

# 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](mailto:stevemclaughlin@shelbycity.oh.gov)

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

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

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

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

*Passed  
1-7-19*

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.

**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. Ensmann, 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:

*3-19-19 Passed*

	<b>Fund</b>	<b>Personal</b>	<b>Other</b>	<b>Total</b>
<b>GENERAL FUND</b>	<b>101</b>			
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
<b>TOTAL</b>		<b>\$4,063,260.00</b>	<b>\$1,179,145.00</b>	<b>\$5,242,405.00</b>
<b>SPECIAL FUNDS</b>	<b>Fund</b>			
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

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
<b>TOTAL</b>		<b>\$1,216,585.00</b>	<b>\$5,721,125.00</b>	<b>\$6,937,710.00</b>

**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
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$51,000.00</b>	<b>\$51,000.00</b>

**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
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$2,604,000.00</b>	<b>\$2,604,000.00</b>

**Permanent Fund**

Mini Park Trust	Fund 710	\$0.00	\$3,000.00	\$3,000.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$3,000.00</b>	<b>\$3,000.00</b>

**Special Assessment Fund**

Fire Damage Fund	253	\$0.00	\$9,000.00	\$9,000.00
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$9,000.00</b>	<b>\$9,000.00</b>

**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
<b>TOTAL</b>		<b>\$3,065,825.00</b>	<b>\$18,449,145.00</b>	<b>\$21,514,970.00</b>

**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
<b>TOTAL</b>		<b>\$0.00</b>	<b>\$1,730,000.00</b>	<b>\$1,730,000.00</b>

**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
<b>Total Agency Funds</b>		<b>\$0.00</b>	<b>\$121,000.00</b>	<b>\$121,000.00</b>

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

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:

*Passed  
3-18-19*

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.

**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**

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

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.

*Proposed 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.

*Proposed 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.

*Forward 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**

<b>600 – DIS- 531</b>	<b>Miscellaneous</b>	<b>\$200,000.00</b>
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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:**

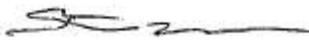
Section 1: That the Council support the passage of House Bill No. 54 by the 133rd General Assembly of the State of Ohio to amend Ohio Revised Code Section 131.51 to increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019.

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

  
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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.

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

Amend 6-3-19

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**

<b>250 – CDBG- 578</b>	<b>Private Rehabilitation</b>	<b>\$15,000.00</b>
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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

Passed  
6-17-19

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

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

WHEREAS, it is necessary to modify Section 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) so as to continue to provide municipal electric service to the customers of the Division of Electricity and Telecommunications of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) be amended and/or modified.

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

Section 1: That section 1050.02 (Rates and Charges for Service) of Chapter 1050 (Electricity) be amended to read as follows:

**§ 1050.02 RATES AND CHARGES FOR SERVICE.**

(a) *Service schedules.*

(1) *Schedule A.*

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

B. *Rates for service.*

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

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

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

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

(2) *Schedule A-D.*

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

B. *Rates for service.*

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

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

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

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

(3) *Schedule B.*

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

B. *Rates for service.*

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

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

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

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

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

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

All delivery voltages: \$0.15/kVa

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

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

where:

pf = customer's power factor

(4) *Schedule C.*

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

B. *Rates for service.*

1.	Customer charge (Three Phase)	\$10.52
2.	Customer charge (primary)	\$20.08

3.	Distribution charge all kWh	\$0.0072
4.	Demand charge all kWh	\$2.47

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

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

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

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

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

All delivery voltages: \$0.15/kVa

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

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

where:

pf = customers' power factor

(5) *Schedule D.*

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

B. *Rates for service*

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

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

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

(6) *Security light service.*

A. *Availability of service.*

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

B. *Rates for service.*

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

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

(7) *Electric Vehicle Charging Station Service Rider*

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

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

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

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

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

(2) *Determination of fuel and purchased power charge.* The Fuel and Purchased Power Charge shall be derived every three months by dividing (1) the past 12 months' cost of fuel and purchased power, including the cost associated with transmission-related services (hereinafter referred to as "previous 12 months' cost", by (2) the sum of the past 12 months' net kilowatt hours generated and purchased multiplied by 0.94 (hereinafter referred to as "previous 12 months' net kWh").

