

6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda
Monday, June 3, 2019
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 May 20, 2019

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

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

Future Use of Main Street Fire Station

Live streaming of Council meetings

Whitney Avenue bridge suicide fencing

Ashland Railway

Legislation

ORDINANCE NO 12-2019

**AMENDING SECTION 1050.02 (RATES AND
CHARGES FOR SERVICE) OF CHAPTER 1050
ELECTRICITY OF THE CODIFIED ORDINANCES
OF THE CITY OF SHELBY**

2ND READING

Moved 2ND

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

ORDINANCE NO 13-2019

AMENDING TITLE FOUR (SUBDIVISION REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 14-2019

AMENDING CHAPTER 1024 (SIDEWALKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

1ST READING

Moved _____ 2ND _____

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

ORDINANCE NO 15-2019

PROVIDING FOR THE ISSUANCE AND SALE OF \$100,000 OF BONDS BY THE CITY OF SHELBY, OHIO, FOR THE PURPOSE OF PAYING PART OF THE COST OF THE BLACK FORK COMMONS RESTROOM PROJECT AND DECLARING AN EMERGENCY

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

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 16-2019

AMENDING ORDINANCE NO 7-2019 (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. Gates Mr. Martin Mr. Roub Mr. Roberts Mr. McLaughlin

PASSAGE OF ORDINANCE

Moved 2ND

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

RESOLUTION NO 27-2019

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, NOVEMBER 5, 2019, WITH REGARD TO WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH

Moved 2ND

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

RESOLUTION NO 28-2019

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY PARKS DEPARTMENT

Moved 2ND

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

Miscellaneous Business

MOTION TO GO INTO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSE:

Moved _____ 2ND _____

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

TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, OR FOR THE 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

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

1st Reading
5/20/2019

ORDINANCE NO: 12 -2019
(Sponsors: Councilmembers Martin & McLaughlin)

AMENDING SECTION 1050.02 (RATES AND CHARGES FOR SERVICE) OF CHAPTER 1050 ELECTRICITY OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, it is necessary to modify Section 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) so as to continue to provide municipal electric service to the customers of the Division of Electricity and Telecommunications 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 Section 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) be amended and/or modified.

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 (Rates and Charges for Service) of Chapter 1050 (Electricity) be amended to read as follows:

§ 1050.02 RATES AND CHARGES FOR SERVICE.

(a) *Service schedules.*

(1) *Schedule A.*

A. *Availability of service.* Available for single phase electric service at 225 amps capacity (120–240 volts), maximum, through one meter to individual customers.

B. *Rates for service.*

| | | |
|----|-----------------------------|----------|
| 1. | Customer charge | \$4.33 |
| 2. | Distribution charge all kWh | \$0.0172 |

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transmission Cost Rider as specified in this tariff.

D. *Minimum charge.* The minimum charge shall be the customer charge.

E. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

(2) *Schedule A-D.*

A. *Availability of service.* Available for single phase electric service at 225 amps capacity (120–240 volts), maximum, through one meter to individual customers. In addition, customers under Schedule A-D must meet age, income and other prerequisites as determined by the Director of Public Service, subject to the approval of the City Council. Rates under this schedule for distribution charge and all riders, excluding customer charge and kWh taxes shall be reduced by 10% to eligible customers.

B. *Rates for service.*

| | | |
|----|-----------------------------|----------|
| 1. | Customer charge | \$2.94 |
| 2. | Distribution charge all kWh | \$0.0155 |

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transmission Cost Rider as specified in this tariff. The charges shall be discounted by 10%.

D. *Minimum charge.* The minimum charge shall be the customer charge.

E. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

(3) *Schedule B.*

A. *Availability of service.* Available for single phase electric service over 225 amps capacity (120–240 volts), minimum, or three phase electric service at 200 kW capacity, maximum, through one meter to individual customers.

B. *Rates for service.*

| | | |
|----|--------------------------------|----------|
| 1. | Customer charge (single phase) | \$5.57 |
| 2. | Customer charge (three phase) | \$7.73 |
| 3. | Customer charge (primary) | \$12.99 |
| 4. | Distribution charge all kWh | \$0.0106 |
| 5. | Demand charge all kWh | \$4.64 |

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transmission Cost Rider as specified in this tariff.

D. *Minimum charge.* The minimum charge shall be the customer charge plus minimum demand charge.

E. *Demand.* The billing load for the month shall be the highest 15-minute integrated demand as determined by the instruments suitable for the purpose. Where energy is delivered through two meters, the monthly billing demand will be taken as the sum of the two demands separately determined. For purposes of billing, no demand shall be less than 15 kW.

F. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

G. *Credit for maintenance of primary service.* When the customer furnishes and maintains the complete substation equipment, including any and all transformers and/or switches and/or other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which the customer is to receive service, a credit shall be applied as follows:

All delivery voltages: \$0.15/kVa

H. *Power factor.* The average power factor shall be determined for each month by comparing the kilowatt hours of power consumed during the month with the reactive power consumed during the month. When the average power factor, as determined by continuous measurement of lagging kVa is less than 90%, the billing demand (kVa) shall be determined by multiplying the maximum demand (kW) shown by the demand meter for the billing period, by the multiplier as indicated in the calculation below:

$$1 + (.9 - pf)$$

where:

pf = customer's power factor

(4) *Schedule C.*

A. *Availability of service.* Available for three-phase electric service over 200 kW capacity through one meter to individual customers. Rates, terms and conditions for service to customers with requirements other than previously stipulated shall be offered only by special contract.

B. *Rates for service.*

| | | |
|----|-------------------------------|----------|
| 1. | Customer charge (Three Phase) | \$10.52 |
| 2. | Customer charge (primary) | \$20.08 |
| 3. | Distribution charge all kWh | \$0.0072 |
| 4. | Demand charge all kWh | \$2.47 |

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power and Transition Cost Rider as specified in this tariff.

D. *Minimum charge.* The minimum charge shall be the customer charge plus minimum demand charge.

E. *Demand.* The billing load for the month shall be the highest 15-minute integrated demand as determined by the instruments suitable for the purpose. Where energy is delivered through two meters, the monthly billing demand will be taken as the sum of the two demands separately determined. For purposes of billing, no demand shall be less than 81kW.

F. *Terms of payment.* The net amount billed is due on the fifteenth day of the month.

G. *Credit for maintenance of primary service.* When the customer furnishes and maintains the complete substation equipment, including any and all transformers and/or switches

and/or other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which the customer is to receive service, a credit shall be applied as follows:

All delivery voltages: \$0.15/kVa

H. *Power factor.* The average power factor shall be determined for each month by comparing the kilowatt hours of power consumed during the month with the reactive power consumed during the month. When the average power factor, as determined by continuous measurement of lagging kVars, is less than 90%, the billing demand (kVa) shall be determined by multiplying the maximum demand (kW), shown by the demand meter for the billing period, by the multiplier as indicated in the calculation below:

$$1 + (.9 - pf)$$

where:

pf = customers' power factor

(5) *Schedule D.*

A. *Availability of service.* Available for electrical energy used for city-owned and operated facilities.

B. *Rates for service*

| | | |
|----|-----------------------------|----------|
| 1. | Customer charge | \$9.28 |
| 2. | Distribution charge all kWh | \$0.0106 |

C. *Riders.* Customers under this schedule shall be subject to the applicable Generation Charge, Fuel and Purchased Power, and Transmission Cost Rider as specified in this tariff.

D. *Unbilled service.* Service shall be provided without charge to the following facilities: Shelby City Hall, Shelby Municipal Court, Police Department, Sutter-Roush Rooms, Municipal Utilities Office, Fire Department, Marvin Memorial Library, Parks Department, Electric Distribution Department, Municipal Light Plant, Municipal Garage, Skiles Field, Girl Scouts' House, Log Cabin and Siegfried Field. Services shall be provided without charge for public street lighting and traffic-control devices.

