

3:30pm Community & Economic Development Committee

**Shelby City Council Agenda
Tuesday, September 6, 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 _____

Motion to excuse Nathan Martin

Moved _____ 2ND _____

Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

Dispense with Reading of Journal from August 15, 2016

Moved _____ 2ND _____

Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Safety Committee—Derrin Roberts

Reports of City Officials

Steven L. Schag—Mayor

Proclamation—Prostate Cancer Awareness Month

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 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 _____ 2ND _____
Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

ORDINANCE NO 22-2016

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2016
AND DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____
Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____

ORDINANCE NO 23-2016

**AMENDING SECTION 238.01(a) OF CHAPTER 238
ESTABLISHMENT; MEMBERSHIP (POLICE
DEPARTMENT) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

1ST READING

Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

ORDINANCE NO 24-2016

**AMENDING SECTION 238.04 OF CHAPTER 238
ESTABLISHMENT; MEMBERSHIP (AUXILLARY POLICE
UNIT) OF THE CODIFIED ORDINANCES OF THE CITY OF
SHELBY**

1ST READING

Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

ORDINANCE NO 25-2016

**ENACTING SECTION 1050.06 (PHOTOVOLTAIC AND
WIND GENERATION INTERCONNECTION GENERAL
REQUIREMENTS) AND SECTION 1050.07 (NET
METERING SCHEDULE) OF CHAPTER 1050
(ELECTRICITY) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

1ST READING

Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

RESOLUTION NO 55-2016

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SERVICE TO ENTER INTO A CONTRACT WITH MID-
STATE BLACKTOP, INC FOR THE RESURFACING OF
THE SHELBY CITY HALL PARKING LOT AND
DECLARING AN EMERGENCY**

Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

RESOLUTION NO 56-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GOVERNMENTAL AGGREGATION PROGRAM AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC

Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

RESOLUTION NO 57-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE SHARON TOWNSHIP, THROUGH THE YEAR 2021, AND DECLARING AN EMERGENCY

Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

Miscellaneous Business

Adjournment at p.m.
Moved 2ND
Mr. McLaughlin Mr. Roub Mr. Roberts Mr. Gates

**A Proclamation of the Mayor
Of the City of Shelby Declaring
September 2016 as Prostate Cancer Awareness Month
In the City of Shelby**

WHEREAS: Prostate cancer is the most frequently diagnosed cancer in men aside from skin cancer, and it is estimated 1 in 7 men will develop this disease in their lifetime; and

WHEREAS: The American Cancer Society estimates there will be 180,890 new cases of prostate cancer in the USA in 2016, resulting in an estimated 26,120 deaths; and

WHEREAS: African American men have the highest prostate cancer incidence rate in the world and their prostate cancer death rate in the USA is more than twice that of any other ethnic group of men; and

WHEREAS: Early prostate cancer usually has no symptoms and studies suggest strong familial predisposition may be responsible for 5% to 10% of the disease cases; and

WHEREAS: Treatment options for prostate cancer vary depending on a man's age, stage and grade of his cancer, as well as his other existing medical conditions; and

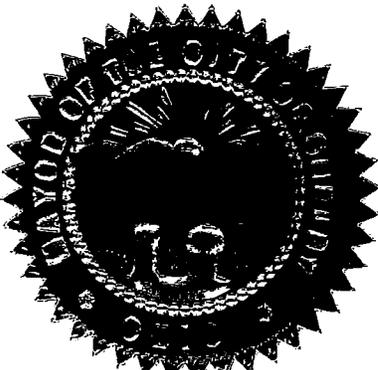
WHEREAS: The American Cancer Society recommends that men should be given an opportunity to make an informed decision about whether to be tested for prostate cancer based on their personal values and preferences; and

WHEREAS: The City of Shelby joins communities across our nation to increase the awareness about the importance for men to make an informed decision with their health care provider about early detection and testing for prostate cancer.

THEREFORE, I Steven L. Schag, do hereby proclaim September 2016 as Prostate Cancer Awareness Month in Shelby. As the Mayor, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in Shelby to recommit our community to increasing awareness and understanding of prostate cancer, the steps our citizens can take to protect their health, and the need for appropriate and accessible services for all people with prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Shelby, Ohio to be affixed this 6th day of September, in the year of our Lord, two thousand and sixteen.

Steven L. Schag,
Mayor



Planning Comm
8/1/2016

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

ORDINANCE NO.: 22 -2016
(Sponsor: Councilmember Gates)

TRANSFERRING APPROPRIATIONS FOR THE YEAR 2016 AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2016 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2016 and so as to fund necessary expenditures and/or projects; 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 funds be transferred.

