

# 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:

*Passed  
1-7-19*

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.

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  
1/17/2019

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 Ensmann, City Hall Staff, Police Chief Lance Combs, Fire Chief Mike Thompson and the dedicated members of Shelby City Council, namely: Councilman Charlie Roub, Councilman Derrin Roberts, Councilman Garland John Gates, Councilman Nathan Martin, and Councilman Steve McLaughlin.

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City of Shelby Health Department has received funding through this program; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety of City of Shelby to sign contracts for said grant.

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

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

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

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

*Passed  
2-19-19*

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

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

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

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

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety of City of Shelby apply for a Fire Department Individual Equipment Grant, and

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

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

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

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

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

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

*Passed  
2-19-19*



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

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

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

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

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety of City of Shelby apply for a Priority One Grant, and

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

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

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

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

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

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

*Passed  
2-19-19*

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

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

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

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

WHEREAS, certain conditions have created the need to modify the plans and specifications of said project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby, Ohio that the plans and specifications as specified in Section 2 of Ordinance 19-2018 be amended.

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

Section 1: That the plans, specifications, estimates and profiles as referred to in Section 2 of Ordinance 19-2018 shall now refer to the revised plans and specifications that are on file in the Office of the Mayor and are hereby approved.

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

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

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

*Passed  
3-1-19*

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

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

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

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

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

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents for the year beginning January 1, 2019.

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

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

*3-1-19 Passed*

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

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

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

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

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

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

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

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

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

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

*Passed  
3-1-19*

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

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

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

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

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

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

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

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

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

*Passed  
3-1-19*

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

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

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

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

WHEREAS, City Council and the Administration have reviewed such proposal and desire to ratify and adopt such agreement; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the contract with the International Union of Operating Engineers Local 18S Unit B be signed.

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

Section 1: That the Mayor is hereby authorized and directed to enter into an agreement with the International Union of Operating Engineers Local 18S Unit B on behalf of certain employees of the service workers, a copy of which agreement is attached hereto and made a part hereof as though fully rewritten herein and marked "Exhibit A".

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

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

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

Section 5: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed 3-18-19*

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

**CREATING APPROPRIATIONS FOR THE YEAR 2019 AND DECLARING AN EMERGENCY.**

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

WHEREAS, the Director of Finance and Public Record, in cooperation with the Finance Committee of City Council, and the Administration and Department Heads have prepared the "Annual Appropriation Ordinance" as attached hereto and made a part hereof; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said Annual Appropriation Ordinance be adopted as prepared so as to provide for the efficient operation of the City government and so as to comply with the provisions of the Ohio Revised Code.

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

Section 1: That an appropriation is hereby made and authorized for the year 2019, the same to be in full force and effect from and after approval, as and for the general appropriations for the City of Shelby for the year 2019.

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

	<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

3-19-19 Passed

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

*Passed 4-15-19*



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

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

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

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

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

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

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

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

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

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

*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.

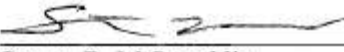
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:**

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

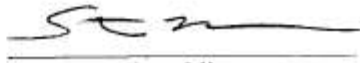
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:**

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:**

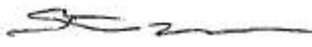
Section 1: That the Council support the passage of House Bill No. 54 by the 133rd General Assembly of the State of Ohio to amend Ohio Revised Code Section 131.51 to increase the proportion of state tax revenue allocated to the Local Government Fund from 1.66% to 3.53% beginning July 1, 2019.

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

  
\_\_\_\_\_  
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

**ORDINANCE NO. 13-2019**  
**(Sponsor: Councilmember Roub)**

**AMENDING TITLE FOUR (SUBDIVISION REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, the Subdivision Regulations of the City of Shelby were adopted by the Council of the City of Shelby on June 6, 1983 through Ordinance 17-1983; and

WHEREAS, certain portions of the regulations were amended by the Council of the City of Shelby on February 2, 2004 through Ordinance 1-2004; and

WHEREAS, certain portions of the regulations need to be amended and modified so as to make the regulations, as a whole, more pertinent to the subdivisions of today; and

WHEREAS, The Shelby City Planning Commission on May 14, 2019, reviewed the proposed amendments and referred them to Shelby City Council with their recommendation for adoption.

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

Section 1: That Section 1240.09 (Construction of Language; Definitions of Chapter 1240 (General Provisions and Definitions), Sections 1244.02 (Minor Subdivisions), Section 1244.04 (Preliminary Plan Stage), and Section 1244.05 (Final Subdivision Plat Stage) of Chapter 1244 (Subdivision Procedures), Section 1248.03 (Street and Utility Improvements) of Chapter 1248 (Improvements), Form No. 6 (Application for Minor Subdivision Approval) of Appendix VII: (Sample Forms), of Title Four (Subdivision Regulations) of the Codified Ordinances of the City of Shelby be amended to read as follows:

**1240.09 CONSTRUCTION OF LANGUAGE; DEFINITIONS.**

(a) *Rules of construction.* The following rules of construction shall apply to the provisions of these Regulations:

- (1) The particular shall control the general.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is always mandatory and not discretionary. The words "may" and "should" are permissive.
- (4) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or units connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
  - A. "And" indicates that all connected items, conditions, provisions or events shall apply.
  - B. "Or" indicates that the connected items, conditions, provisions or events may apply singly but not in combination.
- (5) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(6) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied".

(7) The word "lot" includes the words "plot" or "parcel".

(8) In case of any difference of meaning or implication between the provisions of these Regulations and any caption or illustration, the provisions shall control.

(9) Terms not herein defined shall have the meaning customarily assigned to them.

(b) *Definitions.* For the purpose of these Regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Alley." See "street".

(2) "Block." Subdivided property surrounded by, but not separated by, one or more of the following man-made or physical land features: private or public dedicated streets, unsubdivided acreage, rivers or streams, or any other physical feature which prevents continuity of development.

(3) "Building setback line." A line establishing the limits of a yard which abuts a street and in which no building may be located.

(4) "City." City of Shelby, Ohio.

(5) "Comprehensive Development Plan." A plan, or any portion thereof, adopted by the City Planning Commission and/or the City Council showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools and other community facilities. This Plan establishes the goals, objectives and policies of the community.

