

Shelby City Council Agenda
Monday, February 2, 2015
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

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

Dispense with Reading of Journal from January 20, 2015

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Public Works & General Operation Committee—Garland John Gates

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF STACEY HIATT TO THE COMMUNITY IMPROVEMENT CORPORATION

Moved _____ 2ND _____

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

MOTION TO REQUEST A HEARING REGARDING LIQUOR PERMIT RENEWALS

Moved _____ 2ND _____

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

Jeff Fenner—Assistant Director, Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

ORDINANCE NO 27-2014

**AMENDING SECTION 276.04 (FEES) OF CHAPTER 276
(DIVISION OF HEALTH) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

AMENDED ORDINANCE NO 1-2015

**AMENDING CHAPTER 258 (ELECTED OFFICIALS'
SALARIES) OF THE CODIFIED ORDINANCES OF
THE CITY OF SHELBY**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 3-2015

ENACTING SECTION 214.03 (PURCHASE AND/OR LEASE OF TITLE VEHICLES) OF CHAPTER 214 (CONTRACTS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved 2ND

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

ORDINANCE NO 4-2015

AMENDING SECTION 240.03 (TWENTY-FOUR-HOUR DUTY) OF CHAPTER 240 (FIRE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved 2ND

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

ORDINANCE NO 5-2015

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 AND DECLARING AN EMERGENCY

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

Moved 2ND

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

PASSAGE OF ORDINANCE

Moved 2ND

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

RESOLUTION NO 6-2015

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE WEST MAIN STREET & CSX RAILROAD SANITARY SEWER REPLACEMENT PROJECT

Moved 2ND

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

RESOLUTION NO 7-2015

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 WEST MAIN STREET & CSX
RAILROAD SANITARY SEWER REPLACEMENT
PROJECT

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
12/15/2014
2nd Reading
1/5/2015

ORDINANCE NO. 27-2014
(Sponsors- Councilmembers Carlisle and Shasky)

AMENDING SECTION 276.04 (FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the 128th General Assembly of the State of Ohio passed a revising the Household Sewage and Small Flow On-Site Sewage Treatment Law; and

WHEREAS, the State of Ohio Department of Health has established rules for the enforcement of said law; and

WHEREAS, it is necessary for the City of Shelby Division of Health to establish a fee schedule to administer said laws and rules; 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 276.04 of Chapter 276 of the Codified Ordinances of the City of Shelby be amended so as to reflect the changes of the rules and laws concerning Household Sewage and Small Flow On-Site Sewage Treatment Systems, and.

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

Section 1: That Section 276.04 (Fees) of Chapter 276 (Division of Health) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

276.04 FEES

The following fees are hereby adopted for the Division of Health:

<i>Food Service/Retail Food Establishment License Fees</i>			
<i>Level</i>	<i>Business Under 25,000 Sq. Ft.</i>	<i>Business Over 25,000 Sq. Ft.</i>	
Level 1	\$72 + \$28 State Fee = \$100	\$100 + \$28 State Fee = \$128	
Level 2	\$85 + \$28 State Fee = \$113	\$115 + \$28 State Fee = \$143	
Level 3	\$144 + \$28 State Fee = \$172	\$200 + \$28 State Fee = \$228	
Level 4	\$168 + \$28 State Fee = \$196	\$250 + \$28 State Fee = \$278	
Vending	\$14 + \$6 State Fee = \$20 per location		
Mobile food service	\$71 + \$28 State Fee = \$99 per unit		
Temporary food service	\$35 per event up to five days		
<i>Body Art Approval Fees</i>			
<i>Service</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>Total Fee</i>
Tattooing services	\$125	\$0	\$125

Body piercing services	\$125	\$0	\$125
Combined body art services	\$125	\$0	\$125
Time-limited approval for a specific event	\$125	\$0	\$125
Late fee	25% of local fee	\$0	

<i>Private Water System Fees</i>				
<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>ODNR</i>	<i>Total Fee</i>
<i>Single family dwelling</i>				
Well permit	\$50	\$74	\$20	\$144
Cistern permit	\$50	\$74	\$0	\$124
HWST* permit	\$50	\$74	\$0	\$124
Spring permit	\$50	\$74	\$0	\$124
Pond permit	\$50	\$74	\$0	\$124
Well conversion permit	\$50	\$74	\$0	\$124
Alteration permit	\$50	\$0	\$0	\$50
Well sealing permit	\$10	\$0	\$0	\$10
<i>Non-single family dwelling</i>				
Well permit	\$50	\$74	\$20	\$144
Cistern permit	\$50	\$74	\$0	\$124
HWST* permit	\$50	\$74	\$0	\$124
Spring permit	\$50	\$74	\$0	\$124
Well conversion permit	\$50	\$74	\$0	\$124
Alteration permit	\$50	\$0	\$0	\$50
Well sealing permit	\$10	\$0	\$0	\$10
<i>Other fees</i>				
Test well permit	\$50	\$74	\$20	\$144
Contractor inspection	\$50	\$0	\$0	\$50
Water sample	\$50	\$0	\$0	\$50
Water hauler registration and	\$85	\$	\$0	\$85

vehicle inspection				
Variance	\$50	\$0	\$0	\$50
Late fee	25% of local fee			
*HWST = Hauled water storage tank				