(6) *Security light service.*

A. *Availability of service.*

1. Available to customers where utility's standard outdoor lighting unit can be installed on utility's existing pole and does not require any extension or addition to utility's existing secondary or primary distribution facilities, including transformer. Any relocation of a lighting unit shall be at customer's expense.
2. Where additional facilities are required, the customer shall pay, in advance, the total installation cost for the additional distribution facilities (poles, wires, transformer and appurtenances) as are required. In all cases, the lighting fixture itself, including lamp, will be installed, owned, operated and maintained by utility.
3. This service is available only where there is reasonable assurance that the service to be furnished will be permanent. Utility reserves the right to refuse to furnish such service when, in utility's opinion, the installation will not be of permanent character.
4. All applications for outdoor security lighting service shall be on a 12-month year-round service basis. Where the premises are occupied by a tenant, utility reserves the right to require the application for service to be made by the property owner with bills to be sent to the premises to the attention of the tenant. However, the property owner shall be responsible for the payment of the bills.

B. *Rates for service.*

| | | |
|----|-------------------------------|---------|
| 1. | 40 watt LED | \$5.50 |
| 2. | 100 watt high pressure sodium | \$5.50 |
| 3. | 175 watt mercury vapor | \$7.50 |
| 4. | 400 watt metal halide | \$17.50 |
| 5. | 1,000 watt metal halide | \$43.00 |

C. *Additional facilities.* Where a pole is installed in order to provide service under this schedule, the customer shall be charged \$1.00 per month in addition to the rate for service.

(7) *Electric Vehicle Charging Station Service Rider*

A. The charge for service shall cover the Fuel and Purchase Power costs, Distribution Charge, Generation Charge, and Demand Charge under the Schedule B rates and charges for service. The total charge for service shall be competitive with comparable gasoline prices per gallon. The cost for service shall be served at a kWh cost. The assigned competitive equivalent equation can be used as a barometer to calculate a comparable kWh cost for service; (cost per gallon of gasoline x 3 miles per kWh divided by 24.1 miles per gallon).

The Director of Public Service or his/her designee shall review the cost of service every three months for comparable charges and adjust the said service rider accordingly for competitive service charges.

(b) *Generation Charges, Fuel and Purchased Power, and Transition Cost Rider.*

The Transition Cost Rider, Generation Charge and Fuel and Purchased Power Charge shall be applied to the A, A-D, B, C and D Schedules. The rate design of the generation charge and fuel and purchased power charge may be changed from time to time as approved by Council.

(1) *Generation charge.* The generation charge shall be \$0.0055 kWh

(2) *Determination of fuel and purchased power charge.* The Fuel and Purchased Power Charge shall be derived every three months 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").

$$\frac{\text{Previous 12 months' cost (numerator)}}{\text{Previous 12 months' net kWh} \times 0.94 \text{ (denominator)}} = \frac{\text{Fuel Purchased Power Charge}}{\text{Fuel Purchased Power Charge}}$$

(3) *Determination of Transition Cost Rider.*

A. The Transition Cost Rider shall be calculated and implemented upon the offering of Open Access Service.

B. Transition costs shall be calculated yearly. Transition costs are generally defined as the difference between purchased power costs of those sources where construction costs, market price at the time of contractual obligation, and/or other factors may cause the fixed and/or average cost of that power to be significantly higher than average market prices. The Transition Cost Rider may be adjusted each year based on projected market price, average cost of power from transition cost sources, fixed costs of contracted power supply, implementation costs of the offering of Open Access Service, and sales of the previous year. A reconciliation of over or under recovery of transition costs is taken forward to the next year as a debit or credit to transition costs. Projected transition cost recovery is allocated between demand and energy costs and credited to total demand and energy costs of generation. This credit ensures that there will be no double recovery of transition costs.

(4) *Project development and construction rider.* The rates and charges set forth in the current city electric rate schedule may be increased for the purpose of providing funding for the city's share of the developmental and/or construction costs associated with projects undertaken

by the city independently or in conjunction with a third party in furtherance of the city's goal to provide the city's electric utility consumers with the most economic, environmentally sound and reliable source(s) of power.

(c) *Economic Development Incentive Rate*

(1) Applicable to commercial and industrial customers.

(A) To qualify, a new or existing customer shall meet the following criteria:

(1) New commercial customers shall have a monthly demand of at least 20 kW. Existing commercial customers shall add a monthly demand of at least 20 kW.

(2) New industrial customers shall have a monthly demand of at least 200kW. Existing industrial customers shall add a monthly demand of at least 200 kW.

(3) New commercial customers shall employ at least two (2) full time equivalent Employees*. Existing commercial customers shall employ at least two (2) Additional full time equivalent employees*.

(4) New industrial customers shall employ at least five (5) full time equivalent employees*. Existing industrial customers shall add at least five (5) additional full time equivalent employees*.

*A full-time equivalent employee is defined as a person who works at least thirty-five (35) hours per week.

(5) New or existing customers shall pay a minimum \$2,000 annual income tax contribution to the City of Shelby.

(6) This section shall have a retroactive period from January 1, 2017.

(2) The economic development incentive rate shall not exceed five (5) years in duration. A year is defined as: twelve consecutive months from when the incentive rate was implemented to the utility account.

(3) The five (5) year economic development incentive rate shall be as follows:

Year 1 – Wholesale Quarterly Fuel &Purchase Power cost, Minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax. A discount of \$0.01 per kWh cost will be applied to the rate schedule.

Year 2 – Wholesale Quarterly Fuel &Purchase Power cost, Minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax. A discount of \$0.0075 per kWh cost will be applied to the rate schedule.

Year 3 – Wholesale Quarterly Fuel &Purchase Power cost, Minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax. A discount of \$0.005 per kWh cost will be applied to the rate schedule.

Year 4 – Wholesale Quarterly Fuel &Purchase Power cost, Minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax. A discount of \$0.0025 per kWh cost will be applied to the rate schedule.

Year 5 – Wholesale Quarterly Fuel &Purchase Power cost, minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax.

Year 6 and forward - current retail rate

(4) The Director of Public Service or his/her designee shall have the right to terminate a customer's economic development incentive rate at any time.

(5) The Director of Public Service or his/her designee shall review each economic development incentive rate customer annually. Each customer shall cooperate fully in said review.

(6) The Director of Public Service or his/her designee shall determine if a new or existing customer will qualify for the economic development incentive rate if the account does not meet all of the criteria, subject to council approval.

(d) *Balance Levelization Rate Rider*

(1) Service Schedules A, A-D, B, C, and D shall have a negative rate *rider* in the amount of \$0.00163 / kWh. The negative rate *rider* shall be implemented for a period of five years. The *rider* shall be itemized on the utility bill as a credit and identified as Balance Levelization.

(e) *Miscellaneous charges (applicable to all customers).*

(1) *Reconnection charge.* When a customer has previously requested a disconnect and desires to be reconnected at the same address, or if a reconnection is made subsequent to a service disconnection made in violation of provisions of these rules and regulations, a reconnection charge of \$30.00 will be made if the reconnection is made during regular business hours. If the reconnection is requested and made after regular business hours, the charge is \$80.00.

(2) *Late payment charge.* If a bill payment is not received by the utility offices or by the utility's authorized agent on or before the specified payment date (the fifteenth of the month), a one-time, additional amount of 5% of the amount of the bill will become due and payable as part of the customer's total obligation. If the fifteenth of the month falls on a Sunday or holiday where there is no postal service, the specified payment shall be the next business day from the fifteenth.

(3) *Dishonored check charge.* Whenever a customer pays a bill by check and the check is returned to the utility by the customer's financial institution for lack of sufficient funds in the customer's account, the customer will be assessed a dishonored check charge of \$25.00 for each check returned.

(4) *Meter test charge.* The utility shall test the meter at the request of the customer. The test shall be performed in the presence of the customer if he or she so requests. If the meter is found to be correct, the customer shall pay a fee of \$10.00 for the testing.

(5) *Service fee.* All service rendered to customer's equipment will be billed to the customer for labor and material required on the basis of cost plus 10% at the time of service.

(6) *Application fee.* An application fee of \$5.00 shall be assessed to customers at the time of application for service.