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	101 - ECD - 400	WAGES	\$25,000.00
TO	101 - ECD - 546	Economic Development.	\$25,000.00

Section 2: That all other portions of Ordinance No. 9 - 2016, 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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NO. 23 -2016
(Sponsor: Councilmember Roberts)

**AMENDING SECTION 238.01(a) OF CHAPTER 238 ESTABLISHMENT;
MEMBERSHIP (POLICE DEPARTMENT) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY.**

WHEREAS, Section 238.01(a)(4) of the Codified Ordinances of the City of Shelby makes provision for Council to modify the membership of the Shelby Police Department from time to time; and

WHEREAS, in order to provide for the health, safety, and welfare of the citizens of Shelby it is necessary to increase the number of police officers available to the citizens of Shelby.

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

Section 1: That Section 238.01(a) of the Codified Ordinances of the City of Shelby be amended to add the following section language:

(4) Up to sixteen police patrol officers, one of which shall be a school resource officer. The hiring and continued employment of said resource officer shall be contingent upon an active contract with partnering Pioneer School Board, wherein Pioneer School will immediately pay or reimburse the city 75% of all cost, expense, pension, retirement, health benefit, insurance or any other cost/expense associated with said school resource officer; as well as 100% of all training cost/expense associated with said school resource officer. Should Pioneer School fail for any reason whatsoever to pay or reimburse the city as contemplated herein, the School Resource Officer's position shall be immediately terminated, unless otherwise modified by Council. Further said position is contingent upon any collective bargaining agreement between the city and the police department acknowledging and approving the terms contained herein as well as with any contract/agreement with Pioneer School Board; and

(5) Up to eight police dispatchers.

Section 2: That the Mayor is hereby authorized to hire police officers pursuant to the terms herein.

Section 3: That all other sections of Chapter 238.01(a) 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, Ohio.

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

ORDINANCE NO. 24 -2016
(Sponsor: Councilmember Roberts)

AMENDING SECTION 238.04 OF CHAPTER 238 ESTABLISHMENT; MEMBERSHIP (AUXILLARY POLICE UNIT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 238.01(a) of the Codified Ordinances of the City of Shelby makes provision for Council to modify the membership of the Shelby Police Department from time to time; and

WHEREAS, in order to provide for the health, safety, and welfare of the citizens of Shelby it is necessary to increase the number of auxiliary police officers available to the citizens of Shelby.

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

Section 1: That Section 238.04 (e) and (j) of the Codified Ordinances of the City of Shelby be amended to add the following section language:

§ 238.04 AUXILIARY POLICE UNIT.

(e) Members of the Auxiliary Police Unit who have a current Ohio peace officer certification and who have reached the age of 21 shall be paid the wages of a probationary police officer, as established in the then current collective bargaining agreement for their services, and non-certified officers shall be paid at the then current hourly minimum wage rate as established by the State of Ohio for their services, and the city shall furnish patches and badges for the Auxiliary Police Unit.

and

(j) The Chief of Police, with approval of the mayor, may allow retirees to maintain a commission with the Shelby Police Department, without counting toward the authorized personnel strength of the Auxiliary Unit pursuant to subsection (d), above. Such officers will maintain police powers but may not be called upon to act in a uniformed enforcement capacity within the police department. They may be called upon to perform other voluntary administrative or community service duties, as requested and/or authorized by the Chief of Police.

Section 2: That the Mayor as Director of Public Safety is hereby authorized to modify Membership of the Shelby Police Department as set forth in Section 238.04.

Section 3: All other provisions of section 238.04 shall remain in full force and effect unless otherwise modified herein.

Section 4: 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 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 McLaughlin
Vice President of Council

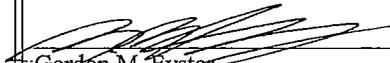
APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NO.: 25 -2016
(Sponsor: Councilmember Gates)

ENACTING SECTION 1050.06 (PHOTOVOLTAIC AND WIND GENERATION INTERCONNECTION GENERAL REQUIREMENTS) AND SECTION 1050.07 (NET METERING SCHEDULE) OF CHAPTER 1050 (ELECTRICITY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Technological advancements have made the installation of small-scale photovoltaic and wind generation energy systems by customers of the City of Shelby's Division of Electricity and Telecommunications a real possibility; and

WHEREAS, It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby and its Division of Electricity and Telecommunications that Council enact policies to govern the interconnection of photovoltaic and wind energy systems to the City of Shelby's electric distribution systems.

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

Section 1: That Section 1050.06 (Photo Voltaic and Wind Generation Interconnection General Requirements) of the Codified Ordinances of the City of Shelby be enacted to read as follows:

1050.06 PHOTOVOLTAIC AND WIND GENERATION INTERCONNECTION GENERAL REQUIREMENTS.

The following general requirements shall govern the interconnection of photovoltaic (PV) and wind energy systems to the City of Shelby's electric distribution systems.

(a) *PV/Wind System Output Size.*

(1) *Residential:* As determined by the property's historic billing and Shelby Division of Electricity and Telecommunications system requirements with a maximum of 10kW.

