

3:30 Finance & Personnel Committee
6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda
Monday, August 21, 2017
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 August 7, 2017

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Utilities & Streets Committee—Nathan Martin

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

Legislation

SUBSTITUTE ORDINANCE NO 16-2017

**DETERMINING THAT CERTAIN REAL
PROPERTY OWNED BY THE CITY OF
SHELBY BE SOLD AND DESIGNATING THE
COMMUNITY IMPROVEMENT
CORPORATION OF SHELBY, OHIO, INC., AS
THE CITY'S AGENT IN THE SALE OF SAID
REAL PROPERTY AND DECLARING AN
EMERGENCY**

2ND READING

Moved _____ 2ND _____

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

ORDINANCE NO 23-2017

**AMENDING ORDINANCE NO: 8-2017 (ANNUAL
APPROPRIATIONS), 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 _____ Mr. Martin _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

RESOLUTION NO 23-2017

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE WATER METERS, REGISTERS, AND ELECTRONIC RADIO TRANSMITTERS FOR THE METERING OF WATER FOR THE SERVICE DEPARTMENT, DIVISION OF WATER DISTRIBUTION AND DECLARING AN EMERGENCY

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

8/7/2017
SUBSTITUTE ORDINANCE NO: 16-2017
(Sponsor: Councilmembers Roberts and Roub)

DETERMINING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF SHELBY BE SOLD AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE SALE OF SAID REAL PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, The City of Shelby owns a parcel of land within said City which should be sold, and which is more particularly described in the attached Exhibit 1; and

WHEREAS, The Charter of the City of Shelby provides, in Section 1, that the City may acquire property in fee simple or lesser interest and may sell, convey, lease, hold, manage, and control such property; and

WHEREAS, 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, The sale or transfer of the property described in the attached Exhibit 1 will promote the welfare of the people of the political subdivision; and

WHEREAS, Ohio Revised Code Section 1724:10 allows for the sale of real property that will promote the welfare of the people of the City of Shelby; 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 this parcel be sold and that the Community Improvement Corporation of Shelby, Inc. be designated the agent of the City for the sale of the parcel of land reflected in the attached Exhibit 1.

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

Section 1: That the real estate attached hereto as Exhibit 1 shall be sold.

Section 2: That the City designates 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 1724.10 (B), subject to the following conditions:

- a. The property may be sold in its entirety (lots 1 & 2 as shown on exhibit 1) or separately as lots 1 & 2, whichever provides for the greatest sum.
- b. Said real property shall be in contract to sell within six (6) months of the effective date of this Ordinance.
- c. The CIC shall have the exclusive right to sell said real property within six (6) 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, after the deduction of all appraisal fees and all costs related to the sale of the property.
- 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.
- g. That the City of Shelby shall reserve unto itself sufficient utility easements as may be required.

Section 3: That the Director of Finance and Public Record shall deposit the net proceeds from the sale of said real property into the Electric Fund.

Section 4: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with the 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.

ORDINANCE NO. 23 -2017
(Sponsor: Councilmember McLaughlin)

**AMENDING ORDINANCE NO: 8-2017 (ANNUAL APPROPRIATIONS), AND
DECLARING AN EMERGENCY.**

WHEREAS, on March 20, 2017, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase a line item within the 2017 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 2017 and so as to fund necessary expenditure 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: The Ordinance No: 8-2017 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

601 – OFC- 506	REFUNDS	\$50,000.00
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Section 2: That all other portions of Ordinance No.: 8-2017, not modified expressly 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 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed 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. Eyster
Director of Law

RESOLUTION NO. 23-2017
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE WATER METERS, REGISTERS, AND ELECTRONIC RADIO TRANSMITTERS FOR THE METERING OF WATER FOR THE SERVICE DEPARTMENT, DIVISION OF WATER DISTRIBUTION AND DECLARING AN EMERGENCY.

WHEREAS, The Service Department, Division of Water Distribution is in need of water meters, registers, and encoder receiver transmitter (ERT); and

WHEREAS, Ferguson Waterworks sells 5/8 inch Master Meter multi-jet water meters, registers, and Itron ERTs that are currently being used in the distribution system to meter water consumption; 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 water meters, registers, and ERT's are purchased as soon as possible.

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 purchase, from Ferguson Waterworks Master Meter, multi-jet water meters, registers, and Itron ERT's for the Service Department, Division of Water Distribution.

Section 2: That the Service Department, Division of Water Distribution is replacing old, worn out meters, and obsolete registers and remote registers with a Master Meter multi-jet meter, Master Meter register and Itron ERT's.

Section 3: That Ferguson Waterworks is the only distributor in the Ohio territory that sells Master Meter multi-jet meters and Master Meter registers.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 5: 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 McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law