(f) *Kilowatt-hour tax adjustment.* The rates and charges set forth in the current city electric rate schedules shall be increased by an amount equal to the kilowatt-hour tax imposed on the city's electric distribution system under R.C. § 5727.81. The increase shall become effective with the bills that include May 1, 2001, as part of the usage period and shall thereafter be automatically adjusted to reflect any change in the kilowatt-hour tax imposed by R.C. § 5727.81 increase in the current schedule that reflects the following:

- (1) For the first 2,000 kWh delivered, the tax rate shall be \$0.00465 per kWh delivered.
- (2) For the next 2,001 to 15,000 kWh delivered, the tax rate shall be \$0.00419 per kWh.
- (3) For any kWh above 15,000, the tax rate shall be \$0.00363.

Section 2: That all other Sections of Chapter 1050 (Electricity) of the Codified Ordinances of the City of Shelby 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 Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO. 13-2019
(Sponsor: Councilmember Roub)

AMENDING TITLE FOUR (SUBDIVISION REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, the Subdivision Regulations of the City of Shelby were adopted by the Council of the City of Shelby on June 6, 1983 through Ordinance 17-1983; and

WHEREAS, certain portions of the regulations were amended by the Council of the City of Shelby on February 2, 2004 through Ordinance 1-2004; and

WHEREAS, certain portions of the regulations need to be amended and modified so as to make the regulations, as a whole, more pertinent to the subdivisions of today; and

WHEREAS, The Shelby City Planning Commission on May 14, 2019, reviewed the proposed amendments and referred them to Shelby City Council with their recommendation for adoption.

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

Section 1: That Section 1240.09 (Construction of Language; Definitions of Chapter 1240 (General Provisions and Definitions), Sections 1244.02 (Minor Subdivisions), Section 1244.04 (Preliminary Plan Stage), and Section 1244.05 (Final Subdivision Plat Stage) of Chapter 1244 (Subdivision Procedures), Section 1248.03 (Street and Utility Improvements) of Chapter 1248 (Improvements), Form No. 6 (Application for Minor Subdivision Approval) of Appendix VII: (Sample Forms), of Title Four (Subdivision Regulations) of the Codified Ordinances of the City of Shelby be amended to read as follows:

1240.09 CONSTRUCTION OF LANGUAGE; DEFINITIONS.

(a) *Rules of construction.* The following rules of construction shall apply to the provisions of these Regulations:

- (1) The particular shall control the general.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is always mandatory and not discretionary. The words "may" and "should" are permissive.
- (4) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or units connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
 - A. "And" indicates that all connected items, conditions, provisions or events shall apply.
 - B. "Or" indicates that the connected items, conditions, provisions or events may apply singly but not in combination.
- (5) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (6) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".
- (7) The word "lot" includes the words "plot" or "parcel".
- (8) In case of any difference of meaning or implication between the provisions of these Regulations and any caption or illustration, the provisions shall control.
- (9) Terms not herein defined shall have the meaning customarily assigned to them.

(b) *Definitions.* For the purpose of these Regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Alley." See "street".

(2) "Block." Subdivided property surrounded by, but not separated by, one or more of the following man-made or physical land features: private or public dedicated streets, unsubdivided acreage, rivers or streams, or any other physical feature which prevents continuity of development.

(3) "Building setback line." A line establishing the limits of a yard which abuts a street and in which no building may be located.

(4) "City." City of Shelby, Ohio.

(5) "Comprehensive Development Plan." A plan, or any portion thereof, adopted by the City Planning Commission and/or the City Council showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. This Plan establishes the goals, objectives and policies of the community.

(6) "County." Richland County, Ohio.

(7) "Covenant." A written promise or pledge.

(8) "Cul-de-sac." See "street".

(9) "Culvert." A transverse drain that channels under a bridge, street or driveway.

(10) "Dead-end street." See "street".

(11) "Density." The number of dwelling units that can be developed on a given acre of land.

(12) "Developer." Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under these Regulations to effect a subdivision of land for himself or herself or for another.

(13) "Easement." A quantity of land over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, a utility or a particular person, for a specific use or purpose.

(14) "Engineer, professional." A person registered to practice professional engineering by the State Board of Registration as specified in R.C. § 4733.14.

(15) "Flood plain." That land which has been or may hereafter be covered by flood waters, including but not limited to the regulatory flood. For the purpose of these Regulations, the regulatory flood shall be deemed to be a flood of 100-year frequency. "Flood plain" shall include land designated as flood hazard areas on Federal Emergency Management Agency approved flood plain maps.

(16) "Improvements." Grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, storm sewer outfall, culverts, streetlights, street trees, flood control and drainage facilities, and the appurtenances required to render land suitable for the proposed use.

(17) "Licensed land surveyor." A person licensed to practice surveying by the State Board of Registration.

(18) "Lot." A division of land separated or intended to be separated from other divisions of land by description on a recorded subdivision plat or recorded survey map, or by metes and bounds for the purpose of sale, lease or separate use.

(19) "Lot, corner." A lot at the point of intersection of and abutting two or more intersecting streets.

(20) "Lot, double frontage (through lot)." A lot, other than a corner lot, that abuts more than one street.

(21) "Lot frontage." The portion of a lot nearest the street. All sides of a lot adjacent to streets shall be considered lot frontage with respect to corner lots and double frontage lots.

(22) "Lot measurements." A lot shall be measured as follows:

A. The depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the near most points of the side lot lines in the rear.

B. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line; provided, however, that the width between side lot lines at their foremost point (where they intersect with the street line) shall not be less than 80% of the required lot width.

(23) "Lot, minimum area of." The area of a lot computed exclusive of any portion of the right-of-way of any public or private street.

(24) "Major Thoroughfare Plan." The comprehensive plan adopted by the City Planning Commission indicating the general locations recommended for arterial, collector and local thoroughfares within the corporate limits of the city and the unincorporated areas within three miles thereof.

(25) "Monuments." Boundary and lot markers which conform to the regulations of the State Board of Registration for Professional Engineers and Surveyors, as authorized by R.C. §4733.07.

(26) "Open space." An area, open and unobstructed between the ground and sky, which may be on the same lot with a building.

(27) "Open space development." Any subdivision of land which has both individual building sites and common open space areas, such as park and recreation areas, and which is planned, designed and organized as a unified development capable of providing a variety of residential dwellings.

(28) "Out lot." Property, shown on a subdivision plat outside of the boundaries of the land to be developed, which is to be excluded from the development of the subdivision.

(29) "Pedestrian walkway." A dedicated public right-of-way limited to pedestrian use.

(30) "Performance bond." An agreement between a subdivider or developer and the city, for the amount of the estimated construction cost, guaranteeing the completion of physical improvements by the developer according to plans and specifications within the time prescribed in the agreement.

(31) "Planned Unit Development (PUD)." Any subdivision of land where both individual building sites and common property devoted to parks or other recreation facilities are designed and organized to be capable of satisfactory use and operation as a self-contained residential area. A "PUD" may include shopping centers and planned industrial park developments.

(32) "Plat." See "subdivision plat".

(33) "Preliminary plan." A drawing for the purpose of study of a major subdivision, which, if approved, authorizes with the preparation of a subdivision plat.

(34) "Public utility." Any person, firm, association, corporation, trust, board, commission or other legal entity, duly authorized to furnish to the public, under state, county or municipal regulations, gas, steam, electricity, sewage disposal and treatment, communication, telegraph, transportation or water.

(35) "Public way." An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, lane, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other way, in which the general public or a public entity has a right, or which are dedicated, whether improved or not.

(36) "Regional Planning Commission." The Richland County Regional Planning Commission.

(37) "Reserve strip." A strip of land parallel to, or at the end of and abutting, a thoroughfare, controlling the means of access onto a property.

(38) "Right-of-way." A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by topography or treatment), such as grade separation, landscaped areas, viaducts and bridges.

(39) "Sewers, central or group." An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development or community.

(40) "Sewers, on-site." A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and which provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

(41) "Sidewalk." That portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian traffic (see also "walkway").

(42) "Street, thoroughfare or road." A public dedicated right-of-way which is used for the movement of goods and people, which may provide for vehicular and pedestrian access to abutting properties, which includes all lands between the right-of-way lines, and which may incorporate the curbs, sidewalks, landscaped areas, street pavement and berm. "Streets" shall be further designated and defined as follows:

A. "Alley." A minor street used primarily for vehicular service access to the back or side of properties abutting another street.