Public Swimming Pool License Fee

<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>Total Fee</i>	
<i>Public Pool Spa Special use pool</i>	\$175	\$80	\$255	
Additional pool, spa, and special use pool. (at the same facility as the first pool)	\$75	\$55	\$130	
Government/tax supported school pool, spa and special use pool.	\$175	\$80	\$255	
Additional government/tax supported school pool, spa and special use pool. (At the same facility as the first pool)	\$75	\$55	\$130	
Late Fee	25% of local fee	\$0		

Birth and Death Certificates

Death certificates	\$25 each
Birth certificates	\$25 each

<i>Sewage Treatment Systems</i>			
<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>Total</i>
Application for Site Review	\$55	\$0	\$55
Application for Soil Evaluation	\$55	\$0	\$55
Application for Design	\$55	\$0	\$55
Permit for New/Replacement Installation for years 2015, 2016, 2017	\$115	2015 2016 2017 \$25 \$50 \$74	2015 2016 2017 \$140 \$165 \$189
Permit for Alteration of Existing System for years 2015, 2016, 2017	\$75	2015 2016 2017 \$15 \$25 \$35	2015 2016 2017 \$90 \$100 \$110
Operational Permit	\$75	\$0	\$75
Registration of Installer	\$55	\$0	\$55
Registration of Service Provider	\$55	\$0	\$55
Registration of Septage Hauler	\$15	\$0	\$15
Septage Hauler Truck	\$15	\$0	\$15
Additional Inspection	\$55	\$0	\$55
Abandonment of System	\$10	\$0	\$10
Variance	\$75	\$0	\$75
Effluent Sample	\$115	\$0	\$115
Review of Subdivision or Lots	\$150	\$0	\$150
Late Penalty	25%	\$0	25%

Section 2: That all other Sections of Chapter 276 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: _____

Vice President of Council

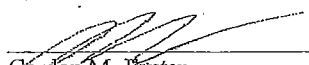
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Steve L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

1/15/2015 ~
2nd Reading
1/20/2015

AMENDED ORDINANCE NO. 1-2015
(Sponsors –Councilmembers Martin and Carlisle)

AMENDING CHAPTER 258 (ELECTED OFFICIALS’ SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: Section 6 of the City Charter states, “The salaries of the officers shall be fixed by the outgoing Council not later than February 15th in the odd numbered years”; and

WHEREAS: Currently, Chapter 258 (Elected Officials’ Salaries) contains no provision for pay rates for any elected officials beyond the conclusion of calendar year 2015; 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 Chapter 258 (Elected Officials’ Salaries) be amended so as to provide for pay rates for elected officials for their next terms in office.

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 Salaries of Members of Council

Effective January 4, 2016, through January 2, 2018, the salary for each member of City Council shall be Three Thousand Seven Hundred Seventy-two Dollars (\$3,772.00) annually, to be paid biweekly.

258.02 Salary of the Mayor

Effective January 1, 2016, through December 31, 2016, the salary for the Mayor shall be Fifty-Seven Thousand Six Hundred Dollars (\$57,600.00) annually, to be paid biweekly.

Effective January 1, 2017, through December 31, 2017, the salary for the Mayor shall be Fifty-Eight Thousand One Hundred Seventy-Five Dollars (\$58,175.00) annually, to be paid biweekly.

Effective January 1, 2018, through December 31, 2018, the salary for the Mayor shall be Fifty-Nine Thousand Three Hundred Thirty-Five Dollars (\$59,335.00) annually, to be paid biweekly.

Effective January 1, 2019, through December 31, 2019, the salary for the Mayor shall be Sixty Thousand Five Hundred Twenty-Five Dollars (\$60,525.00) annually, to be paid biweekly.

258.03 Salary of the Director of Law

Effective January 1, 2016, through December 31, 2016, the salary for the Director of Law shall be Forty-Four Thousand Eight Hundred Eighty-Five Dollars (\$44,885.00) annually, to be paid biweekly.

Effective January 1, 2017, through December 31, 2017, the salary for the Director of Law shall be Forty-Five Thousand Three Hundred Thirty-Five Dollars (\$45,335.00) annually, to be paid biweekly.

Effective January 1, 2018, through December 31, 2018, the salary for the Director of Law shall be Forty-Six Thousand Two Hundred Forty Dollars (\$46,240.00) annually, to be paid biweekly.

Effective January 1, 2019, through December 31, 2019, the salary for the Director of Law shall be Forty-Seven Thousand One Hundred Sixty-Five Dollars (\$47,165.00) annually, to be paid biweekly.

258.04 Salary of the Director of Finance and Public Record

Effective January 1, 2016, through December 31, 2016, the salary for the Director of Finance and Public Record shall be Fifty-Four Thousand Seven Hundred Eighty Dollars (\$54,780.00) annually, to be paid biweekly.

