

The City Record

Official Municipal Bulletin - Shelby Ohio

Legislative Update 2019



Current Council

[Mayor Steven Schag](#), President of Council, (419) 347-5131

[Finance Director Steven Lifer](#), Clerk of Council, (419) 342-5885

[Law Director Gordon Eyster](#) (419) 342-4261

Councilmembers:

At-Large: [Steven McLaughlin](#), (419) 566-8528 - stevemclaughlin@shelbycity.oh.gov

First Ward: [Charles Roub Jr](#), (419) 347-6676 - charlesroub@shelbycity.oh.gov

Second Ward: [Derrin Roberts](#), (419) 961-3116 - derrinroberts@shelbycity.oh.gov

Third Ward: [Garland John Gates](#), (419) 347-3337 - garlandgates@shelbycity.oh.gov

Fourth Ward: [Nathan Martin](#), (567) 275-2525 - nathanmartin@shelbycity.oh.gov

ORDINANCE NO. 26-2018
(Sponsor: Councilmember Gates)

CORRECTING AN ERROR ON THE SHELBY ZONING DISTRICTS MAP.

WHEREAS, the official Zoning Districts Map of the City of Shelby contains an error in that it places the property at 100 North Gamble Street in the R-2 Residential District; however, said property has been used for commercial purposes since circa 1960; 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 said error be corrected.

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

Section 1: That the official Zoning Districts Map of the City of Shelby be corrected to place the property located at 100 North Gamble Street (Richland County Parcel Numbers: 046-08-104-13-000 and 046-08-104-12-000) in the B-3 Highway Service Business District.

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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

1st Reading
10/15/2018
2nd Reading
11/5/2018
Referred to
Planning Comm
11/19/2018

passed
1-7-19

12/3/2018

AMENDED ORDINANCE NO. 31-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, and Roberts)

ENACTING CHAPTER 625 OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

WHEREAS, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

WHEREAS, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

WHEREAS, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

WHEREAS, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

WHEREAS, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

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

Section 1: That Chapter 625 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

"625.01 DEFINITIONS.

- (a) "Academic medical center" has the same meaning as in section 4731.297 of the Ohio Revised Code.
- (b) "Marijuana" has the same meaning as defined in section 3719.01 of the Ohio Revised Code.
- (c) Medical marijuana has the same meaning as found in 3796.01 of the Ohio Revised Code.
- (d) "State university" has the same means as in section 3345.011 of the Ohio Revised Code.
- (e) Manufacture has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (f) Cultivate has the same meaning as found in 2925.01 of the Ohio Revised Code.
- (g) Dispense has the same meaning as found in 2925.01 of the Ohio Revised Code.

Passed
1-7-19

625.02 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA PROHIBITED.

(a) The cultivation, manufacture, or retail dispensing of medical marijuana within the City of Shelby is prohibited.

(b) This section does not prohibit research related to marijuana at a state university, academic medical center, or private research and development organizations as part of a research protocol as approved by an institutional review board or equivalent entity, if otherwise permitted by State law or rule, or local ordinance.

(c) Whoever violates section (a) is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense."

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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

AMENDED ORDINANCE NO. 32-2018

(Sponsors: Councilmen Roub, McLaughlin, Martin, and Roberts)

ENACTING SECTION 1296.17 OF THE ORDINANCES OF THE CITY OF SHELBY (PROHIBITION OF MEDICAL MARIJUANA PROCESSING, CULTIVATION, AND RETAIL DISTRIBUTION WITHIN THE CITY OF SHELBY)

WHEREAS, Substitute H. B. 523 was signed into law by Governor Kasich and became effective on September 8, 2016; and

WHEREAS, pursuant to Home Rule authority found in Article XVIII of the Constitution of the State of Ohio, the city Charter, and the Ohio Revised Code, municipalities have the inherent power to enact among others, zoning, and business regulations that further the health, safety and peace of its citizens by restricting, prohibiting and/or regulating certain businesses; and

WHEREAS, it has been affirmed by ORC 3796.29 that municipalities may adopt restrictions including prohibition against cultivators, processors, and distributors of medical marijuana within their jurisdictions, or limiting the number thereof; and

WHEREAS, marijuana (cannabis) remains classified as a Schedule I controlled substance under the Federal Controlled Substances Act, making it a violation of federal law to possess, manufacture, or distribute marijuana; and

WHEREAS, because the manufacture, possession, and distribution of marijuana are prohibited under federal law, banks, and other financial service providers are prohibited from conducting business from known marijuana enterprises; and

WHEREAS, the inability to bank the large amounts of cash resulting from sales, and the large amounts of cash carried by customers invites the opportunity for crimes such as robbery, burglary, theft, money laundering, tax evasion, and other crimes; and

WHEREAS, due to the above threats to the public health, safety, and the general welfare of the citizens of the City of Shelby, Ohio, and the continued federal classification as a Schedule I drug the cultivation, processing, and retail dispensing of marijuana for medical purposes shall not be permitted within the City of Shelby.

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

Section 1: That Section 1296.17 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

" 1296.17 CULTIVATION, PROCESSING, OR RETAIL DISPENSING OF MEDICAL MARIJUANA IS PROHIBITED IN ALL ZONING DISTRICTS.

- (a) The cultivation, manufacture, or retail dispensing of medical marijuana shall be a prohibited use in all zoning districts of the City of Shelby.
- (b) Use of property in violation of this section shall constitute a nuisance.
- (c) In addition to other penalties provided by law, the Director of Law shall be authorized to institute civil proceedings in a court of competent jurisdiction to enjoin violations of this Section; for monetary damages arising from violations of this Section; and to take all actions necessary to secure enforcement of any injunction and collect upon any award, judgment, or fine in contempt levied in relation to a violation of this Section."
- (d) Cultivate, manufacture, and dispense have the same meaning as found in 2925.01 of the Ohio Revised Code.

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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed
1-7-19*

ORDINANCE NO. 2 -2019
(Sponsor – Councilmembers Martin and Gates)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO CONTRACTS WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2492, AND DECLARING AN EMERGENCY.

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Association of Firefighters, Local 2492, as the bargaining representatives for certain employees of the Fire Department; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement(s).

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 Mayor is hereby authorized and directed to enter into agreement(s) with the International Association of Firefighters, Local 2492 on behalf of certain employees of the Fire Department, a copy of the agreement(s) is/are attached hereto and made a part hereof as though fully rewritten herein.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

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
1-7-19*

RESOLUTION NO. 1-2019
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE 2019 MOSQUITO CONTROL GRANT FOR THE CONTROL OF MOSQUITOES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for the controlling of mosquitoes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program for controlling of mosquitoes; 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 of City of Shelby apply for a Mosquito Control Grant.

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

Section 1: That the City of Shelby Council approves an application for financial assistance for the controlling of mosquitoes.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Environmental Protection Agency and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project.

Section 4: 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 5: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*passed
1-7-19*

RESOLUTION NO. 2-2019
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE NORTH BROADWAY STORM SEWER PROJECT.

