

3:30pm Community & Economic Development Committee

Shelby City Council Agenda

Tuesday, September 8, 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 August 17, 2015

Moved _____ 2ND _____

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

Public Comment

Chief Lance Combs—Presentation to Former Chief Charles E. Roub Jr.
Prostate Cancer Awareness Proclamation

Reports from Standing and Special Committees

Community & Economic & Development Committee—Steve McLaughlin

Finance & Personnel Committee—Pat Carlisle

Public Works & General Operation Committee—Garland John Gates

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

Live streaming of council meetings
CSX/Broadway storm sewer
Sutter Roush Mausoleum

Legislation

ORDINANCE NO 31-2015

AMENDING SECTION 1050.02 (RATES AND CHARGES FOR SERVICE)

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 32-2015

DECLARING THAT CERTAIN PROPERTY OWNED BY THE CITY OF SHELBY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC. AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 38-2015 **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 _____

PASSAGE OF ORDINANCE

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

ORDINANCE NO 39-2015 **DECLARING PROPERTY OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH STUART B. MILNER AND ASSOCIATES FOR ASSET MANANGEMENT SERVICES 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 _____

PASSAGE OF ORDINANCE

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

RESOLUTION NO 40-2015 **DECLARING PROPERTY OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO SELL OBSOLETE PROPERTY**

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

RESOLUTION NO 41-2015 **DECLARING THAT CERTAIN SIDEWALKS WITHIN THE CITY OF SHELBY SHALL BE CONSTRUCTED AND/OR REPAIRED**

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

RESOLUTION NO 42-2015

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE FROM MIRATECH POLLUTION CONTROL EQUIPMENT FOR THE 1800KW CATERPILLAR DIESEL GENERATOR FOR THE SHELBY CITY ELECTRIC DEPARTMENT

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

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____

ORDINANCE NO. 31-2015
(Sponsors - Councilmembers Martin and Carlisle)

AMENDING SECTION 1050.02 (RATES AND CHARGES FOR SERVICE)

WHEREAS, from time to time, it is necessary, due to an adequate electric fund balance, to forego rate changes necessitated by 1050.02 (b)(2); 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 Council of the City of Shelby declare that it is necessary to amend the section to give authority to Council to allow for exceptions.

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

Section 1: That Section 1050.02 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1050.02 RATES AND CHARGES FOR SERVICE

(2) *Determination of fuel and purchased power charge.* The Fuel and Purchased Power Charge shall be derived every three months, except in the case that Council authorize the Mayor by resolution to not apply a change to the current rates, by dividing (1) the past 12 months' cost of fuel and purchased power, including the cost associated with transmission-related services (hereinafter referred to as "previous 12 months' cost", by (2) the sum of the past 12 months' net kilowatt hours generated and purchased multiplied by 0.94 (hereinafter referred to as "previous 12 months' net kWh").

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

Section 2: That all other sections of Chapter 1050 shall remain in full force and effect.

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

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

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

8/17/2015

ORDINANCE NO. 32 -2015
(Sponsors – Councilmembers Gates and Carlisle)

DECLARING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC. AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY.

WHEREAS: The City of Shelby owns parcels of land on Park and Mack Avenues within said City which the Mayor as ex-officio Director of Public Service on July 29, 2015, determined are no longer needed for municipal purposes; and

WHEREAS: Ohio Revised Code Section 721.03 authorizes the Council to declare that these properties are no longer needed for municipal purposes, and Ohio Revised Code Section 1724.10 authorizes the Council to designate the community improvement corporation as its agent for the sale of lands which have been determined not to be required by the political subdivision for its purposes; 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 parcels be declared no longer needed for municipal purposes and that the Community Improvement Corporation of Shelby, Ohio, Inc. be designated the agent of the City for the sale of the parcels of land located at 15 Park Avenue and at the southwest corner of Mack and Park Avenues.

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

Section 1: That the following real estate, designated as Permanent Parcel No. 046-08-186-10-000 and located at 15 Park Avenue, is no longer needed for any municipal purpose, to wit:

