

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

Shelby City Council Agenda
Monday, June 4, 2018
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 21, 2018

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Safety Committee—Derrin Roberts

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 Present Fire Station

West Main Street Sewer Project

Resolution No 26-2018

Legislation

ORDINANCE NO 9-2018

**VACATING RAILROAD STREET AND A PORTION OF
SANDUSKY STREET WITHIN THE CITY OF SHELBY,
RICHLAND COUNTY, OHIO**

2ND READING

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

ORDINANCE NO 10-2018

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

2ND READING

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

ORDINANCE NO. 9 -2018
(Sponsors: Councilmember Gates)

**VACATING RAILROAD STREET AND A PORTION OF SANDUSKY STREET WITHIN
THE CITY OF SHELBY, RICHLAND COUNTY, OHIO.**

WHEREAS, on the 16th day of April 2018, the Council of the City of Shelby adopted Resolution No. 22-2018 declaring its intent to vacate Railroad Street and a portion of Sandusky Street; and

WHEREAS, notice of adoption of the above resolution has been given to the owners of property abutting said roadways effected by said resolution, notifying said property owners of the time and place at which objections could be presented to the Board of Revision of Assessments (pursuant to Section 105 of the Charter of the City of Shelby); and

WHEREAS, the Board of Revision of Assessments met on May 3, 2018 and voted to approve and recommend the vacation of Railroad Street and a portion of Sandusky Street; said hearing and procedure being in accordance with the provisions of Section 105 of the Charter of the City of Shelby, Ohio; and

WHEREAS, this Council is satisfied that there is good cause for vacating said roadways hereinafter described and that said vacation will not be detrimental to the general interest and public welfare.

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

Section 1: That Railroad Street and a portion of Sandusky Street as set forth in the plat and legal description as prepared by F.E. Krocka and Associates, Inc.- Nathan W. Sautter, Registered Surveyor on March 23, 2018 is hereby vacated.

Section 2: That Angela R. Phillips waived her rights to her half of Railroad Street by letter to the Shelby City Council dated February 22, 2018.

Section 3: That in accordance with Section 105 of the Charter of the City of Shelby, Ohio, the City shall retain any and all easements necessary for the maintenance of utilities currently located within said roadway.

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.

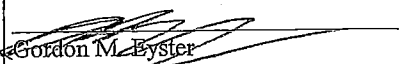
Section 5: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____
Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven Lifer
Clerk of Council
Steven L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

5/11/2018

ORDINANCE NO: 10 -2018
(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	\$0.0195

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	\$0.0176

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	\$0.0121
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:

$$1 + (.9 - \text{pf})$$

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	\$0.0082
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 81 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 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	\$0.0121

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.

(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 \$0.0062 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 200 kW. 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) *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.

(e) *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 D. McLaughlin
Vice President of Council

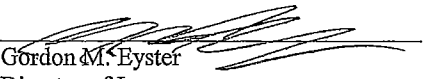
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Eyster
Director of Law

(Ord. 16-2001, passed 5-8-2001; Ord. 33-2001, passed 8-20-2001; Ord. 49-2003, passed 12-1-2003; Ord. 28-2004, passed 9-20-2004; Ord. 18-2005, passed 6-6-2005; Ord. 12-2006, passed 6-5-2006; Ord. 14-2008, passed 5-5-2008; Ord. 31-2008, passed 9-15-2008)