B. "Arterial street." A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.

C. "Collector street." A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance to, and circulation routes within, a residential subdivision.

D. "Cul-de-sac." A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

E. "Dead-end street." A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

F. "Half street." A street on which only one side has been dedicated to a governmental agency.

G. "Local street." A street primarily for providing access to residential, commercial or other abutting property.

H. "Marginal access street." A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

(43) "Subdivider." See "developer".

(44) "Subdivision."

A. The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division of land into parcels of five acres or larger not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except private streets serving industrial structures, and the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewers, storm water drainage or other public facilities.

(45) "Subdivision, minor." A division of a parcel of land that does not require a plat to be approved by the planning authority according to R.C. § 711.131. However, note City Charter, § 98.

(46) "Subdivision plat." The final map or drawing upon which the subdivider's plan for subdivision of land is presented to the City Planning Commission for approval.

(47) "Variance." A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to physical conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(48) "Vicinity map." A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments, landmarks or community facilities, in order to better locate and orient the area in question.

(49) "Walkway." A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

(50) "Watershed." The drainage basin in which the subdivision drains, or that land whose drainage is affected by the subdivision.

(51) "Yard." A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided that accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

A. "Yard, front." A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

B. "Yard, rear." A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

C. "Yard, side." A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

1244.02 MINOR SUBDIVISIONS.

(a) Plat approval of a minor subdivision is not required if the proposed subdivision of a parcel of land meets all of the following conditions:

(1) A. The proposed subdivision is located along an existing public dedicated street or road and does not involve the opening, widening or extension of any street or road.

B. The proposed subdivision involves no more than five lots after the original tract has been completely subdivided. As used in this division, "completely subdivided" means a tract which is divided into as many lots as the subdivider intends for the tract.

C. The proposed subdivision is not contrary to applicable platting, subdividing, zoning, health, sanitary or rules governing household sewage treatment systems adopted under Section 3718.02 of the Ohio Revised Code.

(2) The further division of an original tract which has been previously divided into five lots requires the replatting of the original tract.

(3) Design standards, §§ 1246.02 and 1246.03, are to be met even though plat approval is not required when a minor subdivision meets the conditions described in divisions (a)(1) through (a)(3) hereof.

(b) Any person proposing to create a subdivision which meets all of the foregoing conditions shall submit the following information to the City Engineer for approval without a plat:

(1) Two copies of a survey drawing and legal description of the parcel or parcels involved, prepared by a licensed land surveyor. The survey shall indicate the following:

A. The location of the proposed subdivision, including the tract, boundaries, township, section, number, north arrow and scale;

B. The location of all existing streets on or abutting the parcel to be subdivided;

C. Lot lines, with width and depth dimensions in feet;

D. The location and dimensions of the original tract not subdivided into lots; and

E. Recording date, the names of recorded owners of the parcel to be subdivided, and the certification and seal of the licensed land surveyor to the effect that the survey made by him or her balances and closes and that all dimensions and geodetic details are accurate and correct.

F. Evidence of compliance that the proposed subdivision has been reviewed and approved by the Health Commissioner of the Shelby Health Department or Richland Public Health, whoever or whichever has jurisdiction.

(c) (1) After the City Engineer is satisfied that the proposed subdivision is not contrary to the conditions set forth in division (a) hereof, he or she shall give approval within seven working days after submission and, upon presentation of an instrument of conveyance for the parcel or parcels, shall stamp "Approved: No plat required" and shall sign the instrument. In the event the City Engineer is not satisfied that the proposed subdivision complies with these Regulations, then the applicant shall submit all required information to the City Planning Commission for review and consideration at its next regularly scheduled meeting. If the proposed subdivision is in accordance with these Regulations, the Commission shall approve the same and the Chairperson shall stamp and sign the instrument of conveyance as required above.

(2) The City Charter, § 98, requires a plat for any subdivision. The subdivider is advised to review the requirements of the Charter.

(d) Reference should be made to Appendix II, following the text of these Subdivision Regulations, for provisions and charts relative to minor subdivisions.

1244.04 PRELIMINARY PLAN STAGE.

The preliminary plan stage requires the subdivider to provide all information deemed necessary to enable the City Planning Commission to determine that the proposed layout is in conformity with these Regulations. This step also ensures that the subdivider will not be required to expend additional money without some indication that his or her final plat will be approved.

(a) *Application for preliminary plan approval.* The subdivider must submit an application for preliminary plan approval to the City Engineer's office or his or her representative, with copies as required by divisions (a)(1) and (a)(2) hereof. It is recommended that this plan be prepared by a person capable of furnishing all the data required by division (b) hereof.

(1) Two copies of the application for preliminary plan approval; and

(2) Five copies of a preliminary plan within the city (nine copies for a subdivision within the three-mile limit), prepared by a licensed land surveyor, along with a reproducible tracing.

(b) *Preliminary plan contents.* The preliminary plan shall be drawn at a minimum scale of 100 feet to the inch (one inch = 100 feet) and shall be drawn on one or more sheets no larger than 24 by 36 inches in size. When drawn on several sheets, an index sheet showing the entire subdivision and match points in each sheet shall be provided. The preliminary plan shall contain the following information:

(1) The name of the proposed subdivision (which shall not duplicate the name of another subdivision in Richland County);

(2) The location of the proposed subdivision by township, range, section, tract or other survey;

(3) The names, addresses and phone numbers of the property owner, the developer and/or the engineer or surveyor who prepared the preliminary plan;

(4) The scale of the plan, north point and the date of the survey;

(5) The boundary lines of the proposed subdivision, showing bearings, dimensions and acreage, based on available data;

(6) The location, right-of-way and pavement widths of all existing streets within and adjacent to the subdivision;

(7) The existing topography within the boundaries of the subdivision at an interval of two-foot contours;

(8) The location and extent of all significant physical features of the site, including watercourses, lakes (natural and man-made), marshes, tree coverage and other significant natural features;

(9) The location of all existing sewers, water lines, power transmission lines, pipelines and other utilities;

(10) The location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system;

- (11) The location, width and purpose of all other easements or rights-of-way;
- (12) The present zoning classification of the tract and adjacent parcels, and proposed zoning changes, if any;
- (13) The proposed arrangement of all lots, and the numbers and approximate dimensions of each lot;
- (14) Required building setback lines, with dimensions;
- (15) The location and size of all parcels to be reserved or dedicated for public use;
- (16) A development summary, including total acreage, number of lots, average lot size, and acres in streets, public sites and other public uses; and
- (17) A vicinity map, on or accompanying the plan, indicating the relationship of the proposed subdivision to existing subdivisions and existing and proposed thoroughfares, and the proposed connections between existing and proposed streets and roads.

(c) *Submission of preliminary plan.* Applications for tentative approval of the preliminary plat must be submitted to the City Engineer or his or her representative 21 days before the regularly scheduled Planning Commission meeting. The City Engineer or his or her representative will notify the Chairperson of the Planning Commission to place the proposed plan approval on the agenda of the next Planning Commission meeting.

(d) *Transmission of preliminary plan.* The City Engineer or his or her representative shall transmit copies of the preliminary plan to the City Planning Commission members, the City Health Commissioner, the Shade Tree Commission, Fire and Police Chiefs, and to school boards and utility departments or companies, as he or she deems necessary, for their review and comment. For subdivisions within the three-mile limit, additional copies shall be transmitted to the County Engineer, the County Health Department, the County Sanitary Engineer, the Richland County Regional Planning Commission and the appropriate township clerk.

(e) *Review of preliminary plan.* The City Planning Commission shall complete its review of the preliminary plan as well as comments from the other departments and agencies by or at the first scheduled Planning Commission meeting after the date of submittal of the application. The Commission shall inform the subdivider as to which city, county or consulting officials must be contacted by him or her to determine the extent and nature of the improvements required by these Regulations.

(1) Upon completion of the review, the action, recommendations and negotiation results of the Commission shall be noted on two copies of the preliminary plan, referenced and attached to any conditions determined. One copy shall be retained by the Commission and the other returned to the subdivider.