(6) "County." Richland County, Ohio.

(7) "Covenant." A written promise or pledge.

(8) "Cul-de-sac." See "street".

(9) "Culvert." A transverse drain that channels under a bridge, street or driveway.

(10) "Dead-end street." See "street".

(11) "Density." The number of dwelling units that can be developed on a given acre of land.

(12) "Developer." Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under these Regulations to effect a subdivision of land for himself or herself or for another.

(13) "Easement." A quantity of land over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, a utility or a particular person, for a specific use or purpose.

(14) "Engineer, professional." A person registered to practice professional engineering by the State Board of Registration as specified in R.C. § 4733.14.

(15) "Flood plain." That land which has been or may hereafter be covered by flood waters, including but not limited to the regulatory flood. For the purpose of these Regulations, the regulatory flood shall be deemed to be a flood of 100-year frequency. "Flood plain" shall include land designated as flood hazard areas on Federal Emergency Management Agency approved flood plain maps.



(16) "Improvements." Grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, storm sewer outfall, culverts, streetlights, street trees, flood control and drainage facilities, and the appurtenances required to render land suitable for the proposed use.

(17) "Licensed land surveyor." A person licensed to practice surveying by the State Board of Registration.

(18) "Lot." A division of land separated or intended to be separated from other divisions of land by description on a recorded subdivision plat or recorded survey map, or by metes and bounds for the purpose of sale, lease or separate use.

(19) "Lot, corner." A lot at the point of intersection of and abutting two or more intersecting streets.

(20) "Lot, double frontage (through lot)." A lot, other than a corner lot, that abuts more than one street.

(21) "Lot frontage." The portion of a lot nearest the street. All sides of a lot adjacent to streets shall be considered lot frontage with respect to corner lots and double frontage lots.

(22) "Lot measurements." A lot shall be measured as follows:

A. The depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the near most points of the side lot lines in the rear.

B. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line; provided, however, that the width between side lot lines at their foremost point (where they intersect with the street line) shall not be less than 80% of the required lot width.

(23) "Lot, minimum area of." The area of a lot computed exclusive of any portion of the right-of-way of any public or private street.

(24) "Major Thoroughfare Plan." The comprehensive plan adopted by the City Planning Commission indicating the general locations recommended for arterial, collector and local thoroughfares within the corporate limits of the city and the unincorporated areas within three miles thereof.

(25) "Monuments." Boundary and lot markers which conform to the regulations of the State Board of Registration for Professional Engineers and Surveyors, as authorized by R.C. §4733.07.

(26) "Open space." An area, open and unobstructed between the ground and sky, which may be on the same lot with a building.

(27) "Open space development." Any subdivision of land which has both individual building sites and common open space areas, such as park and recreation areas, and which is planned, designed and organized as a unified development capable of providing a variety of residential dwellings.

(28) "Out lot." Property, shown on a subdivision plat outside of the boundaries of the land to be developed, which is to be excluded from the development of the subdivision.

(29) "Pedestrian walkway." A dedicated public right-of-way limited to pedestrian use.

(30) "Performance bond." An agreement between a subdivider or developer and the city, for the amount of the estimated construction cost, guaranteeing the completion of physical improvements by the developer according to plans and specifications within the time prescribed in the agreement.

(31) "Planned Unit Development (PUD)." Any subdivision of land where both individual building sites and common property devoted to parks or other recreation facilities are designed and organized to be capable of

satisfactory use and operation as a self-contained residential area. A "PUD" may include shopping centers and planned industrial park developments.

(32) "Plat." See "subdivision plat".

(33) "Preliminary plan." A drawing for the purpose of study of a major subdivision, which, if approved, authorizes with the preparation of a subdivision plat.

(34) "Public utility." Any person, firm, association, corporation, trust, board, commission or other legal entity, duly authorized to furnish to the public, under state, county or municipal regulations, gas, steam, electricity, sewage disposal and treatment, communication, telegraph, transportation or water.

(35) "Public way." An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, lane, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other way, in which the general public or a public entity has a right, or which are dedicated, whether improved or not.

(36) "Regional Planning Commission." The Richland County Regional Planning Commission.

(37) "Reserve strip." A strip of land parallel to, or at the end of and abutting, a thoroughfare, controlling the means of access onto a property.

(38) "Right-of-way." A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by topography or treatment), such as grade separation, landscaped areas, viaducts and bridges.

(39) "Sewers, central or group." An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development or community.

(40) "Sewers, on-site." A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and which provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

(41) "Sidewalk." That portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian traffic (see also "walkway").

(42) "Street, thoroughfare or road." A public dedicated right-of-way which is used for the movement of goods and people, which may provide for vehicular and pedestrian access to abutting properties, which includes all lands between the right-of-way lines, and which may incorporate the curbs, sidewalks, landscaped areas, street pavement and berm. "Streets" shall be further designated and defined as follows:

A. "Alley." A minor street used primarily for vehicular service access to the back or side of properties abutting another street.

B. "Arterial street." A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.

C. "Collector street." A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance to, and circulation routes within, a residential subdivision.

D. "Cul-de-sac." A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.

E. "Dead-end street." A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

F. "Half street." A street on which only one side has been dedicated to a governmental agency.

G. "Local street." A street primarily for providing access to residential, commercial or other abutting property.

H. "Marginal access street." A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

(43) "Subdivider." See "developer".

(44) "Subdivision."

A. The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division of land into parcels of five acres or larger not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or

B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except private streets serving industrial structures, and the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewers, storm water drainage or other public facilities.

(45) "Subdivision, minor." A division of a parcel of land that does not require a plat to be approved by the planning authority according to R.C. § 711.131. However, note City Charter, § [98](#).

(46) "Subdivision plat." The final map or drawing upon which the subdivider's plan for subdivision of land is presented to the City Planning Commission for approval.

(47) "Variance." A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to physical conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(48) "Vicinity map." A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments, landmarks or community facilities, in order to better locate and orient the area in question.

(49) "Walkway." A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

(50) "Watershed." The drainage basin in which the subdivision drains, or that land whose drainage is affected by the subdivision.

