

**Community & Economic Development Committee
6:59pm-The Lord's Prayer & Moment of Silence**

**Shelby City Council Agenda
Monday, June 5, 2017
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.**

Call to Order and Pledge of Allegiance

Roll Call:

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

Dispense with Reading of Journal from May 15, 2017

Moved _____ 2ND _____

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

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

Legislation

ORDINANCE NO 11-2017

AMENDING SECTION 1044.07 (SANITARY SEWER CAPITAL IMPROVEMENTS SURCHARGE) OF CHAPTER 1044 (SEWER CHARGES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

2ND READING

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

ORDINANCE NO 13-2017

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

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

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

PASSAGE OF ORDINANCE

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

**ORDINANCE NO 14-2017 REPEALING ORDINANCE NO 10-2017 AND DECLARING
AN EMERGENCY**

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

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

PASSAGE OF ORDINANCE

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

**RESOLUTION NO 15-2017 AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SAFETY TO ENTER INTO AN AGREEMENT WITH THE
RICHLAND COUNTY COMMISSIONERS FOR THE
PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS**

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

Miscellaneous Business

Adjournment at _____ p.m.

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

ORDINANCE NO. 11 -2017
(Sponsor: Councilmember Martin)

AMENDING SECTION 1044.07 (SANITARY SEWER CAPITAL IMPROVEMENTS SURCHARGE) OF CHAPTER 1044 (SEWER CHARGES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Ordinance No. 28-2003 was passed on August 4, 2003, creating a sanitary sewer capital improvement surcharge for users of the municipal sanitary sewer system of the City of Shelby, Ohio; and

WHEREAS, there is currently an administrative surcharge in effect from January 1, 2015 through December 31, 2034 and the City desires to increase said surcharge for the purpose of financing of debt to remodel the wastewater treatment plant and also capital expenditures for equipment and maintenance of the plant; 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 1044.07 (Sanitary Sewer Capital Improvements Surcharge) of Chapter 1044 (Sewer Charges) be amended so that any inequity associated with the surcharge is resolved.

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

Section 1: That Section 1044.07 (Sanitary Sewer Capital Improvements Surcharge) of Chapter 1044 (Sewer Charges) shall be amended so as to read as follows:

1044.07 SANITARY SEWER CAPITAL IMPROVEMENTS SURCHARGE.

(a) "Residential" customers who are billed in accordance with the terms of this chapter shall pay a surcharge of Nine and 29/100 (\$9.29) per month. This charge shall be shown on the billing statement and shall be designated for the Sanitary Sewer Capital Improvement Fund.

(b) "Senior citizen residential" customers who are billed in accordance with the terms of this chapter shall pay a surcharge of Three and 50/100 Dollars (\$3.50) per month. This charge shall be shown on the billing statement and shall be designated for the Sanitary Sewer Capital Improvement Fund.

(c) "Commercial" customers who are billed in accordance with the terms of this chapter shall pay a surcharge of Twelve and 29/100 (\$12.29) per month. This charge shall be shown on the billing statement and shall be designated for the Sanitary Sewer Capital Improvement Fund.

(d) "Industrial customers who are billed in accordance with the terms of this chapter shall pay a surcharge of Fourteen and 29/100 (\$14.29) per month. This charge shall be shown on the billing statement and shall be designated for the Sanitary Sewer Capital Improvement Fund.

(e) Any individual or business entity that is using the Municipal Sanitary Sewer System of the City of Shelby, Ohio, shall be billed for the Sanitary Sewer Capital Improvement Fund surcharge in accordance with the terms of divisions (a) through (d) of this section. In the case of individuals or business entities whose sanitary sewer usage or consumption is not separately metered and who, therefore, receive no sanitary sewer billings, the appropriate charge for the Sanitary Sewer Capital Improvement Fund shall be added to their utility bill, unless their water service has been shut off by the city, and where there is only one water meter in a structure with multiple living units, the main water meter will have to be shut off to receive no bill for the separate living units.

(f) Monies shall be collected for a maximum of Twenty (20) years (January 1, 2015 to December 31, 2034) and will be reviewed annually by Shelby City Council to determine the continued need for collection. The new rates will begin with the July 2017 bills and will be shown on the August 2017 billings.

Section 2: All remaining sections of Chapter 1044 (Sewer Charges) 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

ORDINANCE NO: 13 -2017
(Sponsor: Councilmember McLaughlin)

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

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

WHEREAS, it is necessary to increase the line item within the 2017 budget and to fund said line item with previously unappropriated monies; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these additional appropriations be made effective so as to balance the books for the calendar year 2017 and so as to fund necessary expenditure and/or projects.

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

Section 1: The Ordinance No: 8-2017 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

502 – WCI - 490 HYDRANTS \$20,000.00

Section 2: That all other portions of Ordinance No.: 8-2017, not modified expressly herein, shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.21, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby, Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

ORDINANCE NO. 14-2017
(Sponsor: Councilmember Martin)

REPEALING ORDINANCE NO. 10 - 2017 AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance and Public Record inadvertently used the wrong information from the original loan amortization schedule on file in his office to determine the date of the final payment of the loan used to fund the Shelby "Water Treatment Plant Construction Fund" and improvements; and

WHEREAS, Ordinance NO. 10-2017 was drafted and consequently enacted, based upon incorrect information; and

WHEREAS, the final loan payment pertaining to the "Water Treatment Plant Construction Fund" is January 1, 2021; 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 Ordinance 10-2017 be repealed.

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

Section 1: That Ordinance NO. 10-2017 shall be and is hereby repealed.

Section 2: That the Shelby Utility Office shall continue to collect the "Water Treatment Plant Construction Fund" rate as set forth in Section 1040.05 of the Codified Ordinances of Shelby, pursuant to Ordinance 36-2004.

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

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

PASSED:

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST:

Steven Lifer
Director of Finance

Steven L. Schag
Mayor

Prepared by:

Gordon Byster
Director of Law

RESOLUTION NO: 15-2017
(Sponsor Councilmember: Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS FOR THE PAYMENT OF LEGAL COUNSEL FEES FOR INDIGENTS.

WHEREAS, the City recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with serious offenses and loss of liberty offenses in its Municipal Court; and

WHEREAS, the City in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the City's indigent citizens and others so situated; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety be authorized to enter into an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents, and

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents.

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

Section 3: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law