

3:30pm Finance & Personnel Committee

Shelby City Council Agenda
Monday, June 20, 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 _____

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF BRANDON D. GRANT AS DEPUTY
DIRECTOR OF FINANCE**

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

**MOTION TO CONFIRM THE APPOINTMENT OF TOM CLABAUGH TO THE SHELBY
HISTORIC PRESERVATION COMMISSION**

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

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Golf Carts

Sutter Roush Mausoleum

Legislation

ORDINANCE NO 13-2016

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 14-2016

DECLARING THE REMAINS OF A DESIGNATED DWELLING (28 SUMMIT STREET, SHELBY, OHIO) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND UNSAFE TO LIFE AND OTHER PROPERTY; DIRECTING THE DEMOLITION THEREOF BY CITY FORCES OR CONTRACT LABOR, MATERIALS AND EQUIPMENT, AND DECLARING AN EMERGENCY

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

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 15-2016

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

1ST READING

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

ORDINANCE NO 16-2016

ENACTING CHAPTER 224 (INVESTMENT POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

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

ORDINANCE NO 17-2016

AMENDING SECTION 278.04 (DESIGNATION OF PARKS AND PARKWAYS) OF CHAPTER 278 (BOARD OF PARK COMMISSIONERS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

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

RESOLUTION NO 40-2016

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER .9 MILLS SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH AND DECLARING AN EMERGENCY

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

RESOLUTION NO 41-2016

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER .5 MILLS SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY PARKS DEPARTMENT AND DECLARING AN EMERGENCY

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

RESOLUTION NO 43-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH RICHLAND ENGINEERING LIMITED FOR CONSTRUCTION INSPECTION SERVICES FOR THE MANSFIELD AVENUE RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY

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

RESOLUTION NO 44-2016

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE HARTMAN-BARGAHISER TRUNK SEWER PROJECT AND DECLARING AN EMERGENCY

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

RESOLUTION NO 45-2016

**APPROVING THE PLANS AND AUTHORIZING THE
MAYOR AS DIRECTOR OF PUBLIC SERVICE TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT
FOR THE HARTMAN-BARGAHISER TRUNK SEWER
PROJECT AND DECLARING AN EMERGENCY**

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSES:

Moved _____ 2ND _____
Mr. Martin _____ Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____
**TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR SALE
OF PROPERTY AT COMPETITIVE BIDDING, IF PREMATURE DISCLOSURE OF
INFORMATION WOULD GIVE AN UNFAIR COMPETITIVE OR BARGAINING
ADVANTAGE TO A PERSON WHOSE PERSONAL, PRIVATE INTEREST IS ADVERSE TO
THE GENERAL PUBLIC INTEREST**

**DETAILS RELATIVE TO THE SECURITY ARRANGEMENTS AND EMERGENCY
RESPONSE PROTOCOLS FOR A PUBLIC BODY OR A PUBLIC OFFICE, IF DISCLOSURE
OF THE MATTERS DISCUSSED COULD REASONABLY BE EXPECTED TO JEOPARDIZE
THE SECURITY OF THE PUBLIC BODY OR PUBLIC OFFICE**

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

ORDINANCE NO. 13 -2016
(Sponsor: Councilmember Roberts)

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (February 17, 2015) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State Law.

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

Section 1: That the editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
1-2015	2-2-2015	258.01-258.04
7-2015	3-16-2015	1050.02
12-2015	5-18-2015	208.03
16-2015	11-3-15, by voters	Charter
20-2015	6-15-2015	1468.02, 1468.06
24-2015	8-3-2015	236.04
25-2015	8-3-2015	242.01
26-2015	8-17-2015	TSO III
27-2015	7-20-2015	TSO IV
31-2015	9-8-2015	1050.02
32-2015	9-21-2015	TSO V
50-2015	12-21-2015	881.01-881.26, 881.99

Section 2: That pursuant to Section 17 of the City Charter and Ohio R.C. 731.23, the Clerk of Council shall cause to be published a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to February 17, 2015.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, Ohio R.C. 121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and approval by the Mayor and the earliest period allowed by law.