(51) "Yard." A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward, provided that accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

A. "Yard, front." A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

B. "Yard, rear." A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

C. "Yard, side." A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

#### **1244.02 MINOR SUBDIVISIONS.**

(a) Plat approval of a minor subdivision is not required if the proposed subdivision of a parcel of land meets all of the following conditions:

(1) A. The proposed subdivision is located along an existing public dedicated street or road and does not involve the opening, widening or extension of any street or road.

B. The proposed subdivision involves no more than five lots after the original tract has been completely subdivided. As used in this division, "completely subdivided" means a tract which is divided into as many lots as the subdivider intends for the tract.

C. The proposed subdivision is not contrary to applicable platting, subdividing, zoning, health, sanitary or rules governing household sewage treatment systems adopted under Section 3718.02 of the Ohio Revised Code.

(2) The further division of an original tract which has been previously divided into five lots requires the replatting of the original tract.

(3) Design standards, §§ [1246.02](#) and [1246.03](#), are to be met even though plat approval is not required when a minor subdivision meets the conditions described in divisions (a)(1) through (a)(3) hereof.

(b) Any person proposing to create a subdivision which meets all of the foregoing conditions shall submit the following information to the City Engineer for approval without a plat:

(1) Two copies of a survey drawing and legal description of the parcel or parcels involved, prepared by a licensed land surveyor. The survey shall indicate the following:

A. The location of the proposed subdivision, including the tract, boundaries, township, section, number, north arrow and scale;

B. The location of all existing streets on or abutting the parcel to be subdivided;

C. Lot lines, with width and depth dimensions in feet;

D. The location and dimensions of the original tract not subdivided into lots; and

E. Recording date, the names of recorded owners of the parcel to be subdivided, and the certification and seal of the licensed land surveyor to the effect that the survey made by him or her balances and closes and that all dimensions and geodetic details are accurate and correct.

F. Evidence of compliance that the proposed subdivision has been reviewed and approved by the Health Commissioner of the Shelby Health Department or Richland Public Health, whoever or whichever has jurisdiction.

(c) (1) After the City Engineer is satisfied that the proposed subdivision is not contrary to the conditions set forth in division (a) hereof, he or she shall give approval within seven working days after submission and, upon presentation of an instrument of conveyance for the parcel or parcels, shall stamp "Approved: No plat required" and shall sign the instrument. In the event the City Engineer is not satisfied that the proposed subdivision complies with these Regulations, then the applicant shall submit all required information to the City Planning Commission for review and consideration at its next regularly scheduled meeting. If the proposed subdivision is in accordance with these Regulations, the Commission shall approve the same and the Chairperson shall stamp and sign the instrument of conveyance as required above.

(2) The City Charter, § [98](#), requires a plat for any subdivision. The subdivider is advised to review the requirements of the Charter.

(d) Reference should be made to [Appendix II](#), following the text of these Subdivision Regulations, for provisions and charts relative to minor subdivisions.

#### **1244.04 PRELIMINARY PLAN STAGE.**

The preliminary plan stage requires the subdivider to provide all information deemed necessary to enable the City Planning Commission to determine that the proposed layout is in conformity with these Regulations. This step also ensures that the subdivider will not be required to expend additional money without some indication that his or her final plat will be approved.

(a) *Application for preliminary plan approval.* The subdivider must submit an application for preliminary plan approval to the City Engineer's office or his or her representative, with copies as required by divisions (a)(1) and (a)(2) hereof. It is recommended that this plan be prepared by a person capable of furnishing all the data required by division (b) hereof.

(1) Two copies of the application for preliminary plan approval; and

(2) Five copies of a preliminary plan within the city (nine copies for a subdivision within the three-mile limit), prepared by a licensed land surveyor, along with a reproducible tracing.

(b) *Preliminary plan contents.* The preliminary plan shall be drawn at a minimum scale of 100 feet to the inch (one inch = 100 feet) and shall be drawn on one or more sheets no larger than 24 by 36 inches in size. When drawn on several sheets, an index sheet showing the entire subdivision and match points in each sheet shall be provided. The preliminary plan shall contain the following information:

(1) The name of the proposed subdivision (which shall not duplicate the name of another subdivision in Richland County);

(2) The location of the proposed subdivision by township, range, section, tract or other survey;

(3) The names, addresses and phone numbers of the property owner, the developer and/or the engineer or surveyor who prepared the preliminary plan;

(4) The scale of the plan, north point and the date of the survey;

(5) The boundary lines of the proposed subdivision, showing bearings, dimensions and acreage, based on available data;

(6) The location, right-of-way and pavement widths of all existing streets within and adjacent to the subdivision;

(7) The existing topography within the boundaries of the subdivision at an interval of two-foot contours;

(8) The location and extent of all significant physical features of the site, including watercourses, lakes (natural and man-made), marshes, tree coverage and other significant natural features;

(9) The location of all existing sewers, water lines, power transmission lines, pipelines and other utilities;

(10) The location and dimensions of all proposed utility and sewer lines, showing their connections with the existing system;

(11) The location, width and purpose of all other easements or rights-of-way;

- (12) The present zoning classification of the tract and adjacent parcels, and proposed zoning changes, if any;
- (13) The proposed arrangement of all lots, and the numbers and approximate dimensions of each lot;
- (14) Required building setback lines, with dimensions;
- (15) The location and size of all parcels to be reserved or dedicated for public use;
- (16) A development summary, including total acreage, number of lots, average lot size, and acres in streets, public sites and other public uses; and
- (17) A vicinity map, on or accompanying the plan, indicating the relationship of the proposed subdivision to existing subdivisions and existing and proposed thoroughfares, and the proposed connections between existing and proposed streets and roads.

(c) *Submission of preliminary plan.* Applications for tentative approval of the preliminary plat must be submitted to the City Engineer or his or her representative 21 days before the regularly scheduled Planning Commission meeting. The City Engineer or his or her representative will notify the Chairperson of the Planning Commission to place the proposed plan approval on the agenda of the next Planning Commission meeting.