Being the East part of Lots Number One Thousand Two Hundred Ninety-nine (#1299), One Thousand Three Hundred (#1300) and One Thousand Three Hundred One (#1301) of the consecutively numbered lots in the City of Shelby, Richland County, Ohio and more particularly described as follows: Beginning for the same at a point which is the intersection of the East right-of-way line of Park Avenue and the South right-of-way line of Park Avenue and which point is the Northwest corner of Lot No. 1299; Thence North 88 degrees 55 minutes 15 seconds East along the South right-of-way line of Park Avenue (North line of Lot No. 1299) a distance of 96.00 feet to an iron pipe which is the real point of beginning of the parcel herein described; Thence continuing North 88 degrees 55 minutes 15 seconds East along the South right-of-way line of Park Avenue (North line of Lot No. 1299) a distance of 41.82 feet to point on the West right-of-way line of a twelve-foot alley and which point is also the Northeast corner of Lot No. 1299; Thence due South along the West right-of-way line of said alley a distance of 133.00 feet, of which 41.50 feet are along the East line of Lot No. 1299, 41.50 feet are along the East line of Lot no. 1300, and 50.00 feet are along the East line of Lot No. 1301, to a point which is the Southeast corner of Lot No. 1301; Thence South 88 degrees 55 minutes 15 seconds West along the South line of Lot No. 1301, a distance of 42.41 feet to an iron pipe; Thence North 0 degree 15 minutes 15 seconds East on a line parallel to the East right-of-way line of Park Avenue a distance of 133.00 feet, of which 50.00 feet are in Lot No. 1301, 41.50 feet are in Lot No. 1300, and 41.50 feet are in Lot No. 1299, to an iron pipe which is the real point of beginning and containing 0.129 acre, more or less, but subject to all legal easements now on record.

PPN: 046-08-186-10-000

Section 2: That the following real estate designated as Permanent Parcel Nos. 046-08-186-11-000 and 046-08-186-14-000 and located at the southwest corner of Mack and Park Avenues, is no longer needed for any municipal purpose, to wit:

Being Lot Number One Thousand Three Hundred Sixteen (#1316) of the consecutively numbered lots in the City of Shelby, Richland County, Ohio and being more particularly described as follows: Beginning for the same at a point which is the intersection of the South right-of-way line of Park Avenue and the Southwest right-of-way line of Mack Avenue; Thence South 43 degrees 47 minutes 30 seconds East along the Southwest right-of-way line of Mack Avenue (Northeast line of Lot No. 1316) a distance of 110.07 feet to a point; Thence due South along the West line of Mack Avenue (East line of Lot No. 1316) a distance of 2.12 feet to a point which is the Southeast corner of Lot No. 1316; Thence South 88 degrees 55 minutes 15 seconds West along the South line of Lot No. 1316, a distance of 154.00 feet to a point on the East right-of-way line of a twelve-foot alley and which point is also the Southwest corner of Lot No. 1316; Thence due North along the East right-of-way line of said alley (West line of Lot No. 1316) a distance of 83.00 feet to a point on the South right-of-way line of Park Avenue and which is the Northwest corner of Lot No. 1316; Thence North 88 degrees 55 minutes 15 seconds East along the South right-of-way line of Park Avenue (North line of Lot No. 1316) a distance of 77.82 feet to a point which is the real point of beginning and containing 0.223 acre, more or less, but subject to all legal easements.

PPN: 046-08-086-11-000 and 046-08-186-14-000

Section 3: That the City designate the Community Improvement Corporation of Shelby, Ohio, Inc. (CIC) as its agent in the sale of the above described real property in accordance with Ohio Revised Code Section 1724.10(B), subject to the following conditions:

- A. Said real property shall be sold for not less than the appraised value as determined by the Richland County Auditor.
- B. Said real property shall be in contract to sell within six months of the effective date of this Ordinance.
- C. The CIC shall have the exclusive right to sell said real property within six months of the effective date of this Ordinance.
- D. The CIC may retain a sum not greater than six percent (6%) of the sale price.
- E. A quit-claim deed shall be used to transfer said real property.
- F. Said real property shall be sold "as is - where is" with no warranties whatsoever, either expressed or implied.

Section 4: That the Director of Finance and Public Record shall deposit the net proceeds from the sale of said real property into the General Fund.

Section 5: 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 6: 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

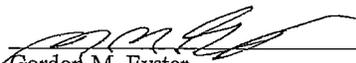
APPROVED:

ATTEST:

Steve Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 38-2015
(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 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 Ordinance No. 8-2015 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

703-FEF-486	MAINTENANCE EQUIPMENT	\$5,000.00
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Section 2: That all other portions of Ordinance No. 8-2015 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: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 39-2015
(Sponsor: Councilmember Martin and McLaughlin)

DECLARING PROPERTY OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH STUART B. MILNER AND ASSOCIATES FOR ASSET MANAGEMENT SERVICES AND DECLARING AN EMERGENCY.