ORDINANCE 14 -2016
(Sponsor: Councilmember Roberts)

DECLARING THE REMAINS OF A DESIGNATED DWELLING (28 SUMMIT STREET, SHELBY, OHIO) TO BE INSECURE, UNSAFE, STRUCTURALLY DEFECTIVE AND UNSAFE TO LIFE AND OTHER PROPERTY; DIRECTING THE DEMOLITION THEREOF BY CITY FORCES OR CONTRACT LABOR, MATERIALS AND EQUIPMENT, AND DECLARING AN EMERGENCY.

WHEREAS, under authority Under the Authority of Chapter 37 of the Ohio Revised Code, the City is authorized relating to the removal and repair of buildings and structures for the purposes of safeguarding life and property for the promotion of the peace, health, safety and welfare of the City of Shelby and its inhabitants; and

WHEREAS, the City of Shelby Health Department has, pursuant to the Ohio Revised Code, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described; and

WHEREAS, the owner or occupant has failed to comply with the order issued by the Health Department; and

WHEREAS, Council is fully advised in this matter by reason of the reports and proceedings of the Health Department.

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 it is hereby determined and declared that the dwelling located on the premises at 28 Summit Street, Shelby, Ohio, Parcel #046-08-143-10-000 and Parcel #046-08-140-08-00, hereinafter is insecure, unsafe, structurally defective and unsafe to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age and dilapidation; and it is hereby further determined and declared that by reason thereof said building or structure is beyond repair and is a nuisance.

Section 2: That the premises referred to in Section 1 hereof is more fully described in the attached Exhibit A.

Section 3: That the Mayor as Director of Public Safety, the Health Department, and or its Agents are hereby authorized and directed to enter into a contract according to law with a competent and licensed contractor for the provision of labor, materials and equipment for the demolition and removal of the building(s) or structure(s) hereinbefore described, including any fenced, concrete stairs, retaining walls and all appurtenances thereto, together with the removal of all debris and leveling to grade, or to proceed by force account; and to otherwise comply with provisions of the Ohio Revised Code.

Section 4: That the costs authorized in Section 3 above shall be paid from the Health Nuisance abatement fund- line item #225-HEA-625, for any amount up to Twenty Five Thousand (\$25,000.00) Dollars.

Section 5: That the Mayor and the Health Department, if they have not already done so, shall notify the owner or occupant to remove all chattels and personal property from the building(s) and/or lot not less than Five (5) days prior to the commencement of demolition and the failure of the owner or occupant to so remove such personal property and chattels shall be deemed an intentional abandonment thereof by such owner or occupant and such property may be subject to salvage rights of the demolition contractor.

Section 6: That any funds expended shall, pursuant to Chapter 37 of the Ohio Revised Code, be certified to the auditor for purposes of real estate tax assessment.

Section 7: That the debris and all materials resulting from the demolition of the structure(s) or buildings(s) shall become the property of the contractor.

Section 8: Notwithstanding the orders herein nothing shall prohibit the owner from entering into an agreement with the Land Bank for the voluntary surrender of said property.

Section 8: Notwithstanding the orders herein nothing shall prohibit the owner from entering into an agreement with the Land Bank for the voluntary surrender of said property.

Section 9: That this Ordinance is hereby deemed to be an emergency for the immediate preservation of the public peace, health, safety and welfare 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.