(d) *Transmission of preliminary plan.* The City Engineer or his or her representative shall transmit copies of the preliminary plan to the City Planning Commission members, the City Health Commissioner, the Shade Tree Commission, Fire and Police Chiefs, and to school boards and utility departments or companies, as he or she deems necessary, for their review and comment. For subdivisions within the three-mile limit, additional copies shall be transmitted to the County Engineer, the County Health Department, the County Sanitary Engineer, the Richland County Regional Planning Commission and the appropriate township clerk.

(e) *Review of preliminary plan.* The City Planning Commission shall complete its review of the preliminary plan as well as comments from the other departments and agencies by or at the first scheduled Planning Commission meeting after the date of submittal of the application. The Commission shall inform the subdivider as to which city, county or consulting officials must be contacted by him or her to determine the extent and nature of the improvements required by these Regulations.

(1) Upon completion of the review, the action, recommendations and negotiation results of the Commission shall be noted on two copies of the preliminary plan, referenced and attached to any conditions determined. One copy shall be retained by the Commission and the other returned to the subdivider.

(2) Approval of the preliminary plan by the City Planning Commission is not an acceptance of the plan for record, but only an expression of approval of a general plan as a guide for the preparation of a final subdivision plat for approval and recording upon fulfillment of all requirements of these Regulations. Approval shall be effective for a maximum period of 12 months unless, upon application by the subdivider, the City Planning Commission grants an extension. If a final subdivision plat has not been submitted for approval within the time period, another preliminary plan must be submitted in accordance with these Regulations.

#### **1244.05 FINAL SUBDIVISION PLAT STAGE.**

(a) *Final subdivision plat required.*

(1) The subdivider, after receiving approval of the preliminary plan for the proposed subdivision, shall submit a final plat of the proposed subdivision and drawings and specification of all improvements required therein. The final plat shall have incorporated all of the changes required by the City Planning Commission in its review of the preliminary plan. Otherwise, it shall conform to the preliminary plan. The final plat may be submitted for approval in sections, provided that a preliminary plan has been approved for the entire subdivision. The final plat shall be prepared by a licensed land surveyor and supplementary improvement plans and specifications shall be prepared by a registered professional engineer.

(2) The following information shall be submitted to the City Planning Commission for final subdivision plat approval:

A. Two copies of the application for final plat approval (see Subdivision [Appendix VII](#), Sample Form No. 5, following the text of [Chapter 1250](#) of these Subdivision Regulations);

B. Five copies of the final subdivision plat and a reproducible tracing (nine copies if in the three-mile limit);

C. Five copies of final plat improvement drawings;

D. Two copies of protective covenants, if proposed;

E. Two copies of performance guarantees approved by the City Law Director and reviewed by the City Engineer;

F. A receipt indicating payment of plat filing fees (see § [1242.05](#)); and

G. Plan checking and field inspection fees (see § [1242.05](#)).

(b) *Contents of final subdivision plat drawing.* The subdivision plat shall be drawn to a minimum of 18 by 24 inches and a maximum of 24 by 36 inches outside dimensions and shall be drawn at a minimum scale of 100 feet to one inch. When necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. When on several sheets, match points shall be shown. The subdivision plat shall show the following:

(1) *Identification.*

A. The proposed name of the subdivision, the township, the tract and the original lot or section number;

B. A location map at one inch = 2,000 feet (U.S.G.S.) scale, with a north arrow; and

C. The name and address of the subdivider and the registered engineer and/or surveyor who prepared the plat, with appropriate registration numbers and seals.

(2) *Control points.* All dimensions, angles and bearings are to be referred to control points, the nearest established street line, section lines or other established points;

(3) *Lines and boundaries.* Centerlines and right-of-way lines of streets, easements and other rights-of-way; corporation lines; property lines of all lots and parcels, with distances; radii, arcs or chords and tangents of all curves (nearest one-hundredth of a foot), bearings or deflection angles (nearest second);

(4) *Streets.* Street names of each street within the proposed subdivision and those adjoining the subdivision; right-of-way width accurately shown with dimensions;

(5) *Building setback lines.* Building setback lines accurately shown with dimensions;

(6) *Lot identification.* Lots shall be numbered in consecutive order. When the subdivision is submitted in sections, lots shall be numbered consecutively as each section is submitted, whether or not the sections are contiguous;

(7) *Total site data.* Total site data shall include acreage and the number of lots in parks and other public uses;

(8) *Land for public use.* Show boundaries and identify the use of all parcels which are to be dedicated or reserved for public use or easements;

(9) *Monuments.* The location and description of those found, set or to be set;

(10) *Adjoining plats and owners.* The names of recorded owners of adjoining unplatted land and reference to subdivision plats of adjoining platted land by name, volume and page of the Recorder's plat records;

(11) *Certification of survey.* Certification and seal by a licensed land surveyor to the effect that the plat represents a survey made by him or her which balances and closes, that monuments shown thereon exist or shall be set as shown, and that all dimensions and geodetic details are correct;

(12) *Certification by owners.* Notarized certification by the owner or owners of the subdivision that the streets and other public areas have been dedicated and that there are no unpaid taxes or special assessments against the land contained in the plat;

(13) *Notations.*

A. Certification of the City Engineer and City Law Director that performance guarantees, if required, for the construction of required improvements, have been provided.

B. Acceptance of dedication of streets, storm sewers, sanitary sewers, water lines and rights-of-way by the local governing body for its ownership and future maintenance.

C. Proper notations for transfer and record by the Richland County Auditor, the County Recorder and the tax map draftsman.

D. Approval of plat by the Chairperson of the City Planning Commission, the City Health Commissioner, and the City Engineer. If within the three-mile limit, include signatures of County Engineer, the County Sanitary Engineer, the County Health Department and the Director-Secretary of the Richland County Regional Planning Commission.

E. Acceptance of all areas of public use by the City Planning Commission or the Township Trustees. Where land is accepted for parks, the City Board of Park Commissioners shall be notified.

F. Certification of the Richland County Auditor that there are no delinquent taxes or delinquent special assessments against the land contained in the plat.

(14) *Protective covenants.*

A. If common property and/or improvements are a part of the plat, then the developer or persons seeking approval of the plat shall, prior to that approval, provide and submit to the Shelby Planning Commission copies of protective covenants, easements and documents to be recorded, providing for the ownership, maintenance, repair and financing of the common property and/or improvements. Reference to these protective covenants shall be included in all deeds conveying the lots and lands described within the subdivision plats.