(2) *Commercial/Industrial:* As determined by the property's historic billing and Shelby Division of Electricity and Telecommunications system requirements with a maximum of 100kW.

(b) PV/Wind Inverter Output Voltage (AC) shall be 240 VAC nominal residential and 208/240/480 VAC commercial.

(c) The sources for Distributed Generation System Standards are National Electric Code (NEC), Institute of Electric and Electronics Engineers (IEEE), Underwriters Laboratory (UL), American National Standards Institute (ANSI), National Electric Safety Code (NESC), International Electrotechnical Commission (IEC), and American Wind Energy Association (AWEA).

(1) PV systems shall meet the following standards: NEC 690 & 705, IEEE 1547, UL1741, UL1703, ANSI & NESC along with all applicable State and Local Standards.

(2) Wind Turbine systems shall meet the following standards: NEC 694 & 705, IEEE 1547, UL1741, UL6142, IEC 61400, AWEA, ANSI & NESC along with all applicable state and local Standards.

(3) Voltage Range shall meet the following requirements:

Voltage Range (% Nominal)	Max. Clearing Time (sec)*
V < 50%	0.16
50% ≤ V < 110%	2.0
110% < V < 120%	1.0
V ≥ 120%	0.16

(*) Max clearing times for Distributed Energy Resources ≤ 30kW;
Default clearing times for Distributed Energy Resources > 30kW

- (4) Frequency Range shall meet the following requirements:

Frequency Range (Hz)	Max. Clearing Time (sec)
$f > 60.5$	0.16
$f < 57.0^*$	0.16
$59.8 < f < 57.0^{**}$	Adjustable (0.16 and 300)

(*) 59.3 Hz if Distributed Energy Resources \leq 30kW;

(**) For Distributed Energy Resources $>$ 30kW

- (5) Voltage Control is not permitted (IEEE 1547).
- (6) Flicker shall not exceed Maximum Borderline of Irritation Curve (IEEE 1453).
- (7) Harmonics (IEEE 519) shall meet the following requirements:
- $<$ 5% THD
 - $<$ 4% below 11th harmonic
 - $<$ 2% for 11th – 15th harmonic
 - $<$ 1.5% for 17th – 21st harmonic
 - $<$ 0.6% for 23rd – 33rd harmonic
 - $<$ 0.3% for 33rd and greater harmonic
- (8) Current imbalance shall meet the latest requirements for the following:
- Current imbalance shall not be greater than 10%.
 - NEC
 - IEEE
 - NESC
 - Local fire department

(9) *Grouping of Disconnects.* The DC disconnect (PV array/Wind output), AC disconnect (inverter output), and revenue meter shall be grouped within 10 feet of one another on the side of the building. The disconnects shall be permanently and clearly identified as to their purpose.

Section 2: That Section 1050.07 (Net Metering Rate Schedule) of the Codified Ordinances of the City of Shelby be enacted to read as follows:

1050.07 NET METERING SCHEDULE.

Customers who generate a portion or all of their own electrical needs and provide any excess generation to the City of Shelby's system shall receive a billing credit equal to the City's wholesale cost of energy, adjusted to include line losses. This billing credit shall be provided to the customer under a net metering rate schedule subject to the following terms and conditions:

(a) *Limitations.* Billing under this schedule is limited to customers who operate a Generating Facility utilizing renewable energy source electric generating technology. The eligible facilities must be installed on the customer's premises. The maximum size of the electric generation eligible for net metering is 10 kW or under for residential units and 100 kW or under for commercial or industrial units. To qualify for this schedule, customer's non-dispatchable (solar/wind) generating units will be limited in size, not to exceed customer's annual self-service energy needs, measured in kWh. The customer property at the distributed generation site's usage history over the last three years, if available, shall be used as a benchmark for determining this kWh total. If a customer has more than one generator, to qualify for this schedule, the total capacity of the generators shall be less than the maximum listed above. The City of Shelby may restrict or deny service under this Schedule once the total connected generation provided under this Schedule equals or exceeds one percent of the City of Shelby's previous year's peak demand. The customer's facility must comply with the City of Shelby's existing interconnection rules and regulations.

(b) *Monthly Rate.* Deliveries from the City to the customer shall be billed in accordance with the standard applicable rate schedules.

