

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

Shelby City Council Agenda
Monday, May 15, 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 1, 2017

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

Proclamations

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

West Main Street Sanitary Sewer

Timetable for hiring a new Police Officer and Firefighter

80 Broadway

Legislation

**AMENDED ORDINANCE NO 9-2017 AMENDING SECTION 1050.02 (RATES AND
CHARGES FOR SERVICE) OF CHAPTER 1050
ELECTRICITY OF THE CODIFIED ORDINANCES
OF THE CITY OF SHELBY, OHIO**

3RD READING

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 10-2017

**AMENDING SECTIONS 1040.05 RULES 33, 33A, AND 34) OF
CHAPTER 1040 (WATER) OF THE CODIFIED
ORDINANCES OF THE CITY OF SHELBY, 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. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

PASSAGE OF ORDINANCE

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

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**

1ST READING

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

ORDINANCE NO 12-2017

**AUTHORIZING AND DIRECTING THE SHELBY UTILITY
DEPARTMENT TO PAY UP TO SIX HUNDRED SIXTY
THOUSAND DOLLARS (\$660,000.00) TO AMERICAN
MUNICIPAL POWER FOR PAYMENT OF FUNDS OWING
THEM FOR THE AMPGS 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. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____

PASSAGE OF ORDINANCE

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

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

RESOLUTION NO 16-2017

**APPROVING THE PLANS AND AUTHORIZING THE
MAYOR AS DIRECTOR OF PUBLIC SERVICE TO
ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT
FOR THE CITY OF SHELBY PROGRESS DRIVE
GENERATION STATION PROJECT**

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

AMENDED ORDINANCE NO: 9-2017
(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:

Section1: 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	\$0.0255

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	\$0.023

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	\$0.0159
5.	Demand charge all kWh	\$6.07

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 12 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	\$0.0107
4.	Demand charge all kWh	\$3.24

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 62 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:

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

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	\$0.0158

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").

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

(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 *(subject to Council approval)*

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

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

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

(3) New commercial customers shall employ at least two (2) employees. Existing commercial customers shall add at least two (2) additional employees.

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

(5) Shall be classified as manufacturing, warehousing, distribution, information and technology, finance, insurance, professional, scientific services, administrative services, educational services, health care services, lodging, food services, and etc.

(6) New or existing customers shall pay a minimum \$2000 annual income tax contribution to the City of Shelby.

(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 less \$0.010, minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax.

Year 2 – Wholesale Quarterly Fuel & Purchase Power cost less \$0.0075, minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax.

Year 3 – Wholesale Quarterly Fuel & Purchase Power cost less \$0.005, minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax.

Year 4 – Wholesale Quarterly Fuel & Purchase Power cost less \$0.0025, minimum demand charge, generation charge, distribution charge, customer charge, and kWh tax.

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

Year 6 - current retail rate

(4) The Director of Public Service or his/her designator shall have the right to terminate a customer's economic development incentive rate before the full term for just cause.

(5) The Director of Public Service or his/her designator 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.

(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.

(d) *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

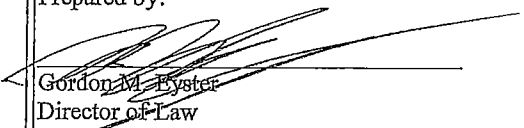
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Ryster
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)

ORDINANCE NO. 10-2017
(Sponsor: Councilmembers Martin)

AMENDING SECTIONS 1040.05 (RULES 33, 33A, AND 34) OF CHAPTER 1040 (WATER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 42-2000 implemented a charge for the 'Water Treatment Plant Construction Fund'; and

WHEREAS, Ordinance 36-2004 amended Ordinance 42-2000 and the same is no longer necessary as all improvements have been completed; and

WHEREAS, it is in the best interest of the citizens of the City of Shelby that the City no longer collect said fee from Rate Payers; 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 1040 (Water) of the Codified Ordinances of the City of Shelby be amended, revised, and updated.

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

Section 1: That the "Water Treatment Plant Construction Fund" rate change set forth in Section 1040.05 shall be and is hereby rescinded.

Section 2: That the Shelby Utility Office shall no longer collect said fee, effective for the July billing cycle and thereafter.

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 is hereby deemed an emergency and 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. 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. Byster
Director of Law

ORDINANCE NO. 12-2017
(Sponsor: Councilmember Martin)

AUTHORIZING AND DIRECTING THE SHELBY UTILITY DEPARTMENT TO PAY UP TO SIX HUNDRED SIXTY THOUSAND DOLLARS (\$660,000.00) TO AMERICAN MUNICIPAL POWER FOR PAYMENT OF FUNDS OWING THEM FOR THE AMPGS PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, The City of Shelby entered into a contract with American Municipal Power (AMPGS Project) for the use of a Generation Station pursuant to Resolution 52-2007; and

WHEREAS, the Generation Station failed and the project was terminated in November 2009; and

WHEREAS, litigation pursued between AMP and its participants, including the City of Shelby, in both Federal and State Court; and

WHEREAS, it has been determined, pursuant to said litigation, the City of Shelby owes Six Hundred Fifty Thousand Seven Hundred Eleven dollars (\$650,711.00) as of March 2017, and for which interest is accruing; 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 Shelby Municipal Utilities Department make payment in full to avoid further litigation and interest.

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

Section 1: That the Council for the City of Shelby hereby directs the Director of Finance to pay all sums due under the AMPGS project which total Six Hundred Fifty Thousand Seven Hundred Eleven dollars (\$650,711.00) as of March 2017 from the Electric fund.

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, Ohio.

Section 3: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual obligation 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 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

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. Eyster
Director of Law

RESOLUTION NO. 16-2017
(Sponsor: Councilmember Martin)

APPROVING THE PLANS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE CITY OF SHELBY PROGRESS DRIVE GENERATION STATION PROJECT.

WHEREAS, The City of Shelby is desirous of building a generation station; and

WHEREAS, plans and specifications have been prepared for said project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to advertise for bids and enter into a contract for the improvements herein above described.

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

Section 1: That the Council for the City of Shelby hereby approves the plans and specifications for the Progress Drive Generation Station Project and the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the project

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

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

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law