

**3:30pm Community & Economic Development Committee**

**Shelby City Council Agenda  
Monday, August 1, 2016  
COUNCIL CHAMBERS  
29 MACK AVENUE  
Shelby, Ohio  
7:00 p.m.**

**Call to Order and Pledge of Allegiance**

**Roll Call:**

Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_

**Dispense with Reading of Journal from July 18, 2016**

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

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

**Reports of City Officials**

Steven L. Schag—Mayor

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

**Unfinished Business**  
Mohican Street—Junk Yard

**Legislation**

**ORDINANCE NO 18-2016**

**REPEALING SECTION 1050.06 (COMMERCIAL STEAM SERVICE) AND SECTION 1050.07 (CONDITIONS OF STEAM SERVICE; RATE SCHEDULE) OF CHAPTER 1050 (ELECTRICITY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**3RD READING**

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

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

**PASSAGE OF ORDINANCE**

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

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

**ORDINANCE NO 19-2016**

**AMENDING SECTION 1062.07 (SPEED LIMIT IN SELTZER, VETERANS AND RABOLD PARKS AND ADJACENT STREETS) OF CHAPTER 1062 (PARKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY**

**2ND READING**

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

Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_ Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_

**ORDINANCE NO 20-2016**

**AMENDING SECTION 1292.02 (GENERAL PROVISIONS)  
OF CHAPTER 1292 (NONCONFORMING LOTS, USES AND  
BUILDINGS) OF THE CODIFIED ORDINANCES OF THE  
CITY OF SHELBY**

**1ST READING**

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub       

**RESOLUTION NO 52-2016**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO ENTER INTO AN AGREEMENT WITH  
VOLUNTEER ENERGY SERVICES INC., FOR THE  
PURPOSE OF ESTABLISHING NATURAL GAS RATES FOR  
GOVERNMENTAL AGGREGATION MEMBERS OF THE  
CITY OF SHELBY**

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub       

**Miscellaneous Business**

**Adjournment** at        p.m.

Moved        2<sup>ND</sup>       

Mr. Roberts        Mr. Gates        Mr. Martin        Mr. McLaughlin        Mr. Roub

1st Reading  
7/5/2016  
2nd Reading  
7/18/2016

ORDINANCE NO. 18 -2016  
(Sponsor: Councilmember Gates)

**REPEALING SECTION 1050.06 (COMMERCIAL STEAM SERVICE) AND SECTION 1050.07 (CONDITIONS OF STEAM SERVICE; RATE SCHEDULE) OF CHAPTER 1050 (ELECTRICITY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, The City of Shelby no longer provides commercial steam service from the Municipal Light Plant.

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

Section 1: That Section 1050.06 (Commercial Steam Service) of the Codified Ordinances of the City of Shelby shall be and is hereby repealed.

Section 2: That Section 1050.07 (Conditions of Steam Service; Rate Schedule) of the Codified Ordinances of the City of Shelby shall be and is hereby repealed.

Section 3: That all other sections of Chapter 1050 (Electricity) shall remain in full force and effect.

Section 4: 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 5: 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

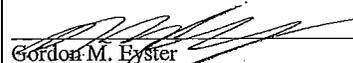
APPROVED:

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

Steven T. Lifer  
Clerk of Council

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

Prepared by:

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

St Reading  
7/18/2016

**ORDINANCE NO. 19-2016**  
**(Sponsor – Councilmember Gates)**

**AMENDING SECTION 1062.07 (SPEED LIMIT IN SELTZER, VETERANS AND RABOLD PARKS AND ADJACENT STREETS) OF CHAPTER 1062 (PARKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, The portion of Section 1062.07 of the Codified Ordinances of the City of Shelby that purports to establish a 20-mile-per-hour speed limit on streets adjacent to certain parks has been determined to be in contravention of the Ohio Revised Code; and

WHEREAS, It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby and its residents that this Section be amended to bring it into compliance with the Ohio Revised Code.