B. The maintenance and repair of common property and/or improvements shall not be the responsibility of the public unless, by specific legislative enactment, the legislative authority accepts responsibility for the property or improvements.

(c) *Improvement plans and specifications.*

(1) Drawings showing cross-sections, profile, elevations, construction details and specifications for all required improvements shall be prepared by a registered professional engineer. The improvement plans shall be prepared in accordance with the design standards and required improvements set forth in Chapters [1246](#) and [1248](#) of these Regulations.



(2) If it becomes necessary to modify improvements as approved due to unforeseen circumstances, the subdivider shall inform the City Engineer in writing of the conditions requiring the modifications and shall receive written approval of the modifications.

(d) *Transmission of subdivision plat.* The Chairperson of the City Planning Commission shall transmit copies of the final plat to the same individuals and agencies who or which received the preliminary plan (see § [1244.04](#)(d)).

(e) *City Planning Commission action.*

(1) The City Planning Commission shall approve or disapprove the final plat within 30 days after it has been filed. Failure of the Commission to act upon the final plat within that time shall be deemed to be approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Commission, and a copy of the record shall be forwarded to the subdivider. The Commission shall not disapprove the plat if the developer has done everything that was required and has proceeded in accordance with the conditions and standards specified in the approved preliminary plan. If disapproved, the subdivider shall make the necessary corrections and resubmit the plat within 30 days to the Commission for its final approval.

(2) Approval of a subdivision plat may be given in one of the two following ways:

A. Before construction of improvements. The City Planning Commission may give final approval before all required improvements are installed, provided that a construction agreement and performance bond or other guarantee or security acceptable to the City Law Director and the City Engineer, for the purpose of assuring installation of the improvements based on approved detailed engineering plans and an estimate approved by the City Engineer, is provided. Upon receipt of the City Engineer's notification and determination that all the requirements of these Regulations have been met, the City Planning Commission shall give final approval and shall indicate that approval and the date on the tracing of the final subdivision plat, is provided.

B. After construction of improvements. After the subdivider has obtained conditional approval, as indicated in this section, and has installed all required improvements to the satisfaction of the City Engineer, the City Engineer shall certify that the improvements have been satisfactorily installed in compliance with the approved plans and the construction agreement. Upon receipt of the City Engineer's notification and determination that all the requirements of these Regulations have been met, the City Planning Commission shall give final approval and shall indicate that approval and the date on the tracing of the final subdivision plat.

### **1248.03 STREET AND UTILITY IMPROVEMENTS.**

The improvement standards and specifications shall be as follows, except that any variations or additional requirements from these specifications, which may be required because of adverse site characteristics, will be determined by the City Engineer. All materials and construction methods shall be in accordance with the appropriate section of the current edition of the Ohio Department of Transportation specifications, herein abbreviated as ODOT, and Appendix 7, Standard Drawings. All streets and utility improvements, both public and private, shall conform to these specifications:

(a) *Streets and roads.* See [Table 1](#) in § [1246.04](#).

(1) *Major and minor arterial thoroughfares.* The type and thickness of pavement will vary with design capacity, speed and loading. The developer will be responsible only for curbs and gutters and a maximum of 31 feet of pavement cost, as determined by the engineer of jurisdiction. Major and minor arterial thoroughfares shall be constructed from plans furnished by the engineer of jurisdiction and to the standards and specifications established therein.

(2) *Collector, commercial and industrial streets.*

A. The type and thickness of pavement shall be as follows:

1. Ten inches (ODOT 304) limestone base, bituminous prime and two and one-half inches of (ODOT 448-2) asphaltic concrete base surface and one and one-half inches of (ODOT 448-1) asphaltic concrete surface;

2. Four inches of (ODOT 304) limestone aggregate base, seven inches of (ODOT 301) asphaltic concrete base and two inches of (ODOT 448-1) asphaltic concrete surface;

3. Four inches of (ODOT 304) limestone, seven inches of (ODOT 452) portland concrete pavement designed to ODOT *Pavement Design and Rehabilitation Manual* requirements.

B. Six inch underdrains (ODOT 605) shall be installed on both sides of street for options A.1., A.2. and A.3.

(3) *Local residential; cul-de-sacs.*

A. The type and thickness of pavement shall be as follows:

1. Eight inches (ODOT 304) limestone base, bituminous prime and two and one-half inches (ODOT 448-1) asphaltic concrete surface;

2. Four inches (ODOT 304) and six inches of (ODOT 301) bituminous aggregate base and one and one-half inches of (ODOT 448-1) asphaltic concrete surface;

3. Four inches (ODOT 304) limestone, six inches (ODOT 452) portland concrete pavement designed to ODOT *Pavement Design and Rehabilitation Manual* requirements.

B. Six inch underdrains (ODOT 605) shall be installed on both sides of street for options A.1., A.2. and A.3.

(4) *Pavement drainage.*

A. Roadway ditches having a grade in excess of 2% shall have an approved type gutter using concrete, stone, sod or underground drainage, with sufficient inlet spaces at intervals.

B. All driveways where ditches are used shall be provided with a drive pipe having a minimum diameter of 12 inches and being a minimum of 20 feet long, or at least eight feet longer than the width of the driveway. The invert of the pipe shall be 18 inches below the centerline of the pavement (C.M.P. or equal).

C. All street pavements shall slope from the crown to each gutter at three-sixteenths of an inch per foot minimum.

D. The subdivider shall show the cross-sections and centerline profile of all existing pavements and intersections and a profile at the stub end for future extensions of pavement and drainage.

(b) *Curbs and gutters.* Integral curbs may be constructed with concrete pavements. Curbs and gutters shall be constructed of portland cement (ODOT 609).

(1) Gutter plate minimum width: 18 inches; minimum thickness: eight and one-half inches.

(2) Minimum curb height: six inches (front); 13 inches (back).

(3) Minimum curb width: six inches.

(4) Type of material: concrete (see Appendix 7, Standard Drawings).

(c) *Driveways.*

(1) Minimum width: 18 feet at curb and ten feet at sidewalk. Minimum apron: four feet on each side of driveway.