APPROVED: _____


Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven L. Schag
Mayor

Prepared By:


Gordon M. Byster
Director of Law

ORDINANCE NO. 15 -2016
(Sponsors- Councilmembers Roberts)

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

WHEREAS, The schedule of fees associated with and administered by the Division of Health was last revised and/or amended by Ordinance 27-2014 in February of 2015; and

WHEREAS, the Division of Health may establish fees for attendance at a course of study offered by the licensor in food protection if the course is approved under section 3717.09 of the Ohio Revised Code; 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 (Fees) of Chapter 276 (Division of Health) be amended so as to bring the Shelby Division of Health into compliance with State regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL FOR 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 to 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	
Level I food safety training	\$10	
Level II certification in food protection	\$100	

<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	

Private Water System Fees

<i>Type</i>	<i>Local Fee</i>	<i>State Fee</i>	<i>ODNR</i>	<i>Total Fee</i>
Single family dwelling				
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
Non-single family dwelling				
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
Other fees				
Test well permit	\$50	\$74	\$20	\$144
Contractor inspection	\$50	\$0	\$0	\$50
Water sample	\$50	\$0	\$0	\$50
Water hauler registration and vehicle inspection	\$85	\$	\$0	\$85
Variance	\$50	\$0	\$0	\$50
Late fee	25% of local fee			

*HWST = Hauled water storage tank

Public Swimming Pool License Fee

Type	Local Fee	State Fee	Total Fee
Public Pool Spa Special use pool	\$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

Sewage Treatment Systems

Type	Local Fee	State Fee	Total
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: _____

Steven McLaughlin
Vice President of Council

ATTEST: _____

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 16 -2016
(Sponsor – Councilmember Gates)

ENACTING CHAPTER 224 (INVESTMENT POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, The Director of Finance and Public Record has presented to Council a draft Investment Policy; 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 Council enact said Investment Policy.

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

Section 1: That Chapter 224 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

CHAPTER 224: INVESTMENT POLICY

224.01 INTRODUCTION.

It is the policy of the City of Shelby, Ohio, to invest public funds in a manner that will provide the highest investment return with maximum security, safety, and preservation of principal while meeting the daily cash flow needs of the City and conforming to applicable laws governing the investment of public funds by an Ohio municipality. The Director of Finance and Public Record is the investment officer for the City, charged with the responsibility for the purchase and sale of investments and the implementation of and compliance with this Investment Policy.

224.02 SCOPE.

This Investment Policy applies to all financial assets of the City, including State and federal funds held by it, other than funds held and invested pursuant to the express terms of a trust agreement. The Director of Finance and Public Record shall routinely monitor the contents of the City's investment portfolio, the available markets and relative value of competing investments and shall adjust the portfolio accordingly.

224.03 OBJECTIVES.

The primary objectives, in priority order, of the City's investment activities shall be:

- a. Safety: Safety of principal is the foremost objective of the investment program. City investments should be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- b. Liquidity: The City's investment portfolio should remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated.
- c. Return on Investment: The City's investment portfolio should be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account this Investment Policy and the cash flow characteristics of the portfolio.

224.04 PRUDENCE.

Investments shall be made with judgment and care under circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by the Director of Finance and Public Record shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. Acting in accordance with this Investment Policy and exercising due diligence shall relieve the Director of Finance and Public Record of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported to the Council in a timely fashion and appropriate action is to take control adverse developments.

224.05 AUTHORIZED DEALERS AND FINANCIAL INSTITUTIONS.

The Director of Finance and Public Record shall maintain a list of financial institutions and approved securities broker/dealers, selected on the basis of creditworthiness, who are authorized to provide investment services and who qualify under Section 135.14(M)(1) of the Revised Code. These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15c3-1 and are registered with the Ohio Department of Commerce to do business in the State.

All financial institutions and broker/dealers who desire to become qualified suppliers of investment transactions to the City must provide to the Director of Finance and Public Record (i) audited annual financial statements, (ii) proof of good standing with the Comptroller of Currency or with State banking regulators or Financial Industry Regulatory Authority certification, (iii) proof of Ohio registration, and (iv) biographical and regulatory information on the persons who are the primary contact with the City. All financial institutions, broker/dealers, and other entities who desire to conduct investment business (advice, recommendations, or transactions) with the City must sign this Investment Policy, acknowledging that they have read it, understand it, and, in the case of those initiating transactions, agree to abide by its contents.

224.06 AUTHORIZED INVESTMENTS.

The City is authorized by statute to invest in the following types of securities and investments.