(2) Approval of the preliminary plan by the City Planning Commission is not an acceptance of the plan for record, but only an expression of approval of a general plan as a guide for the preparation of a final subdivision plat for approval and recording upon fulfillment of all requirements of these Regulations. Approval shall be effective for a maximum period of 12 months unless, upon application by the subdivider, the City Planning Commission grants an extension. If a final subdivision plat has not been submitted for approval within the time period, another preliminary plan must be submitted in accordance with these Regulations.

1244.05 FINAL SUBDIVISION PLAT STAGE.

(a) *Final subdivision plat required.*

(1) The subdivider, after receiving approval of the preliminary plan for the proposed subdivision, shall submit a final plat of the proposed subdivision and drawings and specification of all improvements required therein. The final plat shall have incorporated all of the changes required by the City Planning Commission in its review of the preliminary plan. Otherwise, it shall conform to the preliminary plan. The final plat may be submitted for approval in sections, provided that a preliminary plan has been approved for the entire subdivision. The final plat shall be prepared by a licensed land surveyor and supplementary improvement plans and specifications shall be prepared by a registered professional engineer.

(2) The following information shall be submitted to the City Planning Commission for final subdivision plat approval:

- A. Two copies of the application for final plat approval (see Subdivision Appendix VII, Sample Form No. 5, following the text of Chapter 1250 of these Subdivision Regulations);
- B. Five copies of the final subdivision plat and a reproducible tracing (nine copies if in the three-mile limit);
- C. Five copies of final plat improvement drawings;
- D. Two copies of protective covenants, if proposed;
- E. Two copies of performance guarantees approved by the City Law Director and reviewed by the City Engineer;
- F. A receipt indicating payment of plat filing fees (see § 1242.05); and
- G. Plan checking and field inspection fees (see § 1242.05).

(b) *Contents of final subdivision plat drawing.* The subdivision plat shall be drawn to a minimum of 18 by 24 inches and a maximum of 24 by 36 inches outside dimensions and shall be drawn at a minimum scale of 100 feet to one inch. When necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. When on several sheets, match points shall be shown. The subdivision plat shall show the following:

(1) *Identification.*

- A. The proposed name of the subdivision, the township, the tract and the original lot or section number;
- B. A location map at one inch = 2,000 feet (U.S.G.S.) scale, with a north arrow; and
- C. The name and address of the subdivider and the registered engineer and/or surveyor who prepared the plat, with appropriate registration numbers and seals.

(2) *Control points.* All dimensions, angles and bearings are to be referred to control points, the nearest established street line, section lines or other established points;

(3) *Lines and boundaries.* Centerlines and right-of-way lines of streets, easements and other rights-of-way; corporation lines; property lines of all lots and parcels, with distances; radii, arcs or chords and tangents of all curves (nearest one-hundredth of a foot), bearings or deflection angles (nearest second);

(4) *Streets.* Street names of each street within the proposed subdivision and those adjoining the subdivision; right-of-way width accurately shown with dimensions;

(5) *Building setback lines.* Building setback lines accurately shown with dimensions;

(6) *Lot identification.* Lots shall be numbered in consecutive order. When the subdivision is submitted in sections, lots shall be numbered consecutively as each section is submitted, whether or not the sections are contiguous;

(7) *Total site data.* Total site data shall include acreage and the number of lots in parks and other public uses;

(8) *Land for public use.* Show boundaries and identify the use of all parcels which are to be dedicated or reserved for public use or easements;

(9) *Monuments.* The location and description of those found, set or to be set;

(10) *Adjoining plats and owners.* The names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume and page of the Recorder's plat records;

(11) *Certification of survey.* Certification and seal by a licensed land surveyor to the effect that the plat represents a survey made by him or her which balances and closes, that monuments shown thereon exist or shall be set as shown, and that all dimensions and geodetic details are correct;

(12) *Certification by owners.* Notarized certification by the owner or owners of the subdivision that the streets and other public areas have been dedicated and that there are no unpaid taxes or special assessments against the land contained in the plat;

(13) *Notations.*

A. Certification of the City Engineer and City Law Director that performance guarantees, if required, for the construction of required improvements, have been provided.

B. Acceptance of dedication of streets, storm sewers, sanitary sewers, water lines and rights-of-way by the local governing body for its ownership and future maintenance.

C. Proper notations for transfer and record by the Richland County Auditor, the County Recorder and the tax map draftsman.

D. Approval of plat by the Chairperson of the City Planning Commission, the City Health Commissioner, and the City Engineer. If within the three-mile limit, include signatures of County Engineer, the County Sanitary Engineer, the County Health Department and the Director-Secretary of the Richland County Regional Planning Commission.

E. Acceptance of all areas of public use by the City Planning Commission or the Township Trustees. Where land is accepted for parks, the City Board of Park Commissioners shall be notified.

F. Certification of the Richland County Auditor that there are no delinquent taxes or delinquent special assessments against the land contained in the plat.

(14) *Protective covenants.*

A. If common property and/or improvements are a part of the plat, then the developer or persons seeking approval of the plat shall, prior to that approval, provide and submit to the Shelby Planning Commission copies of protective covenants, easements and documents to be recorded, providing for the ownership, maintenance, repair and financing of the common property and/or improvements. Reference to these protective covenants shall be included in all deeds conveying the lots and lands described within the subdivision plats.

B. The maintenance and repair of common property and/or improvements shall not be the responsibility of the public unless, by specific legislative enactment, the legislative authority accepts responsibility for the property or improvements.

(c) *Improvement plans and specifications.*

(1) Drawings showing cross-sections, profile, elevations, construction details and specifications for all required improvements shall be prepared by a registered professional engineer. The improvement plans shall be prepared in accordance with the design standards and required improvements set forth in Chapters 1246 and 1248 of these Regulations.

(2) If it becomes necessary to modify improvements as approved due to unforeseen circumstances, the subdivider shall inform the City Engineer in writing of the conditions requiring the modifications and shall receive written approval of the modifications.

(d) *Transmission of subdivision plat.* The Chairperson of the City Planning Commission shall transmit copies of the final plat to the same individuals and agencies who or which received the preliminary plan (see § 1244.04(d)).

(e) *City Planning Commission action.*

(1) The City Planning Commission shall approve or disapprove the final plat within 30 days after it has been filed. Failure of the Commission to act upon the final plat within that time shall be deemed to be approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of the record shall be forwarded to the subdivider. The Commission shall not disapprove the plat if the developer has done everything that was required and has proceeded in accordance with the conditions and standards specified in the approved preliminary plan. If disapproved, the subdivider shall make the necessary corrections and resubmit the plat within 30 days to the Commission for its final approval.

(2) Approval of a subdivision plat may be given in one of the two following ways:

A. Before construction of improvements. The City Planning Commission may give final approval before all required improvements are installed, provided that a construction agreement and performance bond or other guarantee or security acceptable to the City Law Director and the City Engineer, for the purpose of assuring installation of the improvements based on approved detailed engineering plans and an estimate approved by the City Engineer, is provided. Upon

receipt of the City Engineer's notification and determination that all the requirements of these Regulations have been met, the City Planning Commission shall give final approval and shall indicate that approval and the date on the tracing of the final subdivision plat, is provided.

B. After construction of improvements. After the subdivider has obtained conditional approval, as indicated in this section, and has installed all required improvements to the satisfaction of the City Engineer, the City Engineer shall certify that the improvements have been satisfactorily installed in compliance with the approved plans and the construction agreement. Upon receipt of the City Engineer's notification and determination that all the requirements of these Regulations have been met, the City Planning Commission shall give final approval and shall indicate that approval and the date on the tracing of the final subdivision plat.

1248.03 STREET AND UTILITY IMPROVEMENTS.

The improvement standards and specifications shall be as follows, except that any variations or additional requirements from these specifications, which may be required because of adverse site characteristics, will be determined by the City Engineer. All materials and construction methods shall be in accordance with the appropriate section of the current edition of the Ohio Department of Transportation specifications, herein abbreviated as ODOT, and Appendix 7, Standard Drawings. All streets and utility improvements, both public and private, shall conform to these specifications:

(a) *Streets and roads.* See Table 1 in § 1246.04.

