

3:30pm Community & Economic Development Committee

**Shelby City Council Agenda
Monday, May 4, 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 20, 2015

Moved _____ 2ND _____

Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

Public Comment

Dave Keinath—Park Board President
Joe Trolan—Mental Health & Recovery Services
Linda Close Swanger—Poppy Proclamation

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin
Public Works & General Operation Committee—Garland John Gates

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

3RD READING

Moved 2ND
Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

PASSAGE OF ORDINANCE

Moved 2ND
Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

ORDINANCE NO 12-2015

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

2ND READING

Moved 2ND
Mr. McLaughlin Mrs. Carlisle Mr. Roberts Mr. Gates Mr. Martin

ORDINANCE NO 13-2015 **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 _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

PASSAGE OF ORDINANCE
Moved _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

RESOLUTION NO 13-2015 **THANKING CHARLES E. ROUB, JR. FOR HIS SERVICE TO THE CITY OF SHELBY POLICE DEPARTMENT**
Moved _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

RESOLUTION NO 14-2015 **AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF SHELBY, OHIO FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN**
Moved _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

RESOLUTION NO 15-2015 **AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR CYANOTOXIN EQUIPMENT AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY**
Moved _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

4/6/2015
Ind Reading
4/20/2015

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

1/20/2015

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 ACTION 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.

ORDINANCE NO. 13-2015
(Sponsor – Councilmember Carlisle)

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

WHEREAS, on March 16, 2015, the Council of the City of Shelby passed its Annual Appropriation Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase line items within the 2015 budget and to fund said line item with previously unappropriated monies; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these additional appropriations be made effective so as to balance the books for the calendar year 2014, 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 Ordinance No. 9-2015 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

101-CRT-425	NATURAL GAS	\$7,500.00
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Section 2: That all other portions of Ordinance No. 9-2015 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 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: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 13 -2015
Sponsor—Councilmember Carlisle, Martin, and Gates

THANKING CHARLES E. ROUB, JR. FOR HIS SERVICE TO THE CITY OF SHELBY POLICE DEPARTMENT.

WHEREAS, on January 3, 1982 Charles E. Roub, Jr. was hired as a patrolman, on June 27, 1984 promoted to Sergeant, on July 13, 1993 promoted to Captain, in August, 2007 appointed Acting Chief, and on June 7, 2009 promoted to Chief of the Shelby Police Department, retiring on March 7, 2015; and

WHEREAS, for eleven years of his tenure, Charlie Roub was a K9 officer with his dogs Sabot and Buddy catching criminals, solving mysteries, and serving the citizens of Shelby with unique talents; and

WHEREAS, several minor floods and two major floods happened during Charlie Roub's tenure with the August, 2007 flood majorly damaging the police station and forcing the department into temporary facilities in a warehouse for just over six and a half years; and

WHEREAS, Chief Roub was dedicated and tireless in designing the first ever facility in Shelby specifically built as a police department, jail, and municipal court while encouraging public support multiple times at the ballot until successful in May, 2012, with the new Justice Center officially open on March 3, 2014.

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

Section 1: That the Council express its sincere thanks and appreciation to Charles E. Roub, Jr. for his contributions to the City of Shelby during his service as patrolman, Sergeant, Captain, and Chief of the Shelby Police Department.

Section 2: That the Clerk of Council present Mr. Roub an authenticated copy of this Resolution.

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.

Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven L. 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. 14-2015
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF SHELBY, OHIO FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN.

WHEREAS, the City of Shelby, Ohio seeks to upgrade its existing wastewater facilities; and

WHEREAS, the City of Shelby, Ohio intends to apply for Water Pollution Control Loan Fund (WPCLF) for the planning, design and or construction of the wastewater facilities; and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to apply for, accept and enter into said agreement.

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

Section 1: That the Mayor as Director of Public Service be and is hereby authorized to apply for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater facilities on behalf of the City of Shelby, Ohio.

Section 2: That the dedicated source of repayment will be the Sanitary Sewer Capital Improvements Surcharge, fund 401-DBT-503.

Section 3: That all meetings and hearing 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

RESOLUTION NO. 15-2015
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR CYANOTOXIN EQUIPMENT AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

WHEREAS, based on recent events, it has been established that Ohio public water systems need a quick and cost effective means to test their source and finished water for the presence of cyanotoxins; and

WHEREAS, The Ohio Environmental Protection Agency is offering grants to purchase equipment to test for cyanotoxins; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to apply for said funds.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to apply to the Ohio Environmental Protection Agency for financial assistance for cyanotoxin testing equipment.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution is hereby deemed to be an emergency, 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: _____
Jeffrey D. Fenner
Clerk of Council
Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 16-2015
(Sponsor: Councilmember Martin)

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 ADA CURB RAMP INSTALLATION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, Gamble Street and Main Street are scheduled to be repaved this summer as part of the Urban Paving Program with the Ohio Department of Transportation; and

WHEREAS, Ohio Revised Code Section 792.12 and Ohio Department of Transportation guidelines mandate the replacement of noncompliant curb ramps during reconstruction of a road; 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 improvements herein above described.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS 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 ADA Curb Ramp Replacement 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 is hereby deemed to be an emergency, 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: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law