WHEREAS, it has become necessary to install storm sewer lines on the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to acquire rights of easement for the installation of a storm sewer line.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to acquire rights of easement for the installation of a storm sewer line for the North Broadway Storm Sewer Project as prepared by Nathan Sautter, Ohio Registered Surveyor No. 8252 on December 5, 2018.

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

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

*Passed
1-7-19*

RESOLUTION NO. 3 -2019
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF THIRTY-THREE THOUSAND NINE HUNDRED FIFTY-TWO AND 04/100 DOLLARS (\$33,952.04) AS AN INCREASE.

WHEREAS, the City of Shelby has entered into a contract with North Bay Construction, Inc. for the Waste Water Treatment Plant Improvement Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #26; 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 this change order be approved.

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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into Contract Change Order with North Bay Construction, Inc. for the total amount of Thirty-Three Thousand Nine Hundred Fifty-Two and 04/100 Dollars (\$33,952.04) as an increase.

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
1-7-19*

RESOLUTION NO. 4 -2019
(Sponsor- Councilmember Martin)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2019 PAVING PROJECT, WITHIN THE CITY OF SHELBY, OHIO.

WHEREAS, plans and specifications have been completed for the 2019 Paving Project; and

WHEREAS, various residential streets within the City of Shelby are in need of paving; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said improvements be made to said streets within the City of Shelby.

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

Section 1: That the plans and specifications for the 2019 Paving Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said paving project.

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
1-22-19*

RESOLUTION NO. 5 -2019
(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 NORTH BROADWAY STORM SEWER PROJECT.

WHEREAS, it has become necessary to install a new storm sewer line in the City's system; and

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

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

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

Section 1: That the plans and specifications are approved and that the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for the North Broadway Storm Sewer Project.

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

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

*Passed
1-22-19*

2nd Reading
1/21/2019

ORDINANCE NO. 35 -2018
(Sponsor - Councilmember Gates)

AMENDING SECTION 1028.01 (PETITION REQUIRED; FILING FEE) OF CHAPTER 1028 (VACATION OF STREETS AND ALLEYS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, at present, the expense of a plat and description regarding the vacation of a street or alley is borne by the City of Shelby's General Fund; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that said expense be borne by the petitioner(s) requesting said vacation.

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

Section 1: That Section 1028.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

1028.01 PETITION REQUIRED; FILING FEE.

(a) Any adjoining property owner who desires the vacation of a street or alley shall file with the Clerk of Council a petition requesting the same. This petition shall read substantially as follows:

PETITION TO VACATE STREET OR ALLEY

To the Council of the City of Shelby, Ohio:

We, the undersigned owners of lots in the City of Shelby, Richland County, Ohio, abutting on the street or alley hereinafter described, to wit: *(insert an adequate description of the street or alley proposed to be vacated and attach a plat and description prepared by a registered surveyor showing the street or alley)*

respectfully petition that the street or alley be vacated between the points aforesaid for the following reason(s):

We state that the vacation will not be detrimental to the general interests of the citizens of the City of Shelby. We acknowledge that the vacation will be subject to the provisions of Ohio R.C. Section 723.041, wherein a permanent easement in the vacated street or alley will be retained by and for the benefit of the city and other public utilities.

WARNING!

Sign only your own name upon this petition. Signing another person's name constitutes a violation of law and may invalidate this petition. If you have the legal authority to sign on behalf of another, such as a guardianship or a power of attorney, attach a copy of your legal authority to this petition.

NAME ADDRESS PHONE LOT NUMBER(S)

CIRCULATOR'S STATEMENT

I, _____, declare under penalty of law that I reside at the address appearing below my signature hereto; that I am the circulator of the foregoing petition containing _____ (number) signatures; that I witnessed the affixing of every signature; that all signers are to the best of my knowledge qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

(signature of circulator)

(residence address of circulator)

CERTIFICATE OF VALIDITY

*Patrol
1-22-19*

I, the undersigned, being the duly elected and qualified Director of Finance and Public Record, and ex officio Clerk of Council, do hereby certify to the Council of the City of Shelby that I have reviewed and examined the foregoing petition and find the same to be sufficient and valid.

Director of Finance and Public Record

(b) The petition shall contain the signatures of not less than 51% of the adjoining property owners. A filing fee of \$150 to cover the costs of notification, publication, recording and other direct costs shall accompany the petition and shall be deposited into the General Fund. The Clerk of Council shall determine the validity and sufficiency of the petition and shall certify the same to City Council in writing no later than the second regular Council meeting after its filing.

Section 2: That all other sections of Chapter 1028 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.

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.

1/22/2019

ORDINANCE NO. 1 -2019
(Sponsor – Councilmembers Gates, Martin and Roub)

AMENDING SECTIONS 258.01 (SALARIES OF MEMBERS OF COUNCIL), 258.02 (SALARY OF THE MAYOR), 258.03 (SALARY OF THE DIRECTOR OF LAW), AND 258.04 (SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD) OF CHAPTER 258 (ELECTED OFFICIALS' SALARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 6 of the Charter of the City of Shelby mandates that the salaries of all elected officers shall be fixed by the outgoing Council not later than February 15 in the odd numbered years; and

WHEREAS, currently, Chapter 258 (Elected Officials' Salaries) contains no provision for compensation for elected officials whose terms begin in 2020; 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 258 be amended so as to provide compensation for elected officials whose terms begin in 2020.

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

Section 1: That Chapter 258 of the Codified Ordinances of the City of Shelby be amended to read as follows:

258.01 SALARIES OF MEMBERS OF COUNCIL.

(a) Effective January 1, 2018, through January 6, 2020, the salary for each member of City Council shall be \$7,415 annually, to be paid biweekly.

(b) Effective January 6, 2020, through January 3, 2022, the salary for each member of City Council shall be \$7,920 annually, to be paid biweekly.

258.02 SALARY OF THE MAYOR.

(a) Effective January 1, 2019, through December 31, 2019, the salary for the Mayor shall be \$59,624 annually, to be paid biweekly.

(b) Effective January 1, 2020, through December 31, 2020, the salary for the Mayor shall be \$67,169 annually, to be paid biweekly.

(c) Effective January 1, 2021, through December 31, 2021, the salary for the Mayor shall be \$68,512 annually, to be paid biweekly.

(d) Effective January 1, 2022, through December 31, 2022, the salary for the Mayor shall be \$69,882 annually, to be paid biweekly.

(e) Effective January 1, 2023, through December 31, 2023, the salary for the Mayor shall be \$70,581 annually, to be paid biweekly.

258.03 SALARY OF THE DIRECTOR OF LAW.

(a) Effective January 1, 2019, through December 31, 2019, the salary for the Director of Law shall be \$46,462 annually, to be paid biweekly.

(b) Effective January 1, 2020, through December 31, 2020, the salary for the Director of Law shall be \$47,856 annually, to be paid biweekly.

(c) Effective January 1, 2021, through December 31, 2021, the salary for the Director of Law shall be \$48,813 annually, to be paid biweekly.

(d) Effective January 1, 2022, through December 31, 2022, the salary for the Director of Law shall be \$49,789 annually, to be paid biweekly.

