-564	SERVICE VEHICLE	\$ 6,200.00
TO	703-FEF-531	MISC	\$ 6,200.00

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 D. McLaughlin  
Vice President of Council

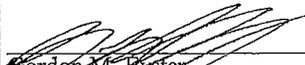
APPROVED:

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

Robert A. Lafferty  
Clerk of Council

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

Prepared by:

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

ORDINANCE NO. 12-2015  
Sponsor—Councilmember Carlisle

**AMENDING SECTION 208.03 (STRATEGIC ACTION PLAN) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, Ordinance 60-2005, passed January, 2006, provided Section 208.03 for the adoption of a strategic plan for the City; and

WHEREAS, Resolution 22-2008, passed May, 2008, gave the Mayor direction for the development of a strategic plan for the City; and

WHEREAS, Ordinance 12-2010, passed June, 2010, adopted the City of Shelby, Ohio Strategic Action Plan 2010-2030 as a working document with regular review; and

WHEREAS, the City of Shelby, Ohio Strategic Action Plan 2010-2030 includes recommendations on topics of Housing, Transportation, Land Use Management, Government, Economic Development, and Quality of Life; and

WHEREAS, annual reviews occurred in 2011 and 2012 and need to be continued; and

WHEREAS, the City has had some realignment of the Committees of Council and efforts for Community and Economic Development, Section 208.03 needs amending.

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

Section 1: Section 208.03 (STRATEGIC PLAN) shall be amended as follows:

(a) The full document and appendixes of the City of Shelby, Ohio Strategic Action Plan 2010-2030 shall be adopted and shall be available in the Mayor's office, Finance Director/Clerk of Council's office, Law Director's office, Project Coordinator's office, Public Services/Utilities Deputy Director's office, Health Commissioner's office, the local public library, and given to each member of City Council and each member of the Planning Commission to be passed on to successors. Any additional officials or employees having responsibility for any part of the strategic plan shall be determined as necessary.

(b) In May of each year, it shall be the cooperative responsibility of the Planning Commission and the Community and Economic Development Committee of the City Council to review the Strategic Action Plan 2010-2030 with the city administration and department heads to determine the successful completion, current status, or reasonable delay of the recommended action plans.

(c) The annual review of the Strategic Action Plan 2010-2030 shall be a document distributed to all the offices and personnel mentioned in division (a) of this section.

Section 2: That all other portions of Section 208.03 (Strategic Action Plan) not modified herein 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.

**RESOLUTION NO. 11-2015**  
(Sponsor: Councilmembers Martin and McLaughlin)

**APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF SHELBY LIGHT PLANT ASBESTOS REMOVAL PROJECT**

WHEREAS, the Shelby Municipal Light Plant has been taken out of operation and there is the need to remove asbestos on piping and equipment; and

WHEREAS, plans and specifications have been prepared for said project; 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 advertise for bids and enter into a contract for the project herein above-described.

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 advertise for bids and enter into a contract for the City of Shelby Light Plant Asbestos Removal Project.

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 D. McLaughlin  
Vice President of Council

APPROVED:

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

Robert A. Lafferty  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 12 - 2015  
(Sponsors – Councilmembers Gates and Carlisle)

RECOGNIZING APRIL 28, 2015, AS WORKERS MEMORIAL DAY.

WHEREAS: Each year, thousands of American workers tragically die on the job, and millions more suffer work-related injuries or illnesses; and

WHEREAS: Concerned Americans are determined to prevent these tragedies; and

WHEREAS: April 28 is the anniversary of the Occupational Safety and Health Act of 1970, a landmark piece of legislation which has done much to improve the safety of the workplace.

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

Section 1: That April 28, 2015, shall be and is hereby recognized as Workers Memorial Day.

Section 2: That Shelbians observe Workers Memorial Day as a day to remember the countless victims of workplace injuries and disease; to renew their efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation; and to rededicate themselves to improving safety and health in every American workplace.

Section 3: That Shelbians attend the Workers Memorial Day service sponsored by the Crawford-Richland Central Labor Council of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) planned for Tuesday, April 28 at 5:00 p.m. at the United Steelworkers Local 169 Hall in Mansfield.

Section 4: 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, approval by the Mayor, and the earliest period allowed by law.

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

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

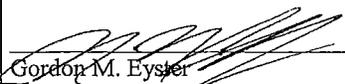
APPROVED:

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

Robert A. Lafferty  
Clerk of Council

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

Prepared by:

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