(2) Type and thickness of base material: six inches plain concrete (ODOT 452), five inches (ODOT 301) plus one inch (ODOT 404) or eight inches (ODOT 304) plus two inches (ODOT 404) or equivalent.

(d) *Sidewalks.* Sidewalk provisions are specified in the Required Improvements Schedule set forth in § [1248.01](#), [Table 2](#). Sidewalks shall be located two feet inside the street right-of-way lines.

(1) Minimum width: five feet.

(2) Minimum thickness: four inches.

(3) Minimum thickness at driveways: six inches.

(4) Material: plain portland concrete (class C).

(5) Sidewalks shall be constructed pursuant to R.C. § 729.12 to provide ramped curbing.

(e) *Storm sewer systems.* Storm sewer systems and other drainage improvements shall be in accordance with the standards and specifications of, and subject to approval by, the City Engineer.

(f) *Electric lines.* In all subdivisions, electric current conductors may be buried as per § [1246.04](#) of these Regulations and as per power supplier specifications. Above ground pads for transformers will be permitted.

(g) *Gas mains.* Gas mains, when proposed, shall be installed in the green belt between the sidewalk and the curb, with a minimum 30-inch cover. Service lines shall be installed with a minimum 18-inch cover as per specifications of Columbia Gas of Ohio, Inc. Locations are to be approved by City Engineer.

(h) *Street name and traffic control signs.* Street name signs (to be provided by the developer) shall be installed at all intersections, and traffic-control signs (to be provided by the city) shall conform to ODOT standards.

(1) Minimum size of sign: six inches high, 18 inches long.

(2) Minimum height above ground: eight feet.

(3) Sign plates: sign plates shall conform to standards set forth by the City Engineer.

(4) Posts: sign posts shall conform to standards set forth by the City Engineer.

(i) *Water supply.*

(1) If the city water supply is not available, a water supply distribution system, if required, shall be designed, located and constructed in accordance with the requirements of the Ohio Environmental Protection Agency and city regulations.

(2) The following minimum standards and specifications shall apply:

A. Main size: eight inches in diameter (minimum).

B. Waterline material shall be as follows:

1. Ductile case iron water main specifications, ANSI-A21.52, Class 2, including mechanical joint fitting (AWWA-specification C153).

2. Polyvinyl chloride (PVC) water main specifications AWWA/ANSI C900 DR18, including mechanical joint fitting (AWWA-specification C153).

C. Fire hydrants shall be installed as follows:

1. Location: At each intersection and a maximum distance of 500 feet between hydrants.

2. Type of hydrant: city standard, with a six-inch gate valve on hydrant lead, per specification AWWA-C502.

D. Valves: 16-inch and larger: butterfly type; smaller than 16-inch: gate type.

E. Depth: four and one-half foot cover over water main (minimum).

F. Tap: One required for each residence as follows:

1. Three-quarter inch diameter, Type K copper, 160 pounds per square inch rating, ASTM D-2737, known as service pipe or municipal pipe that can be flared for use with compression fittings, or other equivalent material approved by the City Engineer.

2. Three-quarter inch corporation stop.

3. Three-quarter inch curb stop and box located at the right-of-way.

4. a. All waterlines shall be constructed in a continuous loop system meeting city and Ohio EPA regulations and specifications by connecting to new or existing water lines so that no line shall be a dead end; or

b. The developer must provide plans and calculations certified by an Ohio registered engineer demonstrating that the proposed extension will cause no decrease of flow or pressure for both domestic and fire flow supply situations from the point of the last documented continuous looping in the existing city's distribution system. Proposed plans must meet City of Shelby and Ohio EPA regulations and specifications.

c. In either case, plans and calculations must be approved by the Deputy Director of Public Services (Utilities Director), Water Superintendent and City Engineer.

5. Larger taps shall be approved by the Water Division and installed at the expense of the developer.

(j) *Sanitary sewers.*

(1) If the city sanitary sewer is not available, a sanitary sewer collection system, if required, shall be designed, located and constructed in accordance with the requirements of the Ohio Environmental Protection Agency and city regulations.

(2) The following minimum standards and specifications shall apply:

A. Main size: eight-inch diameter.

B. Material: PVC pipe, current ASTM C-425.

C. Pipe joints: premium current ASTM C-425.

D. House tap: one required for each lot to the right-of-way line, as follows:

1. Six-inch diameter minimum.

2. Installed by a "T" or "Y" connection method.

E. Manholes:

1. Wall sections: four-foot minimum diameter precast concrete, ASTM Designation C-478;
2. Joints between sections: ASTM Designation C-443;
3. Frame and cover: as approved by the City Engineer, or other approved equivalent;
4. Maximum distance between manholes: 400 feet (see Appendix 7, Standard Drawings).

(k) *Testing of water and sewer lines.* Testing of water lines and sanitary sewer lines after installation shall be done by the subdivider in accordance with the procedures and requirements of the City Engineer.

**FORM NO. 6  
APPLICATION FOR MINOR SUBDIVISION APPROVAL**

Shelby, Ohio

Date \_\_\_\_\_ Application Number \_\_\_\_\_

The undersigned applies for minor subdivision approval under Ohio R.C. 711.131 and certifies that all material submitted with this application is true and correct. Action must be taken within seven working days.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Minor subdivision approval may be granted only under the following conditions:

1. The proposed subdivision is along an existing public road and involves no openings, widening or extension of any street.
2. No more than five lots are involved after the original parcel has been completely subdivided.
3. The subdivision is not contrary to applicable platting, subdividing or zoning regulations. A variance can only be requested before the entire Commission.
4. The property has been surveyed and a sketch and legal description are submitted.
5. Compliance with design standards, §§ [1246.02](#) and [1246.03](#), shall be made even though no plat is required.

Note: City Charter, § [98](#), requires a plat for any subdivision. The subdivider is advised to review the requirements of the Charter.

Section 2: That Form No. 8 (Affidavit of Compliance for Minor Subdivision) of Appendix VII (Sample Forms) be deleted in its entirety.