- a. United States Treasury bills, notes, bonds, or any other obligation or security issued by the United States Treasury or any other obligation guaranteed as to principal and interest by the United States (not including "stripped" principal or interest obligations).
- b. Bonds, notes, debentures, or other obligations or securities issued by any federal government agency or instrumentality, including but not limited to the Federal National Mortgage Association, Federal Home Loan Bank, Federal Farm Credit Bank, Federal Home Loan Mortgage Corporation, Government National Mortgage Association and Student Loan Marketing Association. All such securities must be direct issuances of federal government agencies or instrumentalities and may not be stripped principal or interest obligations.
- c. Interim deposits in duly authorized depositories of the City, provided those deposits are properly insured or collateralized as required by law.
- d. Bonds and other obligations of the State of Ohio.
- e. No-load money market mutual funds consisting exclusively of securities described in paragraphs a. and b. of this Section and repurchased agreements secured by such obligations, provided all such investments under this paragraph e. shall be made with a bank, domestic association or savings bank eligible to be a depository for public funds of Ohio subdivisions and provided further that any such funds meets the requirements of Chapter 135 of the Revised Code (including that such fund not include any investment in a "derivative").
- f. Ohio Subdivision's Fund (STAROhio).
- g. Overnight or term (not exceeding 30 days) repurchase agreements meeting the requirements of Section 135.14(E) if the Revised Code, with: (i) a bank, domestic association, or savings bank eligible to be a depository of public funds of Ohio subdivisions or (ii) a member of the Financial Industry Regulatory Authority.

224.07 MAXIMUM MATURITIES.

To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. No investment shall be made unless the Director of Finance and Public Record, at the time of making the investment, reasonably expects it can be held to its maturity. Unless matched to a specific obligation or debt of the City, the City will not directly invest in securities listed in paragraphs a. through e. above under Section 224.06 maturing more than five years from the date of settlement if such securities bear interest at a fixed rate, and it will not directly invest in such securities maturing more than two years from the date of settlement if they bear interest at a variable rate.

224.08 SAFEKEEPING AND CUSTODY.

All securities transactions, including securities acquired subject to repurchase agreements, entered into by the City will be conducted on a delivery-versus-payment basis. Purchased securities shall be held on behalf of the City by a custodian, designated by the Director of Finance and Public Record, that is a Federal Reserve Bank or other "qualified trustee" within the meaning of Section 135.18(I) of the Revised Code, and the safekeeping of those securities for the benefit of the City shall be evidenced by safekeeping receipts. Purchased securities may be released by the City only upon verification that their principal and interest, or proceeds of their sale, have been credited to the City's account.

224.09 PROHIBITED INVESTMENT PRACTICES.

In addition to any other prohibitions in the Revised Code, the City will not take any of the following actions.

- a. Contract to sell securities that have not yet been acquired on the speculation that prices will decline.
- b. Make any investment in "derivatives" as defined in Section 135.14(C) of the Revised Code.
- c. Invest in a fund established by another public body for the purpose of investing public money of other subdivisions except either: (1) STAROhio, or (2) a fund created solely from the purpose of acquiring, constructing, owning, leasing, or operating municipal utilities as authorized under Revised Code Section 715.02 or Section 4 of Article XVIII of the Ohio Constitution.
- d. Enter into reverse repurchase agreements.
- e. Leverage current investments as collateral to purchase other assets.
- f. Invest in stripped principal or interest obligations of otherwise eligible obligations.

224.10 INTERNAL CONTROLS.

The Director of Finance and Public Record shall develop and maintain procedures for the operation of the City's investment program in accordance with this Investment Policy. These procedures shall be designed to prevent loss of the City's funds due to fraud, error, misrepresentation, unanticipated market changes, or imprudent actions.

224.11 RECORDS AND REPORTING.

The Director of Finance and Public Record shall maintain a current inventory of all investments including:

- a. Description of each security
- b. Cost
- c. Par value
- d. Dates (beginning, settlement and maturity)
- e. Rates
- f. Seller

The Director of Finance and Public Record shall also prepare and distribute to Council on or about June 15th and December 15th of each year (or more frequently if requested by the Council) a list of all investments and a report on investment activity and returns.