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

(3) *Determination of Transition Cost Rider.*

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

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

(4) *Project development and construction rider.* The rates and charges set forth in the current city electric rate schedule may be increased for the purpose of providing funding for the city's share of the developmental and/or construction costs associated with projects undertaken by the city independently or in conjunction with a third party in furtherance of the city's goal to provide the city's electric utility consumers with the most economic, environmentally sound and reliable source(s) of power.

(c) *Economic Development Incentive Rate*

(1) Applicable to commercial and industrial customers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Year 6 and forward - current retail rate

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

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

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

(d) *Balance Levelization Rate Rider*

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

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

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

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

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

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

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

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

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

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

Section 2: That all other Sections of Chapter 1050 (Electricity) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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

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

**RESOLUTION NO. 29 -2019**  
(Sponsor -- Councilmember McLaughlin)

**ADOPTING AN ANNUAL REVENUE BUDGET FOR THE YEAR 2020.**

WHEREAS, the Director of Finance and Public Record has submitted a revenue budget for the year 2020, to the Council of the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, and general welfare of the citizens of the City of Shelby that the revenue budget for the year 2020 be adopted.

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

Section 1: That the revenue budget for the year 2020 has been submitted to City Council by the Director of Finance and Public Record, and the same is hereby adopted.

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:

June 17, 2019

  
Nathan Math VP Pro tem  
Steven McLaughlin  
Vice President of Council

Passed 6-17-19

## City of Shelby, Richland County, Ohio

This Budget must be adopted by the Council or other legislative body on or before July 15th, and must be submitted to the County Auditor on or before July 20th. FAILURE TO COMPLY WITH SEC. 5705.28 R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION

**To the Auditor of Richland County:**

The following Budget year beginning January 1, 2020 , has been adopted by Council and is herewith submitted for consideration of the County Budget Commission.

Signed \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

### SCHEDULE A

Summary of Amounts Required From General Property Tax Approved by Budget Commission,  
and County Auditor's Estimated Rates

For Municipal Use		For Budget Commission Use		For County Auditor Use	
FUND	Budget Year Amount Requested of Budget Commission Inside/Outside	Budget Year Amount Approved by Budget Commission Inside 10 Mill Limitation	Budget Year Amount to be Derived from Levies outside Inside 10 Mill Limitation	County Auditor's estimate of Tax Rate to be Levied	
Include only those funds which are requesting general property tax revenue	Column 1	Column 2	Column 3	Inside 10 Mill Limit Budget Year Column 4	Outside 10 Mill Limit Budget Year Column 5
<b>Government Funds</b>	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX
General Fund				2.0	
Health					1.9
Park					1.5
Police Pension				0.3	
Fire Pension				0.3	
<b>Proprietary Funds</b>	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX
<b>Fiduciary Funds</b>	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX	XXXXXXXXXXXXX
<b>TOTAL ALL FUNDS</b>		0.00	0.00	2.6	3.4



## ESTIMATE OF REVENUES

FOR SUBMISSION TO RICHLAND COUNTY BUDGET COMMISSION  
FOR BUDGET YEAR BEGINNING JANUARY 1, 2020

THE CITY OF SHELBY

EXHIBIT I

PURPOSE	CURRENT YEAR	BUDGET YEAR
<b>GENERAL FUND</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Balance, January 1st	688,488	76,161
<b>REVENUES:</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Local Taxes		
Real Estate Tax	200,000	200,000
Personal Property Tax	2,500	2,500
Municipal Income Tax		
Other Local Taxes	1,000	1,000
Total Local Taxes	203,500	203,500
Intergovernmental Revenues	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
State Shared Taxes and Permits	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Local Government	160,000	160,000
Local Government Revenue Assistance		
Estate Tax		
Cigarette Tax	2,500	2,500
License Tax	14,000	15,000
Liquor and Beer Permits		
Gasoline Tax		
Rollbacks (Homestead, 10%, 2.5%, and PP)	33,000	33,000
Other State Shared Taxes and Permits		
Total State Shared Taxes and Permits	209,500	210,500
Federal Grants or Aid		
State Grants or Aid	15,000	10,000
Other Grants or Aid	115,000	120,000
Total Intergovernmental Revenues	130,000	130,000
Special Assessments	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Lighting		
Sidewalks		
Total Special Assessments	-	-
Charges for Services	999,800	1,000,000
Fines, Licenses, and Permits	167,650	180,000
Miscellaneous		
Other Financing Sources:		
Proceeds from Sale of Debt		
Transfers	2,200,050	2,300,000
Advances		
Other Sources	980,000	900,000
Total Revenue	4,347,500.00	4,380,000.00
Total Revenue and Balance	5,578,988.00	5,000,161.00