(e) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Law shall be \$50,287 annually, to be paid biweekly.

*Passed
2-4-19*

258.04 SALARY OF THE DIRECTOR OF FINANCE AND PUBLIC RECORD.

(a) Effective January 1, 2019, through December 31, 2019, the salary for the Director of Finance and Public Record shall be \$56,707 annually, to be paid biweekly.

(b) Effective January 1, 2020, through December 31, 2020, the salary for the Director of Finance and Public Record shall be \$58,408 annually, to be paid biweekly.

(c) Effective January 1, 2021, through December 31, 2021, the salary for the Director of Finance and Public Record shall be \$59,576 annually, to be paid biweekly.

(d) Effective January 1, 2022, through December 31, 2022, the salary for the Director of Finance and Public Record shall be \$60,768 annually, to be paid biweekly.

(e) Effective January 1, 2023, through December 31, 2023, the salary for the Director of Finance and Public Record shall be \$61,376 annually, to be paid biweekly.

Section 2: That all other sections of Chapter 258 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.

ORDINANCE NO: 4 -2019
(Sponsors: Councilmembers Gates and Roberts)

DETERMINING THAT CERTAIN REAL PROPERTY AND BUILDING OWNED BY THE CITY OF SHELBY BE LEASED AND DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO, INC., AS THE CITY'S AGENT IN THE LEASE AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby owns a parcel of land with a building within the City available for lease, and which is more particularly described in the attached Exhibit 1; and

WHEREAS, the Charter of the City of Shelby provides, in Section 1, that the City may acquire property in fee simple or lesser interest and may sell, convey, lease, hold, manage, and control such property; and

WHEREAS, Ohio Revised Code Section 1724.10 authorizes the Council to designate the Community Improvement Corporation of Shelby, Ohio, Inc., as its agent for the sale or lease of lands which have been determined not to be required by the political subdivision for its purposes; and

WHEREAS, the lease of the property and building described in the attached Exhibit 1 will promote the welfare of the people of the City of Shelby; and

WHEREAS, Ohio Revised Code Section 1724.10 allows for the sale or lease of real property that will promote the welfare of the people 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 this property and building be leased and that the Community Improvement Corporation of Shelby, Inc., be designated the agent for the City for the lease of the property.

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

Section 1: That the property and building attached hereto as Exhibit 1 shall be leased.

Section 2: That the City designates the Community Improvement Corporation of Shelby, Ohio, Inc. (CIC) as its agent in the lease of the above described real property and building in accordance with Ohio Revised Code 1724.10(B), subject to the following conditions:

- a. Said lease shall terminate on or before October 13, 2019.
- b. The CIC's charge for services pursuant to Ohio Law shall be no greater than 2% of the total leased payments.

*Passed
2-4-19*

- c. Any Lessee shall obtain a Certificate of Insurance naming the City as an "Additional Insured." Further any Lessee shall, prior to occupancy, provide the City with a copy of an endorsement of insurance which provides the following minimum amounts of insurance: \$1M/\$2M General Liability limits; \$1M Automobile limits; \$1M/\$1M/\$1M Employers Liability limits; and Workers Compensation coverage.
- d. Any Lessee, as part of any lease agreement, shall indemnify, pay, and hold harmless the City from any and all injuries occurring on the leased premises. Further, any Lessee shall waive any rights of subrogation as it relates to the leased premises and the City.
- e. Any lease agreement shall provide the Lessee shall maintain and repair the leased premises for any damage to the property for any amount less than \$2,000.00; and further that should any building leased hereunder be damaged in excess of \$2,000.00, the City, in its sole discretion shall have the right to immediately

terminate any Lease agreement, without compensation to the Lessee, who shall immediately vacate the premises.

- f. Should City elect to sell the leased premises, City may, with 30 days notice to any lessee terminate the lease agreement, whereupon Lessee shall immediately vacate the premises, without compensation.

Section 3: That the Director of Finance and Public Record shall deposit any lease payments into the General Fund.

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.

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

Mayor Steven L. Schag

ANNUAL REPORT TO COUNCIL

State of the City

February 4, 2019

Today I am delighted to communicate to you that the state of the City is very strong and fiscally sound. The year 2018 was marked by adaptations, additions, and accomplishments. We are entering the new year with a great deal of monetary momentum and justified optimism. Shelby is in this blessed Municipal condition as a result of careful planning, discipline and willing partnerships all across the board.

Once again, it has been my privilege and pleasure to work closely with Finance Director Steven Lifer, Law Director Gordon Eyster, Project Coordinator Joe Gies, Deputy Director of Finance Amber Cutlip, Deputy Director of Public Service John Ensman, City Hall Staff, Police Chief Lance Combs, Fire Chief Mike Thompson and the dedicated members of Shelby City Council, namely: Councilman Charlie Roub, Councilman Derrin Roberts, Councilman Garland John Gates, Councilman Nathan Martin, and Councilman Steve McLaughlin.

President Reagan was wont to say, "There is no limit to the amount of good you can do if you don't care who gets the credit." We have a lot of good things that happened in 2018 and I want to give a good deal of credit to this Shelby City Council. We presently have an experienced Council that knows how to deal with initiatives and pieces of legislation with thoroughness and efficiency. Hence, together, we were able to get things done in a timely manner.

In 2018 we held ribbon-cutting celebrations for: Arby's Restaurant, Pivot Creative, Johnson's Unique Antiques, Ace Hardware, East of Chicago Pizza, Rabold Park Dog Park, Lloyd Rebar, and our brand new, state-of-the-art Fire Station.

After years of patient perseverance, the alternative access drive to and from the Drug Mart Plaza was completed in October.

The City Administration hosted another successful Business First Breakfast in February of last year. These events provide connectivity between Shelby businesses/industries and City government.

Mr. Gies, Mr. Ensman, and I are working with the leadership team of the Clean the Black Fork Project Phase 2 in order to provide guidance and floodplain management strategies.

It appears, that in the very near future, we will be preparing a presentation in regard to the "infrastructure of the future" – Shelby Municipal Broadband.

Shelby is truly a one of a kind City! We are not only blessed to live and work here, but we are also privileged to be public servants to the families and individuals that call this place home. Let us pledge afresh and anew to serve with creditability, common sense, and compassion.

God bless you. God bless the City of Shelby, God bless the United States of America.

RESOLUTION NO. 7 -2019
(Sponsor: Councilmember Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO SIGN CONTRACTS FOR THE OHIO ENVIRONMENTAL PROTECTION AGENCY WATER POLLUTION CONTROL LOAN FUND PROGRAM AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for sanitary sewer system replacement purposes through the Water Pollution Control Loan Fund; and

WHEREAS, the City of Shelby Health Department has received funding through this program; 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 of City of Shelby to sign contracts for said grant.

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized and directed to execute contracts with the Ohio Environmental Protection Agency and to provide all information and documentation as required per the program guidelines.