Section 3: That all other Sections of Title Four (Subdivision Regulations) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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: July 15, 2019

**ORDINANCE NO. 17-2019**  
**(Sponsor: Councilmember Gates)**

**VACATING AN ALLEY THAT RUNS PARALLEL WITH SECOND STREET AND A PORTION OF OAK STREET WITHIN THE CITY OF SHELBY, RICHLAND COUNTY, OHIO.**

WHEREAS, on the 6<sup>th</sup> day of May, 2019, the Council of the City of Shelby adopted Resolution No. 22-2019 declaring its intent to vacate an alley that runs parallel with Second Street and a portion of Oak Street; and

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

WHEREAS, the Board of Revision of Assessments met on May 29, 2019 and voted to approve and recommend the vacation of an alley that runs parallel with Second Street and a portion of Oak Street; said hearing and procedure being in accordance with the provisions of Section 105 of the Charter of the City of Shelby, Ohio; and

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

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

Section 1: That an alley that runs parallel with Second Street and a portion of Oak Street as set forth in the plat and legal description as prepared by Seiler & Craig Surveying, Inc.- Chad Craig, Registered Surveyor on March 26, 2019 is hereby vacated.

Section 2: That in accordance with Section 105 of the Charter of the City of Shelby, Ohio, the City shall retain any and all easements necessary for the maintenance of utilities currently located within said roadway.

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

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

PASSED: July 15, 2019

**AMENDED ORDINANCE NO: 21-2019**  
**(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 – MIS- 531</b>	<b>Miscellaneous</b>	<b>\$25,000.00</b>
<b>101 – MIS- 624</b>	<b>Revenue Sharing</b>	<b>\$1,200.00</b>
<b>220 – CIT- 506</b>	<b>Refunds</b>	<b>\$15,000.00</b>
<b>354 – PCC- 531</b>	<b>Miscellaneous</b>	<b>\$10,000.00</b>
<b>354 – PCC- 536</b>	<b>Construction</b>	<b>\$50,000.00</b>
<b>401 – SCI- 536</b>	<b>Construction</b>	<b>\$2,000,000.00</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.

PASSED: July 15, 2019

**RESOLUTION NO. 31 - 2019**  
**(Sponsors: Councilman Gates, Roub and Martin)**

**THANKING LINDA K. SPERK FOR HER SERVICE AS AN INCOME TAX CLERK OF THE CITY OF SHELBY.**

WHEREAS, Linda K. Sperk faithfully served as an Income Tax Clerk of the City of Shelby from May 16, 1974, until her retirement on June 28, 2019; and

WHEREAS, during her outstanding tenure, Mrs. Sperk served as Income Tax Clerk serving the citizens of Shelby as income tax filer and information provider, always assisting taxpayers with a calm voice and demeanor; and

WHEREAS, as an employee of the Income Tax Department, Mrs. Sperk worked with ten mayors, six law directors, five finance directors, numerous members of Council, and countless other city officials and employees in three City Hall buildings with a work ethic that was unparalleled and a sense of duty that was unmatched; and

WHEREAS, the Council desires to thank Mrs. Sperk for her diligent and dedicated service to the City of Shelby and its residents.

**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 sincere thanks and appreciation to Linda K. Sperk for her forty-five years of service as an Income Tax Clerk.

Section 2: That the Council extend its best wishes to Mrs. Sperk for a long and satisfying retirement.

Section 3: That the Clerk of Council present Mrs. Sperk an authenticated copy of this Resolution.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with the Codified Ordinance 220.01, Ohio Revised Code Section 121.11, 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.

*passed 7-15-19*



RESOLUTION NO. 32 -2019  
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH SHELLY AND SANDS, INC FOR THE 2019 PAVING PROJECT IN THE AMOUNT OF TWENTY-EIGHT THOUSAND THREE HUNDRED EIGHTY AND 00/100 DOLLARS (\$28,380.00) AS AN INCREASE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has entered into a contract with Shelly and Sands, Inc. for the 2019 Paving Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the 2019 Paving Project and adjust the contract as detailed in the attached Change Order #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.

**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 Shelly and Sands, Inc. for the total amount of Twenty-Eight Thousand Three Hundred Eighty and 00/100 Dollars (\$28,380.00) 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.

61-51-6 passed 7-15-19

**RESOLUTION NO. 33 -2019**  
**(Sponsors: Councilmembers Gates and Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR QUALIFICATION STATEMENTS AND TO ENTER INTO A CONTRACT FOR EMERGENCY AMBULANCE SERVICE AND DECLARING AN EMERGENCY.**

WHEREAS, a contract for emergency ambulance service which is currently in effect within the City of Shelby expires on October 13, 2019 at 12:00 A.M.; and

WHEREAS, in order to assure that the citizens of the City of Shelby, Ohio are provided with suitable and adequate emergency ambulance services, it is necessary that qualification statements for a new contract be sought; 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 Mayor as Director of Public Safety be authorized to advertise for Qualification Statements and to enter into a contract for emergency ambulance service.

**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 be authorized to advertise for Qualification Statements and enter into a contract for emergency ambulance service.

Section 2: That the Mayor as Director of Public Safety and/or the Fire Chief for the City of Shelby shall advise the trustees of Jackson and Sharon Townships of the city's intent to seek contract Qualification Statements and encourage said trustees to participate in the contract process as in previous years.

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 is hereby declared an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in 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 7-15-19*

ORDINANCE NO. 18 -2019  
(Sponsor – Councilmember Roberts)

**AMENDING THE ZONING ORDINANCE (ORDINANCE NUMBER 1-91, PART 12, TITLE 6) OF THE CODIFIED ORDINANCE OF THE CITY OF SHELBY, OHIO TO CHANGE A CERTAIN PERMANENT PARCEL NUMBER ON EAST MAIN STREET-STATE ROUTE 96 WHICH IS DESIGNATED AS R-1A (RESIDENTIAL DISTRICT) TO R-2 (RESIDENTIAL DISTRICT).**

WHEREAS, by authority of Codified Ordinances 1260.05, the Council of the City of Shelby has determined that a certain permanent parcel number on East Main Street–State Route 96 as located within an R-1A (Residential District) should be zoned as R-2 (Residential District) property; and

WHEREAS, the Planning Commission of the City of Shelby has reviewed the proposed amendment and has approved of same on June 11, 2019; and

WHEREAS, in accordance with Codified Ordinance 1260.05 the Council of the City of Shelby has determined that said amendment to the Zoning Ordinance is necessary; and

WHEREAS, in accordance with mandates of the Zoning Ordinance for the City of Shelby, a public hearing shall be held concerning this proposed amendment; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Ordinance number 1-91, Part 12, Title 6 be amended and that certain Richland County permanent parcel number on East Main Street- State Route 96 be rezoned.