(1) *Major and minor arterial thoroughfares.* The type and thickness of pavement will vary with design capacity, speed and loading. The developer will be responsible only for curbs and gutters and a maximum of 31 feet of pavement cost, as determined by the engineer of jurisdiction. Major and minor arterial thoroughfares shall be constructed from plans furnished by the engineer of jurisdiction and to the standards and specifications established therein.

(2) *Collector, commercial and industrial streets.*

A. The type and thickness of pavement shall be as follows:

1. Ten inches (ODOT 304) limestone base, bituminous prime and two and one-half inches of (ODOT 448-2) asphaltic concrete base surface and one and one-half inches of (ODOT 448-1) asphaltic concrete surface;

2. Four inches of (ODOT 304) limestone aggregate base, seven inches of (ODOT 301) asphaltic concrete base and two inches of (ODOT 448-1) asphaltic concrete surface;

3. Four inches of (ODOT 304) limestone, seven inches of (ODOT 452) portland concrete pavement designed to ODOT *Pavement Design and Rehabilitation Manual* requirements.

B. Six inch underdrains (ODOT 605) shall be installed on both sides of street for options A.1., A.2. and A.3.

(3) *Local residential; cul-de-sacs.*

A. The type and thickness of pavement shall be as follows:

1. Eight inches (ODOT 304) limestone base, bituminous prime and two and one-half inches (ODOT 448-1) asphaltic concrete surface;

2. Four inches (ODOT 304) and six inches of (ODOT 301) bituminous aggregate base and one and one-half inches of (ODOT 448-1) asphaltic concrete surface;

3. Four inches (ODOT 304) limestone, six inches (ODOT 452) portland concrete pavement designed to ODOT *Pavement Design and Rehabilitation Manual* requirements.

B. Six inch underdrains (ODOT 605) shall be installed on both sides of street for options A.1., A.2. and A.3.

(4) *Pavement drainage.*

A. Roadway ditches having a grade in excess of 2% shall have an approved type gutter using concrete, stone, sod or underground drainage, with sufficient inlet spaces at intervals.

B. All driveways where ditches are used shall be provided with a drive pipe having a minimum diameter of 12 inches and being a minimum of 20 feet long, or at least eight feet

longer than the width of the driveway. The invert of the pipe shall be 18 inches below the centerline of the pavement (C.M.P. or equal).

C. All street pavements shall slope from the crown to each gutter at three-sixteenths of an inch per foot minimum.

D. The subdivider shall show the cross-sections and centerline profile of all existing pavements and intersections and a profile at the stub end for future extensions of pavement and drainage.

(b) *Curbs and gutters.* Integral curbs may be constructed with concrete pavements. Curbs and gutters shall be constructed of portland cement (ODOT 609).

- (1) Gutter plate minimum width: 18 inches; minimum thickness: eight and one-half inches.
- (2) Minimum curb height: six inches (front); 13 inches (back).
- (3) Minimum curb width: six inches.
- (4) Type of material: concrete (see Appendix 7, Standard Drawings).

(c) *Driveways.*

(1) Minimum width: 18 feet at curb and ten feet at sidewalk. Minimum apron: four feet on each side of driveway.

(2) Type and thickness of base material: six inches plain concrete (ODOT 452), five inches (ODOT 301) plus one inch (ODOT 404) or eight inches (ODOT 304) plus two inches (ODOT 404) or equivalent.

(d) *Sidewalks.* Sidewalk provisions are specified in the Required Improvements Schedule set forth in § 1248.01, Table 2. Sidewalks shall be located two feet inside the street right-of-way lines.

- (1) Minimum width: five feet.
- (2) Minimum thickness: four inches.
- (3) Minimum thickness at driveways: six inches.
- (4) Material: plain portland concrete (class C).
- (5) Sidewalks shall be constructed pursuant to R.C. § 729.12 to provide ramped curbing.

(e) *Storm sewer systems.* Storm sewer systems and other drainage improvements shall be in accordance with the standards and specifications of, and subject to approval by, the City Engineer.

(f) *Electric lines.* In all subdivisions, electric current conductors may be buried as per § 1246.04 of these Regulations and as per power supplier specifications. Above ground pads for transformers will be permitted.

(g) *Gas mains.* Gas mains, when proposed, shall be installed in the green belt between the sidewalk and the curb, with a minimum 30-inch cover. Service lines shall be installed with a minimum 18-inch cover as per specifications of Columbia Gas of Ohio, Inc. Locations are to be approved by City Engineer.

(h) *Street name and traffic control signs.* Street name signs (to be provided by the developer) shall be installed at all intersections, and traffic-control signs (to be provided by the city) shall conform to ODOT standards.

- (1) Minimum size of sign: six inches high, 18 inches long.
- (2) Minimum height above ground: eight feet.
- (3) Sign plates: sign plates shall conform to standards set forth by the City Engineer.
- (4) Posts: sign posts shall conform to standards set forth by the City Engineer.

(i) *Water supply.*

(1) If the city water supply is not available, a water supply distribution system, if required, shall be designed, located and constructed in accordance with the requirements of the Ohio Environmental Protection Agency and city regulations.

(2) The following minimum standards and specifications shall apply:

A. Main size: eight inches in diameter (minimum).

B. Waterline material shall be as follows:

1. Ductile case iron water main specifications, ANSI-A21.52, Class 2, including mechanical joint fitting (AWWA-specification C153).

2. Polyvinyl chloride (PVC) water main specifications AWWA/ANSI C900 DR18, including mechanical joint fitting (AWWA-specification C153).

C. Fire hydrants shall be installed as follows:

1. Location: At each intersection and a maximum distance of 500 feet between hydrants.

2. Type of hydrant: city standard, with a six-inch gate valve on hydrant lead, per specification AWWA-C502.

D. Valves: 16-inch and larger: butterfly type; smaller than 16-inch: gate type.

E. Depth: four and one-half foot cover over water main (minimum).

F. Tap: One required for each residence as follows:

1. Three-quarter inch diameter, Type K copper, 160 pounds per square inch rating, ASTM D-2737, known as service pipe or municipal pipe that can be flared for use with compression fittings, or other equivalent material approved by the City Engineer.

2. Three-quarter inch corporation stop.

3. Three-quarter inch curb stop and box located at the right-of-way.

4. a. All waterlines shall be constructed in a continuous loop system meeting city and Ohio EPA regulations and specifications by connecting to new or existing water lines so that no line shall be a dead end; or

b. The developer must provide plans and calculations certified by an Ohio registered engineer demonstrating that the proposed extension will cause no decrease of flow or pressure for both domestic and fire flow supply situations from the point of the last documented continuous looping in the existing city's distribution system. Proposed plans must meet City of Shelby and Ohio EPA regulations and specifications.

c. In either case, plans and calculations must be approved by the Deputy Director of Public Services (Utilities Director), Water Superintendent and City Engineer.

5. Larger taps shall be approved by the Water Division and installed at the expense of the developer.

(j) *Sanitary sewers.*

(1) If the city sanitary sewer is not available, a sanitary sewer collection system, if required, shall be designed, located and constructed in accordance with the requirements of the Ohio Environmental Protection Agency and city regulations.

(2) The following minimum standards and specifications shall apply:

A. Main size: eight-inch diameter.

B. Material: PVC pipe, current ASTM C-425.

C. Pipe joints: premium current ASTM C-425.

D. House tap: one required for each lot to the right-of-way line, as follows:

1. Six-inch diameter minimum.

2. Installed by a "T" or "Y" connection method.

E. Manholes:

1. Wall sections: four-foot minimum diameter precast concrete, ASTM Designation C-478;
2. Joints between sections: ASTM Designation C-443;
3. Frame and cover: as approved by the City Engineer, or other approved equivalent;
4. Maximum distance between manholes: 400 feet (see Appendix 7, Standard Drawings).

(k) *Testing of water and sewer lines.* Testing of water lines and sanitary sewer lines after installation shall be done by the subdivider in accordance with the procedures and requirements of the City Engineer.

**FORM NO. 6
APPLICATION FOR MINOR SUBDIVISION APPROVAL**

Shelby, Ohio

Date _____ Application
Number _____

The undersigned applies for minor subdivision approval under Ohio R.C. 711.131 and certifies that all material submitted with this application is true and correct. Action must be taken within seven working days.