## ESTIMATE OF REVENUES

FOR SUBMISSION TO RICHLAND COUNTY BUDGET COMMISSION  
FOR BUDGET YEAR BEGINNING JANUARY 1, 2020

THE CITY OF SHELBY

EXHIBIT II

Reproduce as needed. Use for any fund receiving property tax revenue except the General Fund

FUND NAME: HEALTH FUND

FUND TYPE/CLASSIFICATION: SPECIAL REVENUE

DESCRIPTION	CURRENT YEAR	BUDGET YEAR
REVENUE:	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
FROM TAXES	225,000.00	220,000.00
FROM OTHER SOURCES	253,000.00	200,000.00
BALANCE JANUARY 1ST	326,385.00	205,191.00
<b>TOTAL REVENUE AND BALANCE</b>	<b>\$ 804,385.00</b>	<b>\$ 625,191.00</b>

FUND NAME: PARK FUND

FUND TYPE/CLASSIFICATION: SPECIAL REVENUE

DESCRIPTION	CURRENT YEAR	BUDGET YEAR
REVENUE:	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
FROM TAXES	185,000.00	180,000.00
FROM OTHER SOURCES	295,000.00	200,000.00
BALANCE JANUARY 1ST	140,520.00	152,275.00
<b>TOTAL REVENUE AND BALANCE</b>	<b>\$ 620,520.00</b>	<b>\$ 532,275.00</b>

FUND NAME: POLICE PENSION

FUND TYPE/CLASSIFICATION: SPECIAL REVENUE

DESCRIPTION	CURRENT YEAR	BUDGET YEAR
REVENUE:	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
FROM TAXES	36,000.00	36,000.00
FROM OTHER SOURCES	190,000.00	190,000.00
BALANCE JANUARY 1ST	84,693.00	60,813.00
<b>TOTAL REVENUE AND BALANCE</b>	<b>\$ 310,693.00</b>	<b>\$ 286,813.00</b>

**ESTIMATE OF REVENUES**

FOR SUBMISSION TO RICHLAND COUNTY BUDGET COMMISSION  
FOR BUDGET YEAR BEGINNING JANUARY 1, 2020

THE CITY OF SHELBY

EXHIBIT II

Reproduce as needed. Use for any fund receiving property tax revenue except the General Fund

FUND NAME: FIRE PENSION

FUND TYPE/CLASSIFICATION: SPECIAL REVENUE

DESCRIPTION	CURRENT YEAR	BUDGET YEAR
REVENUE:	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
FROM TAXES	36000	36,000.00
FROM OTHER SOURCES	190000	190,000.00
BALANCE JANUARY 1ST	113188	103,798.00
<b>TOTAL REVENUE AND BALANCE</b>	\$ 339,188.00	\$ 329,798.00

FUND NAME:

FUND TYPE/CLASSIFICATION:

DESCRIPTION	CURRENT YEAR	BUDGET YEAR
REVENUE:	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
FROM TAXES		
FROM OTHER SOURCES		
BALANCE JANUARY 1ST		
<b>TOTAL REVENUE AND BALANCE</b>	\$ -	\$ -

FUND NAME:

FUND TYPE/CLASSIFICATION:

DESCRIPTION	CURRENT YEAR	BUDGET YEAR
REVENUE:	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
FROM TAXES		
FROM OTHER SOURCES		
BALANCE JANUARY 1ST		
<b>TOTAL REVENUE AND BALANCE</b>	\$ -	\$ -