WHEREAS, on June 1, 2015, the Council of the City of Shelby passed Resolution No. 22-2015, authorizing the Mayor to accept bids for an Asset Manager for the Shelby Municipal Light Plant Liquidation Project; and

WHEREAS, The City of Shelby owns certain property which is obsolete and no longer needed; and

WHEREAS, Stuart B. Milner and Associates was the best bid; and

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 property on the attached list is obsolete and no longer needed for any Municipal purpose.

Section 2: That the Mayor as Director of Public Service be authorized to enter into a contract with Stuart B. Milner and Associates for asset management services for the Shelby Municipal Light Plant Liquidation Project and sell the obsolete property which is no longer needed for any Municipal purpose.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been 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. 40-2015
(Sponsor- Councilmembers Martin and McLaughlin)

DECLARING PROPERTY OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO SELL OBSOLETE PROPERTY.

WHEREAS, the City of Shelby owns property which is deemed to be obsolete and no longer needed (see list attached hereto); and

WHEREAS, it is necessary for the obsolete property to be sold, which the value of each item is worth less than \$1,000.00; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service or his designee, sell the property under any terms authorized by the Mayor.

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 or his designee shall be and is hereby authorized to sell the obsolete property listed on the attached Exhibit A under any terms authorized by the Mayor of the City of Shelby.

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: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 41-2015
(Sponsors: Councilmembers Gates and Roberts)

DECLARING THAT CERTAIN SIDEWALKS WITHIN THE CITY OF SHELBY SHALL BE CONSTRUCTED AND/OR REPAIRED.

WHEREAS, Section 94 of the Charter of the City of Shelby authorizes the city council to declare by resolution that "certain specified sidewalks, curbing, or gutters shall be constructed or repaired; and

WHEREAS, certain sidewalks exist within the City of Shelby which have not been properly maintained by the owners thereof and which, therefore, require the mandatory construction and/or repair as ordered by council by virtue of the authority contained within Section 94 of the Charter of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens to the City of Shelby that the city council declare that certain specified sidewalks as set forth herein be constructed and/or repaired according to the terms and conditions of Section 94 of the Charter of the City of Shelby.

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

Section 1: That the sidewalks specified herein below are to be constructed and/or repaired in accordance with Section 94 of the Charter of the City of Shelby.

18 High School Avenue	Replace Entire Sidewalk
53 Park Avenue	Replace Entire Sidewalk
60 Carleton Avenue	Replace Entire Sidewalk
49 Carleton Avenue	Replace Bad Section
24 Simeon Avenue	Replace Bad Section
24 Mack Avenue	Replace Entire Sidewalk
46 Mack Avenue	Replace Entire Sidewalk
65 Mack Avenue	Replace Bad Section
20 East Gaylord	Replace Bad Sections
30 East Jefferson	Replace Bad Sections
24 West Jefferson	Replace Bad Sections
9 Franklin Avenue	Replace Bad Sections
16 Grand Boulevard	Replace Bad Sections
18 Grand Boulevard	Replace Bad Sections
36 Grand Boulevard	Replace Bad Sections
56 Grand Boulevard	Replace Bad Sections
17 Grand Boulevard	Replace Bad Sections
104 East Main Street	Replace Entire Sidewalk
122 East Main Street	Replace Entire Sidewalk

Section 2: Upon the passage of this resolution, the Clerk of Council shall cause written notice of the passage thereof to be served upon the owner, or agent of the owner, of each parcel of land abutting the upon those sidewalks which are contiguous to the property addresses set forth hereinabove and said written notice shall be served in the manner provided by law for the service of summons in civil actions.

Section 3: If the sidewalks are not constructed and/or repaired to the satisfaction of the Mayor of the City of Shelby or her designee within 30 days for the service of the notice, the Mayor may proceed to have said sidewalks constructed and/or repaired at the expense of the owner.

Section 4: In the event that the City of Shelby is required to undertake the construction and/or repair of the sidewalks or to enter into a contract therefore, the council of the City of Shelby shall pass an ordinance assessing the cost and expense thereof upon the property owners in accordance with the terms of Section 94 of the Charter of the City of Shelby.

RESOLUTION NO. 42 -2015
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE FROM MIRATECH POLLUTION CONTROL EQUIPMENT FOR THE 1800KW CATERPILLAR DIESEL GENERATOR FOR THE SHELBY CITY ELECTRIC DEPARTMENT.

WHEREAS, the ongoing operations of the Shelby Electric Department requires the purchase of new pollution control equipment for the generator; and

WHEREAS, Miratech had the best quote for providing same; 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 equipment be purchased as soon as possible.

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 hereby authorized to purchase from Miratech pollution control equipment for the 1800KW Caterpillar Diesel Generator for the ongoing operation of the Electric Department.

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: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law