Effective January 1, 2017, through December 31, 2017, the salary for the Director of Finance and Public Record shall be Fifty-Five Thousand Three Hundred Ninety-Nine Dollars (\$55,330.00) annually, to be paid biweekly.

Effective January 1, 2018, through December 31, 2018, the salary for the Director of Finance and Public Record shall be Fifty-Six Thousand Four Hundred Thirty-Five Dollars (\$56,435.00) annually, to be paid biweekly.

Effective January 1, 2019, through December 31, 2019, the salary for the Director of Finance and Public Record shall be Fifty-Seven Thousand Five Hundred Sixty-Five Dollars (\$57,565.00) annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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.

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: _____

Vice President of Council

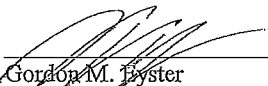
APPROVED:

ATTEST: _____

Robert A. Lafferty
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NO. 3 -2015
(Sponsor – Councilmembers Gates & Carlisle)

**ENACTING SECTION 214.03 (PURCHASE AND/OR LEASE OF TITLED VEHICLES)
OF CHAPTER 214 (CONTRACTS) OF THE CODIFIED ORDINANCES OF THE CITY
OF SHELBY.**

WHEREAS: Historically, the force account limit had been set at an amount so that a late-model vehicle could not be purchased without approval of City Council; however, that is not longer the case; for example, the Director of Public Safety in September 2013 purchased a 2012 Ford Escape at a cost of \$20,700 without specific Council authorization or approval; 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 no titled vehicle be purchased or leased without Council's approval.

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

Section 1: That Section 214.03 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

214.03 PURCHASE AND/OR LEASE OF TITLED VEHICLES.

Council approval is required for the proposed purchase and/or lease of any titled vehicle by any City department under Council's fiscal oversight and funding control.

Section 2: That all other sections of Chapter 214 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 Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby.

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

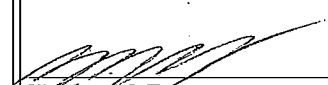
APPROVED:

ATTEST: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 4 -2015
(Sponsor - Councilmember Gates)

AMENDING SECTION 240.03 (TWENTY-FOUR-HOUR DUTY) OF CHAPTER 240 (FIRE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: Having only two full-time firefighters on duty at any one time is inherently unsafe and, therefore, jeopardizes not only the lives and safety of the firefighters themselves but also the lives and safety of the people of the City of Shelby, Jackson Township, and Sharon Township, not to mention the safety of the homes, businesses, schools, factories, and farms within those jurisdictions; 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 a standard of minimum staffing be established for the Shelby Fire Department.

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

Section 1: That Section 240.03 of the Codified Ordinances of the City of Shelby be amended to read as follows:

240.03 TWENTY-FOUR-HOUR DUTY.

The hours of labor for each force of four firefighters shall be 24 consecutive hours, except in cases of extraordinary emergency, in accordance with R.C. § 4115.02. The 24 consecutive hours of labor shall commence at 7:00 a.m. No fewer than three full-time firefighters (excluding the Fire Chief) shall be on duty during a 24-hour shift.

Section 2: That all other sections of Chapter 240 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 Section 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby; and

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

PASSED: _____

Steven D. McLaughlin
Vice President of Council

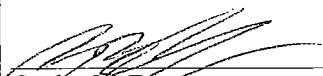
APPROVED:

ATTEST: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

ORDINANCE NUMBER 5-2015
(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 AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("Am. Subj. S.B. No. 3") which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purpose 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 primary election on May 5, 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 3. 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 May 5, 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 4. 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 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 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 May 5, 2015.

SECTION 7. Notice of the adoption of this Ordinance shall be given once by publishing the title of the Ordinance in an abstract.

SECTION 8. That this Ordinance is 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 D. McLaughlin
Vice President of Council

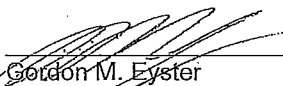
APPROVED:

ATTEST: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 6-2015
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE WEST MAIN STREET & CSX RAILROAD SANITARY SEWER REPLACEMENT PROJECT

WHEREAS, it has become necessary to replace and reroute an existing sanitary sewer line on West Main Street; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; 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 acquire rights of easement for the installation of a sanitary sewer line.

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 be authorized to acquire rights of easement for the installation of a sanitary sewer line for the West Main Street & CSX Railroad Sanitary Sewer Replacement Project as prepared by Nathan W. Sautter, Ohio Registered Surveyor No. 8252 on January 5, 2015.

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: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Byster
Director of Law

RESOLUTION NO. 7-2015
(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 WEST MAIN STREET & CSX RAILROAD SANITARY SEWER REPLACEMENT PROJECT

WHEREAS, it has become necessary to replace and reroute an existing sanitary sewer line on West Main Street; and

WHEREAS, plans and specifications have been prepared for said project; 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 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 West Main Street & CSX Railroad Sanitary Sewer 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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

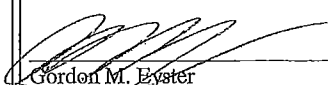
Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law