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

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

*Passed
2-19-19*

RESOLUTION NO. 8-2019
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FIRE DEPARTMENT INDIVIDUAL EQUIPMENT GRANT FOR THE PURCHASE OF PORTABLE RADIOS AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Commerce provides financial assistance for fire department purposes through the Fire Department Individual Equipment Grant, and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Fire Department Individual Equipment Grant Program to purchase portable radios, 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 of City of Shelby apply for a Fire Department Individual Equipment Grant, and

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

Section 1: That the City of Shelby Council approves an application for financial assistance for portable radios.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Commerce and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Fire Department Individual Equipment Grant.

Section 4: 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 5: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed
2-19-19*

RESOLUTION NO. 9-2019
(Sponsor: Councilmember Gates & Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE PRIORITY ONE GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Public Safety provides financial assistance for emergency medical services through the Priority One Grant, and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Priority One Grant to purchase of emergency medical service supplies, 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 of City of Shelby apply for a Priority One Grant, and

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

Section 1: That the City of Shelby Council approves an application for financial assistance for emergency medical service supplies.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio Department of Public Safety and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Priority One Grant.

Section 4: 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 5: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed
2-19-19*

ORDINANCE NO. 5 -2019
(Sponsor: Councilmember Martin)

AMENDING SECTION 2 OF ORDINANCE NO. 19-2018 AND DECLARING AN EMERGENCY.

WHEREAS, on September 4, 2018, Shelby City Council passed Ordinance 19-2018 determining to proceed with the improvement of a sanitary sewer on West Main Street; and

WHEREAS, section 2 of said Ordinance refers to the approval of plans, specifications, estimates and profiles of said project; and

WHEREAS, certain conditions have created the need to modify the plans and specifications of 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, Ohio that the plans and specifications as specified in Section 2 of Ordinance 19-2018 be amended.

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 plans, specifications, estimates and profiles as referred to in Section 2 of Ordinance 19-2018 shall now refer to the revised plans and specifications that are on file in the Office of the Mayor and are hereby approved.

Section 2: That all other sections of Ordinance 19-2018 remain in full force and effect.

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

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

*Passed
3-1-19*

RESOLUTION NO. 10 -2019
(Sponsor – Councilmember: McLaughlin)

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 AND DECLARING AN EMERGENCY.

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.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS 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 for the year beginning January 1, 2019.

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.

3-1-19
Passed

RESOLUTION NO. 11 -2019
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF REAL PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, Section 1 of the Charter of the City of Shelby, Ohio grants to the City the power to acquire property in fee simple or lesser interest, as well as, purchase options on property for any municipal purpose; and

WHEREAS, it is necessary for the West Main Street Sewer Project that real property be acquired; and

WHEREAS, the administration has engaged in negotiations with Schumacher Farms, Inc., and Al & N Acres, Inc. for the acquisition of a parcel of real property which would meet the needs of the City for the West Main Street Sewer Project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of citizens of the City of Shelby that the Mayor, as Director of Public Service be authorized to enter into a contract for the acquisition of real property for ten thousand dollars (\$10,000.00) from Schumacher Farms, Inc., and Al & N Acres, Inc.

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

Section 1: That the Mayor, as Director of Public Service, is authorized to enter into a contract for the acquisition of 0.143 acre for the West Main Street Sewer Project as described in the "Plat of Boundary Survey" as prepared by Nathan W. Sautter, Ohio Registered Surveyor No. 8252 on January 25, 2019, which is attached as "Exhibit A" to this Resolution.

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

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

*passed
3-1-19*

RESOLUTION NO. 12 -2019
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE RIGHTS OF EASEMENT FOR THE WEST MAIN STREET SEWER PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, it has become necessary to install a sanitary sewer line adding to the City's system; and

WHEREAS, in order to complete the project, it is necessary to secure rights of easement across private property; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to acquire rights of easement for the installation of a sanitary sewer line.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to acquire rights of easement for the installation of a sanitary sewer line for the West Main Street Sanitary Sewer Project as shown on the "Plats of Sanitary Sewer Easement" as prepared by Nathan W. Sautter, Ohio Registered Surveyor No. 8252 on September 12, 2018.

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

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

*Passed
3-1-19*

ORDINANCE NO. 6 -2019
(Sponsor - Councilmember Martin)

AUTHORIZING THE MAYOR OF THE CITY OF SHELBY TO ENTER INTO A CONTRACT WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 18S UNIT B AND DECLARING AN EMERGENCY.

WHEREAS, City Council and the Administration have conducted extensive negotiations with the International Union of Operating Engineers Local 18S Unit B as the bargaining representative for certain employees of the service workers; and

WHEREAS, such negotiations have provided a tentative agreement between the parties; and

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement; 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 contract with the International Union of Operating Engineers Local 18S Unit B be signed.

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 Mayor is hereby authorized and directed to enter into an agreement with the International Union of Operating Engineers Local 18S Unit B on behalf of certain employees of the service workers, a copy of which agreement is attached hereto and made a part hereof as though fully rewritten herein and marked "Exhibit A".

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with all legal requirements.

Section 3: That any and all Ordinances in conflict with the express provisions of this Agreement are superseded by this Agreement.

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

Passed 3-18-19

ORDINANCE NO. 7 - 2019
(Sponsor-- Councilmembers Roub, Roberts, Gates and McLaughlin)

CREATING APPROPRIATIONS FOR THE YEAR 2019 AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code §5705.38 requires that "the taxing authority of each subdivision or other taxing unit shall pass an appropriation measure. . . no later than the first day of April of the current year"; and

WHEREAS, the Director of Finance and Public Record, in cooperation with the Finance Committee of City Council, and the Administration and Department Heads have prepared the "Annual Appropriation Ordinance" as attached hereto and made a part hereof; 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 said Annual Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and so as to comply with the provisions of the Ohio Revised Code.

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 an appropriation is hereby made and authorized for the year 2019, the same to be in full force and effect from and after approval, as and for the general appropriations for the City of Shelby for the year 2019.

Section 2: That City Council does hereby appropriate as an appropriation for the year 2019 the following sums, to wit:

	Fund	Personal	Other	Total
GENERAL FUND	101			
Building and Zoning		\$0.00	\$3,295.00	\$3,295.00
Civil Service		\$75.00	\$300.00	\$375.00
Council		\$43,755.00	\$8,720.00	\$52,475.00
Court		\$285,950.00	\$118,900.00	\$404,850.00
Finance		\$190,700.00	\$11,400.00	\$202,100.00
Law		\$103,440.00	\$22,600.00	\$126,040.00
Economic Development		\$0.00	\$42,000.00	\$42,000.00
Engineering		\$94,090.00	\$29,880.00	\$123,970.00
Fire		\$1,273,400.00	\$55,650.00	\$1,329,050.00
Mayor		\$138,050.00	\$4,550.00	\$142,600.00
Misc.		\$0.00	\$92,500.00	\$92,500.00
Police		\$1,933,800.00	\$337,300.00	\$2,271,100.00
Transportation		\$0.00	\$37,050.00	\$37,050.00
Transfers		\$0.00	\$415,000.00	\$415,000.00
TOTAL		\$4,063,260.00	\$1,179,145.00	\$5,242,405.00
SPECIAL FUNDS	Fund			
Street	200	\$311,450.00	\$184,650.00	\$496,100.00
State Highway	205	\$32,920.00	\$0.00	\$32,920.00
Street Sales Tax	210	\$0.00	\$99,750.00	\$99,750.00
Income Tax	220	\$170,040.00	\$3,644,850.00	\$3,814,890.00
Health	225	\$194,000.00	\$609,420.00	\$803,420.00
Park	230	\$28,225.00	\$591,840.00	\$620,065.00
Rehab Escrow CDBG	232	\$0.00	\$26,000.00	\$26,000.00
Court Probation	233	\$14,950.00	\$6,950.00	\$21,900.00
BMV Reimbursement	234	\$0.00	\$1,500.00	\$1,500.00
Law Enforcement Trust	235	\$0.00	\$9,730.00	\$9,730.00
Court IDAT	236	\$0.00	\$27,000.00	\$27,000.00