**ESTIMATE OF REVENUES**  
 FOR SUBMISSION TO RICHLAND COUNTY BUDGET COMMISSISON  
 FOR BUDGET YEAR BEGINNING JANUARY 1, 2020

THE CITY OF SHELBY

EXHIBIT III

FUND List All Funds Individually Unless Reported on Exhibit I or II	ESTIMATED UNENCUMBERED BALANCE JANUARY 1ST	BUDGET YEAR ESTIMATED REVENUE	TOTAL BALANCE AND REVENUE
<b>GOVERNMENTAL:</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
<b>SPECIAL REVENUE:</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Street Construction M & R	10,000.00	520,000.00	530,000.00
State Highway	12,000.00	34,000.00	46,000.00
Street Sales Tax	9,000.00	120,000.00	129,000.00
City Income Tax	50,000.00	4,000,000.00	4,050,000.00
Rehab Escrow Trust	-	40,000.00	40,000.00
Probation	14,000.00	33,000.00	47,000.00
BMV Reinvestment	10,000.00	2,000.00	12,000.00
Law Enforcement Trust	12,000.00	10,000.00	22,000.00
Court I.D.A.T.	16,500.00	10,000.00	26,500.00
Court Enforcement & Education	18,000.00	5,000.00	23,000.00
D.A.R.E.	2,000.00	3,000.00	5,000.00
Unclaimed Monies	2,500.00	1,500.00	4,000.00
Court I.D.A.M.	40,000.00	5,000.00	45,000.00
CDBG General	15,000.00	220,000.00	235,000.00
Home Program	1,500.00	130,000.00	131,500.00
Ohio Housing Trust			-
City Administration & Building	1,000.00	12,000.00	13,000.00
Shade Tree Trust	3,000.00	5,000.00	8,000.00
FEMA	0	0	-
Fire Damage Fund	0	5,000.00	5,000.00
<b>TOTAL SPECIAL REVENUE FUNDS</b>	<b>216,500.00</b>	<b>5,155,500.00</b>	<b>5,372,000.00</b>
<b>DEBT SERVICE FUNDS:</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Special Bond Retirement	250,000.00	1,000.00	251,000.00
General Bond Retirement Reserve	-	-	-
General Bond Retirement SSE	-	-	-
Light Debt Service	260,000.00	5,000.00	265,000.00
Bond Rretirement - USDA	0.00	200,000.00	200,000.00
<b>TOTAL DEBT SERVICE FUNDS</b>	<b>510,000.00</b>	<b>206,000.00</b>	<b>716,000.00</b>
<b>CAPITAL PROJECTS</b>			
Court Computerization	6,000.00	12,000.00	18,000.00
Police Computer	6,000.00	3,500.00	9,500.00
Sanitary/Storm/Sewer & Equipment	-	-	-
Capital Improvement	75,000.00	160,000.00	235,000.00
Shelby Reservoir			-
Sewer Construction			-