Signature _____

Address _____

Phone _____

Minor subdivision approval may be granted only under the following conditions:

1. The proposed subdivision is along an existing public road and involves no openings, widening or extension of any street.
2. No more than five lots are involved after the original parcel has been completely subdivided.
3. The subdivision is not contrary to applicable platting, subdividing or zoning regulations. A variance can only be requested before the entire Commission.
4. The property has been surveyed and a sketch and legal description are submitted.
5. Compliance with design standards, §§ 1246.02 and 1246.03, shall be made even though no plat is required.

Note: City Charter, § 98, requires a plat for any subdivision. The subdivider is advised to review the requirements of the Charter.

Section 2: That Form No. 8 (Affidavit of Compliance for Minor Subdivision) of Appendix VII (Sample Forms) be deleted in its entirety.

Section 3: That all other Sections of Title Four (Subdivision Regulations) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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

Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST:

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 14 -2019
(Sponsor: Councilmember Roub)

AMENDING CHAPTER 1024 (SIDEWALKS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, The Congress of the United States of America passed the American With Disabilities Act requiring facilities to be readily accessible to and usable by individuals with disabilities; and

WHEREAS, the current sidewalk ordinance for the City of Shelby is in need of some amendments for compliance of said act; 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 1024 (Sidewalks) be amended.

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

Section 1: That Chapter 1024 (Sidewalks) be amended to read as follows:

1024.01 CONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND GUTTERS.

Council may require the construction or repair of sidewalks, curbs or gutters within the city by the owners of lots or lands abutting thereon. Upon the failure of the owners to construct or repair the sidewalks, curbs or gutters within the time prescribed in the resolution adopted under 1024.02, Council may cause the sidewalks, curbs or gutters to be constructed or repaired and assess the total cost thereof against the lots or lands abutting thereon, notwithstanding the provisions of R.C. §§ 727.03 and 727.05.

1024.02 RESOLUTION OF NECESSITY; NOTICE.

(a) When it is deemed necessary by the city to require the construction or repair of sidewalks, curbs or gutters within the city by the owners of lots or lands abutting thereon, Council shall cause plans, specifications and an estimate of the cost of the construction or repair to be prepared, showing the location and dimensions of the sidewalks, curbs or gutters and the specifications for the construction or repair thereof, and to be filed in the office of the Clerk of Council. After the plans, specifications and estimates of cost have been so filed, Council may declare the necessity for the construction or repair of the sidewalks, curbs or gutters by the adoption of a resolution which shall:

(1) Approve the plans, specifications and estimate of cost of the proposed construction or repair on file as provided in this section;

(2) Describe the lots and lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired by the termini of the improvement or by street address;

(3) Set forth that the sidewalks, curbs or gutters shall be constructed or repaired by the owners of lots or lands abutting thereon in accordance with the specifications on file in the office of the Clerk of Council;

(4) Set forth the time within which the sidewalks, curbs or gutters shall be constructed or repaired by the owners of lots or lands abutting thereon, which shall not be less than 30 days from the date of service of notice under division (b) hereof on the owner of the lots or lands; and

(5) State that in the event that the sidewalks, curbs or gutters are not constructed or repaired by the owners of lots or lands abutting thereon in accordance with the plans and specifications and within the time prescribed in the resolution, the city will so construct or repair the sidewalks, curbs or gutters and assess the cost thereof against the lots and lands abutting thereon.

(b) Notice of the passage of a resolution of necessity under division (a) hereof shall be served by the Clerk of Council or a person designated by the Clerk upon the owners of lots or lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to the owner at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or

more of the owners cannot be found, the owners shall be served by publication of the notice once in a newspaper of general circulation within the city. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him or her shall be prima facie evidence of the service of notice under this section. The notice shall also set forth the place where the specifications governing the construction or repair of the sidewalks, curbs or gutters are on file and the time within which the owner of the lot or parcel of land may construct or repair the sidewalks, curbs or gutters and shall state that, in the event the owner does not construct or repair the sidewalks, curbs or gutters in accordance with the specifications, and within such time, the city will construct or repair the sidewalks, curbs or gutters and assess the costs thereof against the lot or land of the owner.

(c) Upon the expiration of the time within which sidewalks, curbs or gutters shall be constructed or repaired by the owner of the lots or lands abutting thereon as set forth in the resolution adopted under division (a) hereof, the sidewalks, curbs or gutters not constructed or repaired by the owners of the lots or lands abutting thereon shall be constructed or repaired by the city in accordance with the resolution and Council shall, upon the completion of the construction or repair, assess the cost thereof against the lots or lands abutting thereon.

(d) In anticipation of the collection of the cost of the construction or repair of the sidewalks, curbs or gutters from the owners of lots or lands abutting thereon, Council may provide for the issuance of bonds or notes and the proceeds thereof shall be used to pay for the construction or repair of the sidewalks, curbs or gutters.

(e) In all proceedings pertaining to the construction or repair of sidewalks, curbs or gutters under this section, sidewalks, curbs or gutters upon different streets abutting upon lots or lands owned by different owners may be included in the same resolution, notice, contract, ordinance or other proceeding.

(f) Any and all assessments for construction and/or repair made pursuant to this section shall be made as provided by the City Charter.

1024.03 DISTANCE FROM PROPERTY LINE.

On all new streets to be laid out in the city from August 1, 2019, all sidewalks shall be uniformly one foot from the property line of the properties abutting the streets.

1024.04 WIDTH ON CERTAIN STREETS.

The width of the sidewalks on the several streets and alleys hereinafter mentioned shall be as follows:

(a) On Main Street they shall be nine feet wide from the east side of Second Street west to The Ashland Railroad. From the railway west to West Street they shall be six feet wide; from West Street to the corporation line they shall be five feet wide.

(b) On Broadway they shall be eight feet wide from Main Street to Whitney Avenue; and north to the corporation line they shall be five feet wide; and from Main Street south to the corporation line they shall be a minimum of five feet wide.

(c) On Gamble Street they shall be eight feet wide from the south line of Inlot Nos. 13 and 16, north to Whitney Avenue; five feet wide from Whitney Avenue north to the corporation line; and from the south line of such Inlot Nos. 13 and 16, south to the corporation line, they shall be five feet wide.

(d) On all other streets, they shall be five feet.

(e) When sidewalks have heretofore been constructed on any of the above-mentioned streets of a less or greater width than is provided for in this section, the sidewalks shall remain such width until the same have to be rebuilt, when they shall be constructed to the width fixed herein by this chapter.

1024.05 MINIMUM WIDTH AND DEPTH.

On all new streets to be laid out in the city from August 1, 2019, all sidewalks shall be a minimum of five feet wide and four inches of concrete in depth.

1024.06 DEPTH OF SIDEWALKS AT PRIVATE DRIVES AND INTERSECTIONS.

On all new streets to be laid out in the city from August 1, 2019, all sidewalks at private drives and intersections shall be a minimum of six inches of concrete in depth.

1024.07 GRADE.

On all new streets to be laid out in the city from August 1, 2019, the grade of sidewalks shall be three-eighths of an inch per foot above the grade of the top of the curb. The cross slope of the sidewalk shall be one-quarter of an inch per foot.

1024.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than \$100 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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 T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 15 -2019
(Sponsor – Councilmember McLaughlin)

ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$100,000 OF BONDS BY THE CITY OF SHELBY, OHIO, FOR THE PURPOSE OF PAYING PART OF THE COST OF THE BLACK FORK COMMONS RESTROOM PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, this Council of the City of Shelby, Ohio (the “City”) has heretofore determined to make certain municipal recreation improvements known as the Black Fork Commons Restroom Project as requested by the City Park Board (the “Project”); and

WHEREAS, the Director of Finance and Public Record, as the fiscal officer of the City, has estimated that the life of the Project is at least five (5) years, and certified the maximum maturity of the bonds issued therefor is thirty (30) years; and

WHEREAS, this Council expects that the principal of and interest on such bonds (the “Debt Service Charges”) will be paid from the general revenues of the City (the “Revenues”); and

WHEREAS, an emergency exists, since the immediate preservation of the public peace, property, health, safety and welfare in the City requires the immediate issuance of such bonds to permit the orderly financing of the Project and so that the citizens of the City may enjoy the benefits of the Project at the earliest possible time.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING, THAT:

Section 1: It is hereby declared necessary to issue general obligation bonds of the City under the provisions of Chapter 133 of the Ohio Revised Code in the principal amount of \$100,000 (the “Bonds”) for the purpose of paying part of the cost of the Project, including “financing costs” as defined in Section 133.01 of the Ohio Revised Code. It is hereby determined that notes shall not be issued in anticipation of the Bonds.