3-19-19 Passed

Court Enforce. & Education	237	\$0.00	\$700.00	\$700.00
Dare	238	\$0.00	\$5,000.00	\$5,000.00
Unclaimed Monies	240	\$0.00	\$500.00	\$500.00
Court IDAM	242	\$0.00	\$5,500.00	\$5,500.00
CDBG General	250	\$0.00	\$231,300.00	\$231,300.00
Home Program	251	\$0.00	\$258,675.00	\$258,675.00
City Admin. & Bldg.	650	\$0.00	\$11,450.00	\$11,450.00
Police Pension	700	\$240,000.00	\$870.00	\$240,870.00
Fire Pension	701	\$225,000.00	\$1,140.00	\$226,140.00
Shade Tree Trust	705	\$0.00	\$4,300.00	\$4,300.00
FEMA	815	\$0.00	\$0.00	\$0.00
TOTAL		\$1,216,585.00	\$5,721,125.00	\$6,937,710.00

Debt Service Funds

Special Bond	275	\$0.00	\$500.00	\$500.00
General Bond SSE	281	\$0.00	\$0.00	\$0.00
Light Debt Reserve	602	\$0.00	\$500.00	\$500.00
USDA - new	282	\$0.00	\$50,000.00	\$50,000.00
TOTAL		\$0.00	\$51,000.00	\$51,000.00

Capital Project Funds

Court Computer	239	\$0.00	\$13,650.00	\$13,650.00
Police Computer	241	\$0.00	\$1,250.00	\$1,250.00
Capital Improvement	300	\$0.00	\$279,800.00	\$279,800.00
Shelby Reservoir	301	\$0.00	\$0.00	\$0.00
Sewer Construction	302	\$0.00	\$0.00	\$0.00
San./Storm/Sewer - Equipment	303	\$0.00	\$0.00	\$0.00
Court Capital Improvement	304	\$0.00	\$43,000.00	\$43,000.00
Fox Run Six	322	\$0.00	\$0.00	\$0.00
Fox Run Seven	324	\$0.00	\$0.00	\$0.00
Water Facilities 69%	350	\$0.00	\$0.00	\$0.00
Bridges & Sidewalks 29%	351	\$0.00	\$0.00	\$0.00
Sidewalks 2%	352	\$0.00	\$30,900.00	\$30,900.00
Streets, Alleys, Catch Basin Fund	353	\$0.00	\$1,234,050.00	\$1,234,050.00
Police/Court	354	\$0.00	\$506,000.00	\$506,000.00
Police Equipment	702	\$0.00	\$28,100.00	\$28,100.00
Fire Equipment	703	\$0.00	\$467,250.00	\$467,250.00
TOTAL		\$0.00	\$2,604,000.00	\$2,604,000.00

Permanent Fund

Mini Park Trust	Fund 710	\$0.00	\$3,000.00	\$3,000.00
TOTAL		\$0.00	\$3,000.00	\$3,000.00

Special Assessment Fund

Fire Damage Fund	253	\$0.00	\$9,000.00	\$9,000.00
TOTAL		\$0.00	\$9,000.00	\$9,000.00

Enterprise Funds

Sewer	400	\$805,250.00	\$845,695.00	\$1,650,945.00
San. Sewer Capital Improvements	401	\$0.00	\$3,177,250.00	\$3,177,250.00
Waste Water Capital Improvements	402	\$0.00	\$692,800.00	\$692,800.00
Water	500	\$1,066,975.00	\$1,006,250.00	\$2,073,225.00
Water Facilities	501	\$0.00	\$376,000.00	\$376,000.00

Proposed 3-18-19

Water Capital Improvements	502	\$0.00	\$331,200.00	\$331,200.00
Electric	600	\$1,193,600.00	\$12,019,950.00	\$13,213,550.00
TOTAL		\$3,065,825.00	\$18,449,145.00	\$21,514,970.00

Internal Service Fund

Hospitalization	715	\$0.00	\$1,700,000.00	\$1,700,000.00
Sharing Fund	706	\$0.00	\$30,000.00	\$30,000.00
TOTAL		\$0.00	\$1,730,000.00	\$1,730,000.00

Agency Fund

Playscape Trust	231	\$0.00	\$0.00	\$0.00
Bicentennial Trust	800	\$0.00	\$0.00	\$0.00
Light Customer Deposit	601	\$0.00	\$121,000.00	\$121,000.00
Total Agency Funds		\$0.00	\$121,000.00	\$121,000.00

		Personal	Other	Total
TOTAL		\$8,345,670.00	\$29,867,415.00	\$38,213,085.00

Section 3: That the Director of Finance and Public Record is hereby authorized to draw warrants on the City Treasury for the amounts appropriated in this Ordinance whenever claims are presented, properly approved by the head of the department, for which the indebtedness was incurred.

Section 4: That transfers may be made from line item to line item within the Financial Department without specific Council authorization provided, however, that no line item may be increased during 2019 by a sum greater than 10% of the original appropriation or \$5,000.00 whichever is greater. Said transfer shall be certified by the Director of Finance and Public Record, signed by the Mayor, and by the elected official or board or commission responsible for each financial department.

Section 5: 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 6: That this Ordinance is hereby deemed to be an emergency so as to provide for the usual daily operations of municipal government 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 3-18-19

RESOLUTION NO. 13 -2019
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH RICHLAND ENGINEERING LIMITED FOR CONSTRUCTION INSPECTION SERVICES FOR THE RIC-61-6.38 (GAMBLE STREET) PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, in order to proceed with the construction of the RIC-61-6.38 (Gamble Street) Project it is necessary that the City contract for construction inspection services; and

WHEREAS, it is in the interest of the public health, safety, morals and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to enter into an agreement for the completion of said services.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into an agreement with Richland Engineering Limited for construction administration services for the RIC-61-6.38 (Gamble Street) Project.

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

Section 3: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*passed
3-18-19*

RESOLUTION NO. 14 -2019
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF SIXTY-FIVE THOUSAND THREE HUNDRED EIGHTY-FIVE AND 02/100 DOLLARS (\$65,385.02) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with North Bay Construction, Inc. for the Waste Water Treatment Plant Improvement Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #27; 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 this change order be approved.