## ESTIMATE OF REVENUES

FOR SUBMISSION TO RICHLAND COUNTY BUDGET COMMISSION  
FOR BUDGET YEAR BEGINNING JANUARY 1, 2020

THE CITY OF SHELBY

EXHIBIT III

FUND List All Funds Individually Unless Reported on Exhibit I or II	ESTIMATED UNENCUMBERED BALANCE JANUARY 1ST	BUDGET YEAR ESTIMATED REVENUE	TOTAL BALANCE AND REVENUE
<b>GOVERNMENTAL:</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
<b>CAPITAL PROJECTS (Continued)</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Court Capital Improvement	65,000.00	15,000.00	80,000.00
Water Facilities 69%			-
Bridges and Streets 29%			-
Sidewalk Fund 2%	5,000.00	20,000.00	25,000.00
Streets, Alleys, Catch Basins	60,000.00	425,000.00	485,000.00
Police Equipment	20,000.00	55,000.00	75,000.00
Fire Equipment	100,000.00	400,000.00	500,000.00
OFI-225 Court Construction	1,300,000.00	850,000.00	2,150,000.00
<b>TOTAL CAPITAL PROJECTS FUNDS</b>	<b>1,637,000.00</b>	<b>1,940,500.00</b>	<b>3,577,500.00</b>
<b>PROPRIETARY:</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
<b>ENTERPRISE FUNDS</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Sewer	145,000.00	1,400,000.00	1,545,000.00
Sanitary Sewer Capital Improvement	950,000.00	650,000.00	1,600,000.00
Sewer Improvement	100,000.00	450,000.00	550,000.00
Water	50,000.00	1,850,000.00	1,900,000.00
Water Treatment	110,000.00	350,000.00	460,000.00
Water Capital Improvement	120,000.00	300,000.00	420,000.00
Electric	5,500,000.00	11,000,000.00	16,500,000.00
<b>TOTAL ENTERPRISE FUNDS</b>	<b>6,975,000.00</b>	<b>16,000,000.00</b>	<b>22,975,000.00</b>
<b>INTERNAL SERVICE FUNDS</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Sharing Fund	8,000.00	35,000.00	43,000.00
Hospitalization Trust	300,000.00	1,700,000.00	2,000,000.00
<b>TOTAL INTERNAL SERVICE FUNDS</b>	<b>308,000.00</b>	<b>1,735,000.00</b>	<b>2,043,000.00</b>
<b>FIDUCIARY:</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
<b>TURST AND AGENCY FUNDS</b>	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX
Light Customer Deposit	200,000.00	100,000.00	300,000.00
Playscape Trust	-	-	-
Bicentennial Trust	325.00	20.00	345.00
Mini Park	25,000.00	5,000.00	30,000.00
<b>TOTAL TRUST &amp; AGENCY FUNDS</b>	<b>225,325.00</b>	<b>105,020.00</b>	<b>330,345.00</b>
<b>TOTAL FOR MEMORANDUM ONLY</b>	<b>9,871,825.00</b>	<b>25,142,020.00</b>	<b>35,013,845.00</b>

**CERTIFICATE OF THE COUNTY BUDGET COMMISSION**

The Budget Commission of Richland County, Ohio, hereby makes the following Official Certificate of Estimated Resources for the City of Shelby, for the fiscal year beginning January 1, 2020

<b>FUND</b>	<b>Unencumbered Balance January 1, 2020</b>	<b>Property Tax</b>	<b>Other Sources</b>	<b>Total</b>
General Fund	\$ 76,161.00	\$ 203,500.00	\$ 4,720,500.00	5,000,161.00
Street Construction M & R	10,000.00	XXXXXXXXXXXX	520,000.00	530,000.00
State Highway	12,000.00	XXXXXXXXXXXX	34,000.00	46,000.00
Street Sales Tax	9,000.00	XXXXXXXXXXXX	120,000.00	129,000.00
City Income Tax	50,000.00	XXXXXXXXXXXX	4,000,000.00	4,050,000.00
Health	\$ 205,191.00	\$ 220,000.00	\$ 200,000.00	625,191.00
Park	\$ 152,275.00	\$ 180,000.00	\$ 200,000.00	532,275.00
Rehab Escrow Trust	-	XXXXXXXXXXXX	\$ 40,000.00	40,000.00
Court Probation	14,000.00	XXXXXXXXXXXX	\$ 33,000.00	47,000.00
BMV Reinvestment	10,000.00	XXXXXXXXXXXX	\$ 2,000.00	12,000.00
Law Enforcement Trust	12,000.00	XXXXXXXXXXXX	\$ 10,000.00	22,000.00
Court I.D.A.T.	16,500.00	XXXXXXXXXXXX	\$ 10,000.00	26,500.00
Court Enforcement & Education	18,000.00	XXXXXXXXXXXX	\$ 5,000.00	23,000.00
D.A.R.E.	2,000.00	XXXXXXXXXXXX	\$ 3,000.00	5,000.00
Court Computerization	\$ 6,000.00	XXXXXXXXXXXX	\$ 12,000.00	18,000.00
Unclaimed Monies	\$ 2,500.00	XXXXXXXXXXXX	\$ 1,500.00	4,000.00
Police Computer	\$ 6,000.00	XXXXXXXXXXXX	\$ 3,500.00	9,500.00
Court IDAM Fund	\$ 40,000.00	XXXXXXXXXXXX	\$ 5,000.00	45,000.00
CDBG General	\$ 15,000.00	XXXXXXXXXXXX	\$ 220,000.00	235,000.00
Home Program	\$ 1,500.00	XXXXXXXXXXXX	\$ 130,000.00	131,500.00
Ohio Housing Trust	\$ -	XXXXXXXXXXXX	\$ -	-
City Administration & Building	\$ 1,000.00	XXXXXXXXXXXX	\$ 12,000.00	13,000.00
Police Pension	\$ 60,813.00	\$ 36,000.00	\$ 190,000.00	286,813.00
Fire Pension	\$ 103,798.00	\$ 36,000.00	\$ 190,000.00	329,798.00
FEMA	\$ -	XXXXXXXXXXXX	\$ -	-
Fire Damage Fund	\$ -	XXXXXXXXXXXX	\$ 5,000.00	5,000.00
Special Bond Retirement	\$ 250,000.00	XXXXXXXXXXXX	\$ 1,000.00	251,000.00
General Bond Retirement Reserve	\$ -	XXXXXXXXXXXX	\$ -	-
General Bond Retirement SSE	\$ -	XXXXXXXXXXXX	\$ -	-
Light Debt Reserve	\$ 260,000.00	XXXXXXXXXXXX	\$ 5,000.00	265,000.00
Bond Retirement - USDA	\$ -	XXXXXXXXXXXX	\$ 200,000.00	200,000.00
<b>TOTALS Page 1</b>	<b>\$ 1,333,738.00</b>	<b>\$ 675,500.00</b>	<b>\$ 10,872,500.00</b>	<b>\$ 12,881,738.00</b>