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

Section 1: That Section 1062.07 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**1062.07      SPEED LIMIT IN PARKS.**  
No person shall operate a motor vehicle on any drive or roadway in any park at a speed greater than 20 miles per hour.

Section 2: That all other sections of Chapter 1062 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; 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: \_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

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

Prepared by:

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

ORDINANCE NO: 20 -2016  
(Sponsors: Councilmembers Roberts and Roub)

**AMENDING SECTION 1292.02 (GENERAL PROVISIONS) OF CHAPTER 1292 (NONCONFORMING LOTS, USES AND BUILDINGS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, Section 1292.02 contains regulations for Nonconforming Structures in the City of Shelby; and

WHEREAS, Shelby City Council is desirous to amend said regulations; and

WHEREAS, in accordance with mandates of the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning this proposed amendment; 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 1292.02 of Chapter 1292 of the Codified Ordinances of the City of Shelby be amended.

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

Section 1: That Section 1292.02 (General Provisions) of Chapter 1292 (Nonconforming Lots, Uses and Buildings) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

**1292.02 GENERAL PROVISIONS.**

(a) *Nonconforming lots.* In any one-family or multiple-family district, one-family and two-family dwellings may be erected on any single lot of record existing on the effective date of adoption or amendment of this Zoning Code, even though the lot fails to meet the requirements for area and width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving the area and width of the lot conform to the regulations for the district in which the lot is located. The Board of Zoning Appeals may grant a variance where the strict application of the provisions of this Zoning Code would result in practical or unnecessary hardship in complying with the minimum yard requirements for the district in which the lots are located.

(b) *Nonconforming uses of land.* The lawful use of any land existing on the effective date of adoption or amendment of this Zoning Code may be continued although the use does not conform to the provisions of this Zoning Code, provided that the following provisions are met:

(1) A. A nonconforming use shall not be extended, enlarged or increased to occupy a greater area of land than was occupied on the effective date of this Zoning Code, with the following exceptions:

1. A manufactured home existing as a nonconforming use may be replaced by a larger manufactured home, provided that all setback requirements for that district are in compliance.

2. An existing conditional use church, in a residential neighborhood, not located on a major or minor arterial thoroughfare, may be extended or expanded to occupy a greater area of land, provided that all setback requirements for that district are in compliance.

B. The extension of a lawful use to any portion of a nonconforming structure which existed prior to the enactment of this Zoning Code shall not be deemed to be the extension of the nonconforming use. However, a nonconforming use may be extended, enlarged or increased to occupy a greater area of land than was occupied on the effective date of this Zoning Code in the event the same is required by law.

(2) Whenever a nonconforming use has been discontinued for a period of two years or more, the discontinuance shall be considered as conclusive evidence of an intention to abandon legally the nonconforming use. At the end of the two-year period, any subsequent use of the land shall conform to the provisions of this Zoning Code for the district in which the land is located.

(3) Nonconforming uses existing and established after the effective date of this Zoning Code shall be declared illegal nonconforming uses and shall be discontinued no more than 20 days following the date of inspection of the use.

(4) A nonconforming use destroyed or damaged by fire, collapse, explosion or acts of nature, to the extent of 100% of its replacement cost; exclusive of the foundation at the time of destruction, may be reconstructed and the nonconforming use continued although the use does not conform to the provisions of this Zoning Code, subject to the following conditions:

A. The reconstruction of a nonconforming use shall not be extended, enlarged or increased to occupy a greater area of floor space than was occupied on the effective date of this Zoning Code.

B. Reconstruction shall begin on a nonconforming use within one year from the date the nonconforming use was destroyed or damaged by fire, collapse, explosion or acts of nature.

(c) *Nonconforming structures.* A lawful structure existing on the effective date of adoption or amendment of this Zoning Code may be continued although the structure does not conform to the area, height or yard provisions of this Zoning Code, provided that the following provisions are met:

(1) A nonconforming structure may not be altered or enlarged in a manner which increases its nonconformity.