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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into Contract Change Order with North Bay Construction, Inc. for the total amount of Sixty-Five Thousand Three Hundred Eighty-Five and 02/100 Dollars (\$65,385.02) as an increase.

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

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

*Passed
3-18-19*

RESOLUTION NO. 15-2019
(Sponsor- Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MODIFICATION TO THE CONTRACT WITH RICHLAND ENGINEERING LIMITED FOR CONSTRUCTION ENGINEERING SERVICES FOR THE RIC-39-3.68 MANSFIELD AVENUE PROJECT IN THE AMOUNT OF TEN THOUSAND SEVEN HUNDRED SEVENTY-SIX AND 00/100 DOLLARS (\$10,776.00) AS AN INCREASE AND DECLARING AN EMERGENCY

WHEREAS, the City of Shelby has entered into a contract with Richland Engineering Limited for construction engineering services for the RIC-39-3.68 Mansfield Avenue Project, and said contract provides for a written modification, and

WHEREAS, it has become necessary to make modifications to the project and adjust the contract as detailed in the attached Modification No. 1, 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 this change order be approved, and

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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into an amendment to the contract with Richland Engineering Limited for the total amount of Ten Thousand Seven Hundred Seventy-Six and 00/100 Dollars (\$10,776.00) as an increase.

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

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

*Passed
3-18-19*

ORDINANCE NO: 10 -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 increase 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 INCREASE EXPENDITURES

101 – ENG- 500	Engineering	\$7,000.00
600 – DIS- 486	Maintenance Equipment	\$20,000.00
600 – OFC- 576	Electric Dues/Professional Services	\$10,000.00

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.

4-15-19
Passed

RESOLUTION NO. 16-2019
(Sponsor: Councilmember Gates)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY CITY HEALTH DEPARTMENT IN ACCORDANCE WITH OHIO REVISED CODE SECTIONS 5705.19, 5705.191 AND 5705.26.

WHEREAS, in order for the Shelby City Health Department to maintain a standard of excellence and in order for the department to provide general health services to the community, additional funding (as a renewal levy) is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for the necessary requirements of said Shelby City Health Department; and

WHEREAS, the current levy of one (1) mil for operation of the Shelby City Health Department will expire at the end of 2019; and

WHEREAS, it is in the interest of public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby City Health Department is insufficient and that, therefore, a ballot issue (as a renewal levy) needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

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

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law, to wit: Ohio Revised Code Sections 5705.19, 5805.191, and 5705.26 on taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby City Department of Health that taxes be levied on the taxable property in said City for a period of five (5) years 2020-2024 (as a renewal levy) at the rate in excess of such maximum rate authorized by Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2020, 2021, 2022, 2023, and 2024 at the rate for each year of one (1) mil on each dollar of tax, valuation of the taxable property with the City of Shelby, Ohio, in excess of the rate authorized by law said excess rate being authorized by said Ohio Revised Code Sections 5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certification to the Board of Election of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for the submission of such question to the electors of said City as provided by law, at the November 5, 2019 General Election.

Section 5: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 6: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed
4-15-19*

RESOLUTION NO. 17-2019
(Sponsor- Councilmember Gates)

DECLARING THE AMOUNT OF TAXES THAT MAY BE RAISED BY LEVY AT THE MAXIMUM RATE AUTHORIZED BY LAW WITHOUT A VOTE OF THE ELECTORS TO BE INSUFFICIENT AND DECLARING THE NECESSITY OF A LEVY IN EXCESS OF SUCH RATE FOR THE GENERAL OPERATION OF THE SHELBY BOARD OF PARK COMMISSIONERS IN ACCORDANCE WITH OHIO REVISED CODE §5705.19, 5705.191, AND 5705.26.

WHEREAS, in order for the Shelby Board of Park Commissioners to maintain its standard of excellence and in order for said Board to provide parks and parkways for the community, additional funding is required; and

WHEREAS, the amount of taxes which may be raised within the 10-mil limitation will be insufficient to provide an adequate amount for necessity requirements of said Shelby Board of Park Commissioners; 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 Council of the City of Shelby declare that the amount of taxes that may be raised by levy at the maximum rate authorized by law without a vote of the electors for the general operation of the Shelby Board of Park Commissioners is insufficient and that, therefore, a ballot issue needs to be presented to the voters of the City of Shelby in an attempt to raise additional funding so as to continue the provision of superior services.

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

Section 1: That the amount of taxes that may be raised by levy of taxes at the maximum rate authorized by law on the taxable property in said City will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary for the purpose of providing additional funds for the general operation of the Shelby Board of Park Commissioners that taxes be levied on the taxable property in said City for a period of five (5) years (as an additional levy) at a rate in excess of such maximum rate said excess rate being authorized by Ohio Revised Code §5705.19, 5705.191, and 5705.26.

Section 2: That it is necessary to levy taxes (as a renewal levy) for the years 2020, 2021, 2022, 2023, and 2024, at a rate for each year of 1 mill on each dollar of the tax valuation of the taxable property within the City of Shelby, in excess of the rate authorized by law said excess rate being authorized by Ohio Revised Code §5705.19, 5705.191, and 5705.26.

Section 3: That the Clerk of Council be and is hereby directed to certify a copy of this Resolution to the Richland County Auditor requesting that the Richland County Auditor certify to the City of Shelby by and through the Clerk of Council the total current tax valuation of the City of Shelby and the dollar amount of revenue that would be generated by the number of mills specified hereinabove.

Section 4: That upon receiving the certifications from the County Auditor as referred to hereinabove in Section 3, the Clerk of Council shall be and is hereby directed to certify a copy of this Resolution accompanied by a copy of the County Auditor's certifications to the Board of Elections of Richland County, Ohio, in order that said Board of Elections may make the necessary arrangements for submission of such questions to the electors of said City as provided by law, at the November 5, 2019 general election.

Section 5: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 6: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

passed 4-15-19

RESOLUTION NO. 18 -2019
(Sponsor- Councilmember Roberts)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2019 SHELBY CITY HALL ROOFING PROJECT, WITHIN THE CITY OF SHELBY, OHIO.

WHEREAS, plans and specifications have been completed for the 2019 Shelby City Hall Roofing Project; and

WHEREAS, the roof at City Hall is in need of replacement; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said roof be replaced.

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

Section 1: That the plans and specifications for the 2019 Shelby City Hall Roofing Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said roofing project.

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 4-15-19

RESOLUTION NO. 19-2019
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO
AUTHORIZE PAYMENT TO KINECT ENERGY FOR THE ELECTRIC RATE
REVIEW AND DECLARING AN EMERGENCY.**

WHEREAS, the Shelby Municipal Utilities Office is desirous of completing the electric rate review; and

WHEREAS, it is necessary to complete the study to gather the proper information to adjust the fixed charges accordingly and to modify the Fuel and Purchase Power charge calculator to help bring costs and revenues into alignment; 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 make payment to Kinect Energy for the electric rate study.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to make payment for the electric rate study and said payment is projected to be approximately \$32,000.