**CERTIFICATE OF THE COUNTY BUDGET COMMISSION**

The Budget Commission of Richland County, Ohio, hereby makes the following Official Certificate of Estimated Resources for the City of Shelby, for the fiscal year beginning January 1, 2020

<b>FUND</b>	<b>Unencumbered Balance January 1, 2020</b>	<b>Property Tax</b>	<b>Other Sources</b>	<b>Total</b>
Sanitary/Storm/Sewer & Equipment	\$ -	XXXXXXXXXX	\$ -	-
Capital Improvement	\$ 75,000.00	XXXXXXXXXX	\$ 160,000.00	235,000.00
Shelby Reservoir	\$ -	XXXXXXXXXX	\$ -	-
Sewer Construction	\$ -	XXXXXXXXXX	\$ -	-
Court Capital Improvement	\$ 65,000.00	XXXXXXXXXX	\$ 15,000.00	80,000.00
Special Assessments	\$ -	XXXXXXXXXX	\$ -	-
St Rt 39 Water/Sewer	\$ -	XXXXXXXXXX	\$ -	-
Water Facilities 69%	\$ -	XXXXXXXXXX	\$ -	-
Bridges and Streets 29%	\$ -	XXXXXXXXXX	\$ -	-
Sidewalk Fund 2%	\$ 5,000.00	XXXXXXXXXX	\$ 20,000.00	25,000.00
Streets,Alleys,Catch Basins	\$ 60,000.00	XXXXXXXXXX	\$ 425,000.00	485,000.00
Police / Court Construction	\$ 1,300,000.00	XXXXXXXXXX	\$ 850,000.00	2,150,000.00
Police Equipment	\$ 20,000.00	XXXXXXXXXX	\$ 55,000.00	75,000.00
Fire Equipment	\$ 100,000.00	XXXXXXXXXX	\$ 400,000.00	500,000.00
Sewer	\$ 145,000.00	XXXXXXXXXX	\$ 1,400,000.00	1,545,000.00
Sanitary Sewer Capital Improvement	\$ 950,000.00	XXXXXXXXXX	\$ 650,000.00	1,600,000.00
Waste Water Capital Improvement	\$ -	XXXXXXXXXX	\$ -	-
Sewer Improvement	\$ 100,000.00	XXXXXXXXXX	\$ 450,000.00	550,000.00
Water	\$ 50,000.00	XXXXXXXXXX	\$ 1,850,000.00	1,900,000.00
Water Treatment	\$ 110,000.00	XXXXXXXXXX	\$ 350,000.00	460,000.00
Water Capital Improvement	\$ 120,000.00	XXXXXXXXXX	\$ 300,000.00	420,000.00
Electric	\$ 5,500,000.00	XXXXXXXXXX	\$ 11,000,000.00	16,500,000.00
Light Customer Deposit	\$ 200,000.00	XXXXXXXXXX	\$ 100,000.00	300,000.00
Sharing Fund	\$ 8,000.00	XXXXXXXXXX	\$ 35,000.00	43,000.00
Hospitalization Trust	\$ 300,000.00	XXXXXXXXXX	\$ 1,700,000.00	2,000,000.00
Workers Comp	\$ -		\$ -	-
Playscape Trust	\$ -	XXXXXXXXXX	\$ -	-
Bicentennial Trust	\$ 325.00	XXXXXXXXXX	\$ 20.00	345.00
Mini Park	\$ 25,000.00	XXXXXXXXXX	\$ 5,000.00	30,000.00
Shade Tree Trust	\$ 3,000.00	XXXXXXXXXX	\$ 5,000.00	8,000.00
<b>Totals Page 2</b>	<b>\$ 9,136,325.00</b>	<b>\$ -</b>	<b>\$ 19,770,020.00</b>	<b>\$ 28,906,345.00</b>
<b>TOTALS Pages 1 and 2</b>	<b>\$ 10,470,063.00</b>	<b>\$ 675,500.00</b>	<b>\$ 30,642,520.00</b>	<b>\$ 41,788,083.00</b>