(c) *Customer Credits for Net Excess Generation (NEG)*. Net Excess Generation (NEG) represents the amount of electric generation by the customer beyond the customer's own metered usage which is delivered to the City of Shelby during the billing period. Deliveries from the customer to the City of Shelby shall be credited at the wholesale purchase price (base rate) of electricity purchased by the City of Shelby for the month of the billing cycle. The credit to the customer shall not exceed the dollar amount the City of Shelby bills the customer for energy consumption in any billing period. Instead, the net excess dollar amount shall be allowed to accumulate as an NEG credit to offset the customer's energy charges in the next billing period. The credit will be adjusted based on the currently used power cost adjustment. NEG credits, if any, will be carried over from month to month. Upon an account being closed, a final kWh reading shall be taken from the net electric meter. If the accumulative kWh balance is a credit owed to the account holder, the net kWh credits due, shall be paid to the account holder. The amount owed to the account holder shall be calculated by multiplying the final net kWh balance by the most recent fuel and purchase power cost adjustment. The sum will be the amount owed to the account holder. The credit shall be paid within 60 days after the account is closed.

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; and

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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

RESOLUTION NO.: SS -2016
(Sponsor: Councilmembers Roberts and Roub)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH MID-STATE BLACKTOP, INC. FOR THE RESURFACING OF THE SHELBY CITY HALL PARKING LOT AND DECLARING AN EMERGENCY.

WHEREAS, The parking lot at Shelby City Hall is in need of resurfacing; and

WHEREAS, Mid-State Blacktop has provided a quote for providing same; and

WHEREAS, the cost for resurfacing is laid out in the contract attached hereto; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that said parking lot be resurfaced.

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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into a contract with Mid-State Blacktop for the resurfacing of the parking lot at Shelby City Hall.

Section 2: That according to Chapter 4115 of the Ohio Revised Code, prevailing wages shall be paid on this project.

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 Ordinance 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 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

RESOLUTION NO: 56 -2016
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GOVERNMENTAL AGGREGATION PROGRAM AGREEMENT WITH VOLUNTEER ENERGY SERVICES, INC.

WHEREAS, the City of Shelby previously enacted a Governmental Aggregator Service Agreement; and

WHEREAS, the City of Shelby is required to enter into a Governmental Aggregation Program Agreement in order to properly effectuate the City's gas aggregation; and

WHEREAS, the City desires to contract with Volunteer Energy Services, Inc. under the terms set forth in the Governmental Aggregation Program Agreement attached hereto.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into a Governmental Aggregation Program Agreement with Volunteer Energy Services, Inc.

Section 2: That a copy of said Governmental Aggregation Program Agreement be attached hereto and made part of this Resolution as if fully written herein.

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 is hereby deemed 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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of law

Exhibit A

AMENDED 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, AND DECLARING AN EMERGENCY.

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 TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service shall be and is hereby 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.

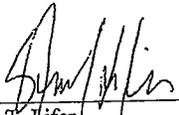
Section 2: That Council of the City of Shelby hereby adopts and approves the Natural Gas Rates for the City's Governmental Aggregation Members.

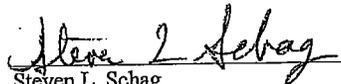
Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.00, and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution 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: August 15, 2016


Steven D. McLaughlin
Vice President of Council

ATTEST: 
Steven T. Lifer
Clerk of Council

APPROVED: 
Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

RESOLUTION NO.: 57-2016
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE SHARON TOWNSHIP, THROUGH THE YEAR 2021, AND DECLARING AN EMERGENCY.

WHEREAS, the Township of Sharon desires to obtain fire protection for its property and residents from the City of Shelby, Ohio Fire Department; and

WHEREAS, the City of Shelby, Ohio is willing and able to furnish said fire protection for the Township of Sharon; and

WHEREAS, it is in the interest of the public health, safety, morals and general welfare of the citizens of the City of Shelby and the citizens of Sharon Township that the Mayor as Director of Public Safety enter into said agreement, to provide fire protection to the property and citizens of Sharon Township.

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

Section 1: The City of Shelby, Ohio agrees to provide the Township of Sharon with fire protection by the City of Shelby's Fire Department for a period of Five (5) years commencing October 1, 2016, and terminating on September 30, 2021, inclusive, at the following rates, payable in full within Thirty (30) days after the end contract year, upon submission of invoice:

OCTOBER 1, 2016	\$42,875.63
OCTOBER 1, 2017	\$43,518.76
OCTOBER 1, 2018	\$44,171.54
OCTOBER 1, 2019	\$44,834.11
OCTOBER 1, 2020	\$45,506.62

Section 2: This contract cannot be terminated due to monetary consideration by either party.

Section 3: The City of Shelby, Ohio agrees that the Fire Department services provided to the Township of Sharon shall be equal to that provided to the property and people of the City of Shelby, Ohio.

Section 4: The City of Shelby, Ohio agrees to provide state certified fire inspections to provide fire inspection to the Township of Sharon if requested by the Board of Trustees of the Township of Sharon.

Section 5: Either the City of Shelby, Ohio or the Township of Sharon may terminate this agreement provided that it gives the other party written notice One Hundred Eighty (180) days before the date on which it wishes to terminate said agreement.

Section 6: 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 7: 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: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law