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

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

passed 4-15-19

RESOLUTION NO. 20-2019
(Sponsor: Councilmember Martin)

APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE WATER METER PURCHASE PROJECT WITHIN THE CITY OF SHELBY, OHIO.

WHEREAS, the majority of water meters and meter registers in the City water distribution system were installed in 1987, and are in need of replacement; and

WHEREAS, specifications have been completed for the Water Meter Purchase Project; and

WHEREAS, said project will allow for remote meter reading creating efficiencies in the Utilities Department; 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 and enter into a contract for said project.

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

Section 1: That the specifications for the Water Meter Purchase Project in the City of Shelby are hereby approved.

Section 2: That the Mayor as Director of Public Service is hereby authorized to advertise for bids and enter into a contract for said project.

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 4-15-19

2nd Reading
4/15/2019

ORDINANCE NO. 9 -2019
(Sponsor - Councilmember Gates)

AMENDING CHAPTER 246 (PUBLIC UTILITY OFFICERS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, duties and responsibilities of supervisors in the Department of Public Service have over the years been combined and reassigned; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the people of the City of Shelby that Chapter 246 of the Codified Ordinances be amended to reflect these changes.

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

Section 1: That Chapter 246 of the Codified Ordinances of the City of Shelby be amended to read as follows:

246.01 DIRECTOR OF UTILITIES.

There is hereby established the position of Director of Utilities, which Director shall have charge of the operations of all the municipal utilities of the City and to see that the same are kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. The Director of Utilities shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

246.02 SUPERINTENDENT OF THE WASTEWATER TREATMENT PLANT.

The Office of Superintendent of the Wastewater Treatment Plant is hereby established, which office shall consist of one person who shall be known as the Superintendent of the Wastewater Treatment Plant. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations at the Wastewater Treatment Plant of the City and shall see that the same is kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

246.03 SUPERINTENDENT OF THE WATER TREATMENT PLANT.

The Office of Superintendent of Water is hereby established, which office shall consist of one person who shall be known as the Superintendent of Water. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations at the Water Treatment Plant of the City and shall see that the same is kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

Added 5-6-19

246.04 SUPERINTENDENT OF ELECTRIC DISTRIBUTION, GENERATION, AND COMMUNICATIONS.

The Office of Superintendent of Electric Distribution, Generation, and Communications is hereby established, which office shall consist of one person who shall be known as the Superintendent of Electric Distribution, Generation, and Communications. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations of the electric distribution system, generation, and the communication system of the City and shall see that the same is kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

246.05 SUPERINTENDENT OF STREETS, WATER DISTRIBUTION, AND WASTEWATER COLLECTION.

The Office of Superintendent of Streets, Water Distribution, and Wastewater Collection is hereby established, which office shall consist of one person who shall be known as the

Superintendent of Streets, Water Distribution, and Wastewater Collection. Said Superintendent shall be appointed by the Mayor, as Director of Public Service, according to law. Said Superintendent shall have charge of all operations of the streets, water distribution, and wastewater collection of the City and shall see that the same are kept in continuous and efficient operation, under the supervision and direction of the Mayor as Director of Public Service. Said Superintendent shall be licensed as required by the State of Ohio and shall be in the unclassified service in accordance with R.C. § 124.11(A)(3)(c).

246.06 AUTHORITY OF DIRECTOR OF PUBLIC SERVICE.

The Director of Public Service shall have charge of all utility collections of the City and shall see that the same are continuously and efficiently made.

246.07 DIRECTOR OF UTILITIES AS ACID RAIN PERMIT AND COMPLIANCE REPRESENTATIVE.

The Director of Utilities is hereby designated as the representative for purposes of acid rain permit and compliance activities in conjunction with the 1.825-megawatt generator located at the Wastewater Treatment Plant on London West Road.

Section 2: 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 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 5-6-19

ORDINANCE NO: 11 -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 increase 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 INCREASE EXPENDITURES

600 – DIS- 531	Miscellaneous	\$200,000.00
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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 5-6-19

RESOLUTION NO. 21 -2019
(Sponsor: Councilmembers Roberts and Roub)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE AND SAFETY TO ENTER INTO A SALES AGREEMENT FOR THE SALE OF THE METAL BUILDING PREVIOUSLY USED BY THE SHELBY CITY FIRE DEPARTMENT AND TO DEPOSIT THE PROCEEDS INTO THE GENERAL FUND.

WHEREAS, the City of Shelby is the owner of a 30' x 40' metal building; and

WHEREAS, Section 236.04 of the Codified Ordinances of the City of Shelby states that the Director of Public Safety shall make no disposition of any property belonging to the city without first being authorized by resolution or ordinance; and

WHEREAS, the 30' x 40' metal building is no longer needed for municipal purposes and the monies will benefit the General Fund; 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 and Safety of the City of Shelby is authorized to enter into a sales agreement for said building, and the monies to be deposited into the General Fund.

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

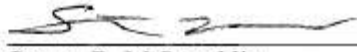
Section 1: That the Mayor as Director of Public Service and Safety is hereby authorized to enter into a sales agreement for said metal building.

Section 2: That all meetings and hearings concerning the adoption of the 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 earliest period allowed by law.

PASSED: _____

May 6, 2019



Steven D. McLaughlin
Vice President of Council

RESOLUTION NO. 22-2019
(Sponsor: Councilmember Gates)

DECLARING THE INTENT TO VACATE AN ALLEY THAT RUNS PARALLEL WITH SECOND STREET AND A PORTION OF OAK STREET IN THE CITY OF SHELBY, OHIO.

WHEREAS, the plats of the City of Shelby, Ohio, indicate that an alley that runs parallel with Second Street and a portion of Oak Street are dedicated streets and alleys in the City of Shelby; and

WHEREAS, Section 105 of the Charter of the City of Shelby authorizes the Council of the City of Shelby to vacate streets and alleys and sets forth the procedure for doing so; and

WHEREAS, the owners of the property contiguous to and abutting an alley that runs parallel with Second Street and a portion of Oak Street and have submitted a "Petition to Vacate Street or Alley" to the Council of the City of Shelby asking that said street and alley be vacated; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby, Ohio, that an alley that runs parallel with Second Street and a portion of Oak Street be vacated as shown and described on Exhibits A & B; and

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

Section 1: That it is the intent of the Council of the City of Shelby that an alley that runs parallel of Second Street and a portion of Oak Street as shown and described on Exhibits A & B within the City of Shelby be vacated.

Section 2: That the Clerk of Council of the City of Shelby is hereby instructed to cause notice of Council's intent to vacate an alley that runs parallel with Second Street and a portion of Oak Street and as shown and described on Exhibits A & B to be served upon those persons mandated by the terms of the Charter of the City of Shelby, Ohio.

Section 3: That the Board of Revision of Assessments shall hold a meeting to consider Council's intent to vacate as well as any objections which may be lodged concerning said intent and that said Board of Revision of Assessments submit a report to the Council of the City of Shelby following said meeting.