The Budget Commission further certifies that its action on the foregoing budget and the County Auditor's estimate of the rate of each tax necessary to be levied within and without the 10 mill limitation is set forth in the proper columns of the preceding pages, and the total amount approved for each fund must govern the amount of appropriation from such fund.

\_\_\_\_\_  
Budget  
Commission

Date: August 26, 2019

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

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

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

WHEREAS, the current sidewalk ordinance for the City of Shelby is in need of some amendments for compliance of said act; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1024 (Sidewalks) be amended.

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

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

**1024.01 CONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS AND GUTTERS.**

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

**1024.02 RESOLUTION OF NECESSITY; NOTICE.**

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

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

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

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

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

(5) State that in the event that the sidewalks, curbs or gutters are not constructed or repaired by the owners of lots or lands abutting thereon in accordance with the plans and specifications and within the time prescribed in

the resolution, the city will so construct or repair the sidewalks, curbs or gutters and assess the cost thereof against the lots and lands abutting thereon.

(b) Notice of the passage of a resolution of necessity under division (a) hereof shall be served by the Clerk of Council or a person designated by the Clerk upon the owners of lots or lands abutting upon the sidewalks, curbs or gutters to be constructed or repaired in the same manner as service of summons in civil cases, or by certified mail addressed to the owner at his or her last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, the owners shall be served by publication of the notice once in a newspaper of general circulation within the city. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for him or her shall be prima facie evidence of the service of notice under this section. The notice shall also set forth the place where the specifications governing the construction or repair of the sidewalks, curbs or gutters are on file and the time within which the owner of the lot or parcel of land may construct or repair the sidewalks, curbs or gutters and shall state that, in the event the owner does not construct or repair the sidewalks, curbs or gutters in accordance with the specifications, and within such time, the city will construct or repair the sidewalks, curbs or gutters and assess the costs thereof against the lot or land of the owner.

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

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

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

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

### **1024.03 DISTANCE FROM PROPERTY LINE.**

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

### **1024.04 WIDTH ON CERTAIN STREETS.**

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

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

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

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

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

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

**1024.05 MINIMUM WIDTH AND DEPTH.**

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

**1024.06 DEPTH OF SIDEWALKS AT PRIVATE DRIVES AND INTERSECTIONS.**

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

**1024.07 GRADE.**

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

**1024.99 PENALTY.**

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

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

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

Passed: July 1, 2019

RESOLUTION NO. 30 -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 SIMEON AVENUE SANITARY SEWER REPLACEMENT PROJECT.**

WHEREAS, a portion of the sanitary sewer system in the City of Shelby is in need of replacement; 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; and

**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 Simeon Avenue Sanitary Sewer Replacement 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 7-1-19