Section 2: The Bonds shall be dated as determined by the Director of Finance and Public Record without further action of this Council, numbered from R-1 upwards in order of issuance, shall be of the denomination equal to the unpaid principal amount of the Bonds from time to time, shall bear interest at a rate not to exceed four and seventy-five hundredths percent (4.75%) per annum, payable each year on dates to be set forth in the Bonds, until the principal sum is paid, and shall mature in installments or be subject to mandatory sinking fund redemption at par plus accrued interest semi-annually over a period ending not later than December 31 of the third year following the date of the Bonds on dates to be set forth in the Bonds and in respective principal amounts permitted by law, all as determined by the Director of Finance and Public Record without further action of this Council, which determinations shall be conclusive.

The Bonds shall be callable for redemption prior to maturity at any time at the option of the City, in whole or in part, in inverse order of maturity, at a redemption price equal to the principal amount of the Bonds to be redeemed plus \$250, plus accrued interest to the redemption date.

If less than all of the outstanding principal amount of the Bonds is called for redemption, the registered holder of the Bond shall surrender the Bond to the Paying Agent and Registrar, as hereinafter defined, (a) for payment of the redemption price the portion of the Bonds called for redemption (including without limitation, the interest accrued to the date fixed for redemption and any premium), and (b) for issuance, without charge to the registered holder thereof, of a new Bond in a principal amount equal to the unmatured and unredeemed portion of the Bond surrendered.

Unless waived by the affected Bondholders, the notice of call for redemption of Bonds shall be given by the Paying Agent and Registrar on behalf of the City by mailing a copy of the redemption notice by certified mail, return receipt requested, at least 30 days prior to the date fixed for redemption, to the registered holder of each Bond subject to redemption in whole or in part at such registered holder’s address shown on the Bond registration records on the fifteenth

day preceding that mailing. Failure to receive notice by mailing or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Notice having been mailed in the manner provided above, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date and on such redemption date, interest on such Bonds or portions thereof so called shall cease to accrue; and upon presentation and surrender of such Bonds or portions thereof at the place or places specified in that notice, such Bonds or portions thereof shall be paid at the redemption price, including interest accrued to the redemption date.

Section 3: The Bonds shall be in fully registered form, shall bear the manual or facsimile signature of the Mayor and the manual signature of the Director of Finance and Public Record, which Director of Finance and Public Record is hereby designated as paying agent, registrar and transfer agent for the Bonds (the "Paying Agent and Registrar"), and shall be designated "Park Improvement Bonds (Black Fork Commons Restroom Project)". The Bonds shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of this ordinance. The final payment of Debt Service Charges on each Bond shall be payable at the designated office of the Paying Agent and Registrar, and all other Debt Service Charges thereon shall be made on each interest payment date to the person whose name appears on the record date (being the fifteenth day immediately preceding each interest payment date) on the Bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the designated office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during the 15-day period preceding any interest payment date or preceding any selection of Bonds to be redeemed, or after such Bond has been selected for partial or complete redemption, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same unpaid principal amount as the Bond surrendered will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

Section 4: The Bonds shall be full general obligations of the City, and the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the same. For the purpose of providing the necessary funds to pay the Debt Service Charges promptly when and as the same fall due, and also to provide a fund sufficient to discharge the Bonds at maturity or upon mandatory sinking fund redemption, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay interest upon the Bonds as and when the same falls due and also to provide a fund for the discharge of the principal of the Bonds at maturity or upon mandatory sinking fund redemption, which tax shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Constitution of Ohio, provided, however, that in each year to the extent that the Revenues or other moneys are available for the payment of that year's Debt Service Charges and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of the Revenues or other moneys so appropriated.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by then same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended or collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the Debt Service Charges when and as the same fall due.

Section 5: The Bonds are hereby sold, for not less than their par value and accrued interest, to U.S. Bank National Association, Fremont, in accordance with its offer to purchase the Bonds which is hereby accepted. The proceeds from the sale of the Bonds, except the premium and

accrued interest thereof, shall be used for the purpose of aforesaid and for no other purpose; and the premium and accrued interest received from such sale shall be transferred to the Bond retirement fund to be applied to the payment of the Debt Service Charges in the manner provided by law.

Section 6: This Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds of the Bonds hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage Bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder and will, to the extent possible, comply with all other applicable provisions of the Code and the regulations thereunder to retain the Federal income tax exemption for interest on the Bonds, including any expenditure requirements, investment limitations, rebate requirements or use restrictions. The Director of Finance and Public Record or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of the Code and regulations thereunder.

Section 7: The Bonds are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Code. This Council finds and determines that the reasonably anticipated amount of qualified tax-exempt obligations (other than private activity Bonds) which will be issued by the City during this calendar year does not and this Council hereby covenants that, during such year, the amount of tax-exempt obligations issued by the City and designated as "qualified tax-exempt obligations" for such purpose will not exceed \$10,000,000. The Director of Finance and Public Record and other appropriate officers, and any of them, are authorized to take such actions and give such certifications on behalf of the City with respect to the reasonably anticipated amount of tax-exempt obligations to be issued by the City during this calendar year and with respect to such other matters as appropriate under Section 265(b)(3).

Section 8: The Director of Finance and Public Record, as fiscal officer of the City, is hereby directed to forward a certified copy of this Ordinance to the County Auditor and to secure a receipt therefor.

Section 9: It is hereby determined and recited that all facts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make the same legal, valid and binding obligations of the City have happened, been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds.

Section 10: 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 11: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City for the reasons set forth and defined in the preambles to this Ordinance, and it shall take effect immediately upon its passage and approval by the Mayor.

PASSED: _____

Steven McLaughlin
Vice President of Council

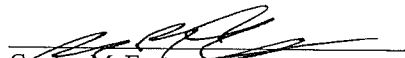
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

ORDINANCE NO: 16 -2019
(Sponsor: Councilmember McLaughlin)

AMENDING ORDINANCE, NO: 7-2019 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 18, 2019, 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 create a line item within the 2019 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 2019 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: 7-2019 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO CREATE AN EXPENDITURE LINE ITEM

| | | |
|------------------------|-------------------------------|--------------------|
| 250 – CDBG- 578 | Private Rehabilitation | \$15,000.00 |
|------------------------|-------------------------------|--------------------|

Section 2: That all other portions of Ordinance No.: 7-2019, 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. 27 -2019
(Sponsor – Councilmember McLaughlin)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, NOVEMBER 5, 2019, WITH REGARD TO WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH.

WHEREAS, by Resolution No. 16-2019 (passed April 15, 2019) 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 1 Mil 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 MAJORITY ELECTED THERETO CONCURRING:

Section 1: The Richland County Board of Elections is hereby directed to place upon the general election ballot of November 5, 2019, the question of whether 1 Mil 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

A renewal of a tax for the benefit of the City of Shelby for the purpose of GENERAL OPERATION OF THE SHELBY DEPARTMENT OF HEALTH at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for 5 years, commencing in 2020.

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 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. 28 -2019
(Sponsor – Councilmember McLaughlin)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION TO DETERMINE WHETHER 1 MILL SHALL BE LEVIED ON THE TAXABLE PROPERTY WITHIN THE CITY OF SHELBY FOR THE GENERAL OPERATION OF THE SHELBY PARKS DEPARTMENT.

WHEREAS, by Resolution No. 17-2019 (passed March 15, 2019) 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 1mill on each dollar of valuation of the taxable property within the City should be raised in order to operate the Shelby Parks Department; and

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

Section 1: The Richland County Board of Elections is hereby directed to place upon the general election ballot of November 5, 2019 the question of whether 1mill 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.

A renewal of a tax for the benefit of the City of Shelby for the purpose of GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS at a rate not exceeding 1 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for 5 years, commencing in 2020.

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 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