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

Section 5: 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 5-6-19

RESOLUTION NO. 23-2019
(Sponsor- McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH NORTH BAY CONSTRUCTION, INC FOR THE WASTE WATER TREATMENT PLANT IMPROVEMENT PROJECT IN THE AMOUNT OF SIXTY-THREE THOUSAND SEVEN HUNDRED FORTY-NINE AND 89/100 DOLLARS (\$63,749.89) AS AN INCREASE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has entered into a contract with North Bay Construction, Inc. for the Waste Water Treatment Plant Improvement Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the Waste Water Treatment Plant Expansion Project and adjust the contract as detailed in the attached Change Order #28; 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 this change order be approved, and

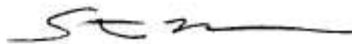
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into Contract Change Order with North Bay Construction, Inc. for the total amount of Sixty-Three Thousand Seven Hundred Forty-Nine and 89/100 Dollars (\$63,749.89) as an increase.

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

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

PASSED: May 6, 2019


Steven McLaughlin
Vice President of Council

AMENDED RESOLUTION NO.: 24-2019
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LETTER OF INTENT WITH AEP ONSITE PARTNERS, LLC, FOR A PHOTOVOLTAIC ELECTRIC GENERATION FACILITY FEASIBILITY ANALYSIS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has an interest in the purchase of electricity from a photovoltaic electric generation facility owned and operated by AEP OnSite Partners, LLC.; and

WHEREAS, AEP OnSite Partners, LLC, will evaluate the feasibility of a photovoltaic electric generation facility and its related equipment and facility by conducting a feasibility analysis for a photovoltaic electric generation facility to be located at the City of Shelby Waste Water Treatment Plant or the real property located at West State Street; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor, as Director of Public Service be authorized to enter into a Letter of Intent with AEP OnSite Partners, LLC., for a Photovoltaic Electric Generation Facility Feasibility Analysis.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into a Letter of Intent with AEP OnSite Partners, LLC, for a photovoltaic electric generation facility feasibility analysis.

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

Section 3: That this Resolution is hereby deemed 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.

Placed 5-6-19

RESOLUTION NO. 25 -2019
(Sponsor – Councilmember Gates)

SUPPORTING THE PASSAGE OF HOUSE BILL NO. 54 BY THE 133RD GENERAL ASSEMBLY OF THE STATE OF OHIO.

WHEREAS, since 1934 when the first state sales tax was enacted, a covenant had existed between state government and the Buckeye State's counties, municipalities, and townships, whereby the state would provide financial support to assist local governments; and

WHEREAS, the amount of Local Government Fund support received by the City of Shelby has dropped by 51% from \$317,483 in 2010 to \$156,851 in 2017 despite the fact that the balance in the state's Budget Stabilization Fund – also known as the "Rainy Day Fund" – has now grown to a record \$2.69 billion; and

WHEREAS, House Bill No. 54 has been introduced with bipartisan support to amend Ohio Revised Code Section 131.51 to increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby to restore the Local Government Fund to its 2010 levels.

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

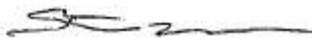
Section 1: That the Council support the passage of House Bill No. 54 by the 133rd General Assembly of the State of Ohio to amend Ohio Revised Code Section 131.51 to increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019.

Section 2: That the Clerk of Council shall send copies of this Resolution to the Honorable Mike DeWine, Governor of the State of Ohio; the Honorable Larry Obhof, Member of the Ohio Senate; and the Honorable Mark Romanchuk, Member of the Ohio House of Representatives no later than three (3) business days after its passage.

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.

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: May 6, 2019


Steven McLaughlin
Vice President of Council

RESOLUTION NO. 26 -2019
(Sponsors – Councilmembers Gates, Martin and Roub)

THANKING THE FIFTEEN AMERICAN MUNICIPAL POWER, INC. MEMBER COMMUNITIES FOR THEIR MUTUAL AID RESPONSE TO THE CITY OF SHELBY.

WHEREAS, on the late afternoon of Sunday, April 14, 2019, a tornado struck the southeast edge of the City of Shelby, wreaking destruction and havoc in its path; and

WHEREAS, the City's electric distribution system along Mansfield Avenue and George Hawk Road was virtually destroyed by the force of the storm; and

WHEREAS, American Municipal Power, Inc., to which the City belongs, maintains a Mutual Aid Program, a network of municipal electric systems that stands ready to provide assistance to fellow municipal systems when local utility emergencies occur that are too widespread to be handled by one system alone; and

WHEREAS, without a moment's hesitation, fifteen municipal electric systems in Ohio and Michigan responded to the City's request for mutual aid to restore power to affected homes and businesses; and

WHEREAS, the people of the City of Shelby are truly thankful and grateful for the mutual aid that rebuilt and restored the tornado-damaged electric distribution system.

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

Section 1: That the Council express its most sincere thanks and gratitude to the following communities and their line workers who provided mutual aid to the City of Shelby after the April 14, 2019, tornado:

From the City of Bryan, Ohio – Brad Plummer and Brandon Suffel;

From the City of Cuyahoga Falls, Ohio – Chris Rhodes, Tyler Cammell, and Joe Marez;

From the City of Galion, Ohio – Jerry Pangborn, Kyle Nulk, Russ Brown, Dick Benner, James Talley, Bill Smith, and Steve Olmstead;

From the City of Hillsdale, Michigan – Trenton Morrill and Randy Gay;

From the City of Hudson, Ohio – Bob Snyder, Jeff Fullerton, John Strobl, Bob Reddick, Chris Mick, and Keith Moore;

From the Village of Jackson Center – Dave Overman and Ben Shuster;

From the City of Napoleon, Ohio – Jeff Feather and Oscar Gomez;

From the City of Oberlin, Ohio – Chad Watson, Marion Prestridge, Kyle Spears, and John Kiley;

From the City of Orrville, Ohio – Virgil Steiner, Burt Graham, Kyle Miller, John Baab, and Alex Meyer;

From the Village of Pioneer, Ohio – Nick Carlson;

From the City of Piqua, Ohio – Ken Wagner and Kyle Brandewie;

From the Village of Plymouth – Darrin Elliot and Jarrod Hintz;

From the City of Tipp City, Ohio – Nick Sanders, Derrick Canan, and Ryan McCarroll;

Passed 5-6-19

From the City of Wadsworth, Ohio – Bill Lyren, Jr., Jason Howard, Luke Truman, Lance Purviance, Trevor Alexis, and Bob Lindeman; and

From the City of Westerville, Ohio – Jeremy Savage, Michael Roark, Taylor Reidy, and Elias Markley.

Section 2: That the Council note that the responding mutual aid communities brought with them fourteen bucket trucks, ten digger trucks, seven pickup trucks, one pole trailer, and one dump truck to facilitate their work.

Section 3: That the Clerk of Council mail a copy of this Resolution to the mayors of each of the aforementioned communities.

Section 4: 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.

Section 5: 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.

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

passed 6-3-19

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.

6-3-19
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.

Proposed 6-3-19

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
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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 6-3-19

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 6-3-19