224.12 EDUCATION.

The Director of Finance and Public Record shall, and is authorized to, participate in any beginning and/or continuing education training programs sponsored by the State Treasurer or the State Auditor in which the Director of Finance and Public Record is required to participate pursuant to Sections 117.44 and 135.22 of the Revised Code. Through participation in those programs, the Director of Finance and Public Record will develop and maintain an enhanced background and working knowledge in investment, cash management, and ethics.

224.13 ETHICS AND CONFLICTS OF INTEREST.

Persons involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or that could impair their

ability to make impartial investment decisions. Employees and investment consultants shall disclose to the City any material financial interests in financial institutions that conduct business within the City and any large personal financial or investment positions that could be related to or affected by the performance of the City's portfolio. All employees, officers, and investment consultants to the City shall subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchases and sales. The above supplements the applicable provisions of the Ohio ethics law.

224.14 NONBINDING ARBITRATION.

The Director of Finance and Public Record may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration (but not binding arbitration) to settle any controversy that may arise out of that agreement so long as such provision meets the requirements of the Revised Code and is specifically approved by the Council.

224.15 INVESTMENT POLICY REVIEW AND REVISION.

This Investment Policy is to be adopted by the Council. This Policy is to be reviewed on an annual basis by the Council or a committee designated by it. Any modifications of this Policy must be approved by the Council. This Investment Policy and any modifications thereof, may, but need not be, file with any State office or agency.

224.16 INVESTMENT POLICY REVIEW AND REVISION.

This Policy shall be reviewed in January of each year by the Council or a committee designated by it. Any modifications of this Policy must be approved by the Council. This Investment Policy and any modifications thereof, may, but need not be, file with any State office or agency.

Section 2: 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 3: 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 L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of law

ORDINANCE NO. 17 -2016
(Sponsor: Councilmember Gates)

AMENDING SECTION 278.04 (DESIGNATION OF PARKS AND PARKWAYS) OF CHAPTER 278 (BOARD OF PARK COMMISSIONERS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the City of Shelby has acquired the property at 10-12 West Main Street (Richland County Parcel # 0460818609000); and

WHEREAS, Council wishes to assign responsibility for this land to the Board of Park Commissioners.

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

Section 1: That Section 278.04 of the Codified Ordinances of the City of Shelby be amended to read as follows:

278.04 DESIGNATION OF PARKS AND PARKWAYS.

The following properties are hereby designated as parks and parkways: the properties commonly known as Seltzer Park (Permanent Parcel Numbers 046-08-500-13-000, 046-08-500-23-000, 046-08-500-15-000, 046-08-500-20-000), Rabold Park (Permanent Parcel Numbers 046-08-500-93-000, 046-08-500-81-000), Veterans Park (Permanent Parcel Number 046-08-500-08-000, and the median of West Park Drive); McBride Park (Permanent Parcel Number 046-08-501-40-000), Easterling Park (Permanent Parcel Number 046-08-500-07-000) Tucker Avenue Park (Permanent Parcel Numbers 046-08-501-20-000, 046-08-140-02-000); the land on Blackfork Street (Permanent Parcel Numbers 046-08-095-14-000, 046-08-089-17-000, 046-08-201-13-000, 046-08-140-07-000, 046-08-091-02-000, 046-08-012-08-000, 046-08-132-13-000, 046-08-131-20-000, 046-08-033-12-000, 046-08-060-18-000, 046-08-135-18-000, 046-08-153-14-000, 046-08-022-18-000, 046-08-500-03-000, 046-08-018-07-000, 046-08-019-40-000, 046-08-018-08-000, 046-08-500-02-000, 046-08-500-76-000, 046-08-500-75-000, 046-08-501-37-000, 046-08-185-15-000), the medians on Grand Boulevard and Williams Court; the land on West Main Street (Permanent Parcel Number 0460818609000).