(2) A nonconforming structure destroyed or damaged by fire, collapse, explosion or acts of nature, to the extent of 100% of its replacement cost, exclusive of the foundation at the time of destruction, may be reconstructed and the nonconforming structure continued although the structure does not conform to the provisions of this Zoning Code, subject to the following conditions:

1. The reconstruction of a nonconforming structure shall not be extended, enlarged or increased to occupy a greater area of floor space than was occupied on the effective date of this Zoning Code.

2. Reconstruction shall begin on a nonconforming structure within one year from the date the nonconforming structure was destroyed or damaged by fire, collapse, explosion or acts of nature.

(3) Should the structure be moved or transported for any reason and for any distance whatsoever, it shall thereafter conform to the provisions for the district in which it is located after it is removed.

(d) *Nonconforming uses of structures and land.* The lawful use of a structure or of a structure and land, existing on the effective date of adoption or amendment of this Zoning Code, may be continued although the use does not conform to the provisions of this Zoning Code, providing that the following provisions are met:

(1) Whenever a nonconforming use of a structure and land in combination has been discontinued for six consecutive months, or for 18 months during any three-year period, the structure and premises in combination shall not be re-established or used except in conformity with the provisions of the district in which it is located.

(2) Any nonconforming use of a structure and land in combination may be changed to another nonconforming use of the same or a more restrictive classification than the existing nonconforming use by the Board of Zoning Appeals. In permitting such a change, the Board may require that the more restrictive nonconforming use meet certain conditions and requirements in accordance with the provisions of this Zoning Code.

(3) Where a nonconforming structure and use exist, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 2: That all other Sections of Chapter 1292 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: \_\_\_\_\_

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

APPROVED:

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

Steven Lifer  
Clerk of Council

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

Prepared by:

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

RESOLUTION NO. 52 -2016  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH VOLUNTEER ENERGY SERVICES INC., FOR THE PURPOSE OF ESTABLISHING NATURAL GAS RATES FOR GOVERNMENTAL AGGREGATION MEMBERS OF THE CITY OF SHELBY.**

WHEREAS, Council of the City of Shelby, has authorized the Mayor, as Director of Public Service, to enter into a Service Agreement with Volunteer Energy Services Inc., as a Certified Natural Gas Governmental Aggregator; and

WHEREAS, Council of the City of Shelby, shall approve the Natural Gas Aggregation rate supplied by Volunteer Energy Services, Inc.; and

WHEREAS, Council of the City of Shelby, Richland County, Ohio, approves the Aggregated Natural Gas rate to Aggregation Members as stated in the following. For the April 1, 2016 through March 31, 2017 natural gas rate period, the rate shall be 7% (seven percent) off of the Columbia Gas of Ohio Standard Choice Offer Market Adder per Ccf plus NYMEX month end settlement to the burner tip. The Columbia Gas of Ohio natural gas rate for this period is NYMEX plus \$0.143 per Ccf. The natural gas rate for Volunteer Energy Services Inc. shall be NYMEX plus \$0.13299 per Ccf. For the April 1, 2017 through March 31, 2018 natural gas rate, the rate shall be 7% (seven percent) off of the Columbia Gas of Ohio Standard Choice Offer Market Adder per Ccf plus NYMEX month end settlement to the burner tip. This rate is established in the first quarter of 2017. The natural gas rate for Volunteer Energy Services Inc. for this period shall be NYMEX plus the first quarter 2017 established rate.

**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 shall be and is heroby authorized to enter into a Service Agreement with Volunteer Energy, Inc., for the purpose of establishing Natural Gas Rates for Governmental Aggregation Members of the City of Shelby.

Section 2: That Council of the City of Shelby hereby adopts and approves the Natural Gas Rates for the City's Governmental Aggregation Members.

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 121.00, 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: \_\_\_\_\_

\_\_\_\_\_  
Steven T. Lifer  
Clerk of Council

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

Prepared by:

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