Section 2: That all other sections of Chapter 278 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 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.: 40-2016
(Sponsor – Councilmember McLaughlin)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER .9 MILLS SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH AND DECLARING AN EMERGENCY.

WHEREAS, by Resolution No. 24-2016 (passed April 4, 2016) the Shelby City Council determined and declared that the amount of taxes to be raised at the maximum rate allowed by law without a vote of the electors would be insufficient for the general operation of the Shelby Department of Health; and

WHEREAS, by said same Resolution the Shelby City Council determined that a rate of .9 mills on each dollar of valuation of the taxable property within the City should be raised in order to operate the Shelby Department of Health.

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 Richland County Board of Elections is hereby directed to place upon the general election ballot of November 8, 2016 the question of whether .9 mills on each dollar of taxable value of taxable property within the City of Shelby, Ohio shall be levied and raised for the general operation of the Shelby Department of Health.

Section 2: That the ballot shall be substantially in the following form:

PROPOSED REAL ESTATE TAX (RENEWAL)

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage.

Shall a levy of .9 mills on each dollar of valuation of the taxable property within the City of Shelby, Ohio be levied for the general operation of the Shelby Department of Health for the years 2017, 2018, 2019, 2020 and 2021?

FOR THE REAL PROPERTY TAX
AGAINST THE REAL PROPERTY TAX

Section 5: 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 6: 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 Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO.: 41-2016
(Sponsor – Councilmember McLaughlin)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER .5 MILLS SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY PARKS DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, by Resolution No. 25-2016 (passed April 4, 2016) the Shelby City Council determined and declared that the amount of taxes to be raised at the maximum rate allowed by law without a vote of the electors would be insufficient for the general operation of the Shelby Parks Department; and

WHEREAS, by said same Resolution the Shelby City Council determined that a rate of .5 mills on each dollar of valuation of the taxable property within the City should be raised in order to operate the Shelby Parks Department.

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 Richland County Board of Elections is hereby directed to place upon the general election ballot of November 8, 2016 the question of whether .5 mills on each dollar of taxable value of taxable property within the City of Shelby, Ohio shall be levied and raised for the general operation of the Shelby Parks Department.

Section 2: That the ballot shall be substantially in the following form:

PROPOSED REAL ESTATE TAX (RENEWAL)

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage.

Shall a levy of .5 mills on each dollar of valuation of the taxable property within the City of Shelby, Ohio be levied for the general operation of the Shelby Parks Department for the years 2017, 2018, 2019, 2020 and 2021?

FOR THE REAL PROPERTY TAX
AGAINST THE REAL PROPERTY TAX

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

Section 4: That this Resolution is hereby deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven 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. 43 -2016
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH RICHLAND ENGINEERING LIMITED FOR CONSTRUCTION INSPECTION SERVICES FOR THE MANSFIELD AVENUE RECONSTRUCTION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, in order to proceed with the construction of the Mansfield Avenue Reconstruction Project it is necessary that the City contract for construction inspection services; 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 enter into an agreement for the completion of said services.

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 is hereby authorized to enter into an agreement with Richland Engineering Limited for construction administration services for the Mansfield Avenue Reconstruction Project.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual 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 T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 44 -2016
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE HARTMAN-BARGAHISER TRUNK SEWER PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to replace existing sanitary sewer lines on the City's system; 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 TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is hereby authorized to acquire rights of easement for the installation of a sanitary sewer line for the Hartman-Bargahiser Trunk Sewer Project as prepared by Raymond G. Lenczowski, Ohio Registered Surveyor No. 8252 on May 31, 2016.

Section 2: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 3: That this Resolution is hereby deemed to be an emergency, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

RESOLUTION NO. 45 -2016
(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 HARTMAN-BARGAHISER TRUNK SEWER PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to replace existing sanitary sewer lines on the City's system; 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 TWO-THIRDS (2/3) 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 Hartman-Bargahiser Trunk Sewer 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: _____

Steven L. Schag
Mayor

Prepared By:



Gordon M. Eyster
Director of Law