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

Section 1: That the zoning map attached to Ordinance Number 1-91 as passed on March 4, 1991 (with amendments) is hereby revised and amended by changing the following Richland County Permanent Parcel Number 0178021505031 from R-1A (Residential District) to R-2 (Residential District).

Section 2: That the Clerk of Council and the Chairman of the Shelby Planning Commission are directed to make the necessary changes on the original zoning map of the City of Shelby, Ohio.

Section 3: That all other zones and designations currently on said map are to remain in full force and effect.

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 8-5-19*

ORDINANCE NO. 19 -2019  
Sponsors: (Councilmember Roberts and Roub)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO LEASE REAL ESTATE.**

WHEREAS, the City of Shelby by and through its Council has the special power to lease its real estate; and

WHEREAS, the City of Shelby has obtained parcels of land through the FEMA Mitigation Grants; and

WHEREAS, the Mayor acting as Director of Public Service has determined that said parcels should be leased; 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 parcels be leased by the City of Shelby.

**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 following described real estate belonging to the City of Shelby shall be leased:

*passed 8-5-19*

#	ADDRESS	LOT	PARCEL ID	DISASTER DECLARATION
1	160 Leslie Lane	3405	0460814501000	1720.10R
2	158 Leslie Lane	3406	0460810208000	1720.10R
3	148 Leslie Lane	3411	0460802307000	1720.10R
4	144 Leslie Lane	3318	0460804105000	1720.10R
5	155 Leslie Lane	3419	0460816607000	1720.10R
6	153 Leslie Lane	3420	0460804813000	1720.10R
7	151 Leslie Lane	3421	0460814604000	1720.04R
8	149 Leslie Lane	3422	0460802513000	1720.10R
9	147 Leslie Lane	3423	0460819808000	1720.10R
10	145 Leslie Lane	3320	0460808018000	1720.10R
11	143 Leslie Lane	3319	0460807107000	1720.04R
12	161 Leslie Lane	3416	0460800707000	1720.10R
13	149 N. Gamble Street	3737	0460822039000	1720.10R
14	147 N. Gamble Street	3736	0460822049000	RFC 08
15	145 N. Gamble Street	3735	0460822042000	1720.10R
16	143 N. Gamble Street	3734	0460822051000	1720.10R
17	139 N. Gamble Street	3732	0460822041000	1720.04R
18	137 N. Gamble Street	3731	0460822040000	1720.04R
19	35 Jeffery Avenue	892	0460814216000	1720.04R
20	26 Walnut Street	189	0460816404000	1720.04R
21	17 E. Whitney Avenue	242	0460817517000	1720.04R

*passed 8-5-19*

22	19 E. Whitney Avenue	241	0460817516000	1720.04R
23	14 E. Whitney Avenue	246	0460810605000	1720.04R
24	29 Mohican Street	2724	0460811013000	1720.04R
25	33 Mohican Street	2722	0460818209000	1720.04R

Section 2: That the Mayor as Director of Public Service be and is hereby authorized to lease said real estate to the highest bidders according to law and further authorized to enter into lease agreement(s).

Section 3: That the City of Shelby shall reserve unto itself sufficient utility easements as may be required.

Section 4: That the Director of Finance and Public Record shall deposit the proceeds of the lease of said real estate described in Section 1 to the credit of the General Fund.

Section 5: That all lease agreements shall have the approval of the Federal Emergency Management Agency Region Five Regional Director.

Section 6: 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 7: 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. 20 -2019  
(Sponsor – Councilmember Gates)

**AMENDING CHAPTER 210 (PUBLIC RECORDS POLICY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, the model public records policy upon which Chapter 210 (Public Records Policy) of the Codified Ordinances of the City of Shelby was based in 2009 has been significantly revised and updated by the Office of the Attorney General of the State of Ohio; 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 City's Public Records Policy be amended to reflect said revisions and updates.

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

Section 1: That Chapter 210 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**CHAPTER 210: PUBLIC RECORDS POLICY**

**210.01 MISSION STATEMENT.**

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of the City of Shelby at all times to comply fully with and abide by both the spirit and the letter of Ohio's Public Records Act.

**210.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) A "record" is defined to include the following: a document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the City that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the City.

(b) A "public record" is a record that is being kept by the City at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

**210.03 RESPONSE TIMEFRAME.**

(a) Public records are to be available for inspection during regular administrative business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Promptly" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

(b) It is the goal of the City of Shelby that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the City's receipt of the request.

**210.04 HANDLING REQUESTS.**

(a) No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records.

(b) The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record(s). It is the City's general policy that this information not be requested. However, the law does permit the City to ask for a written request, the requester's identity, and/or the intended use of the information

*Passed 8-5-19*



requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the City's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

(c) In processing the request, the City does not have an obligation to create new records or perform a search or research for information in the City's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the City's standard use of sorting, filtering, or querying features. Although not required by law, the City should consider generating new records when it makes sense and is practical under the circumstances.

(d) In processing a request for inspection of a public record, a City employee may accompany the requester during inspection to make certain original records are not taken or altered.

(e) A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website ([www.OhioAttorneyGeneral.gov/YellowBook](http://www.OhioAttorneyGeneral.gov/YellowBook)) for the purpose of keeping employees of the City and the public educated as to the City's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

**210.05 ELECTRONIC RECORDS.**

(a) Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

(b) Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the City are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

**210.06 DENIAL AND REDACTION OF RECORDS.**

(a) If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the City cannot reasonably identify what public records are being requested, the request may be denied, but the City must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the City.

(b) If the City withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the City shall notify the requester of any redaction or make the redaction plainly visible.

**210.07 COPYING AND MAILING COSTS.**

(a) Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is \$0.05 cents per page. The charge for electronic files downloaded to a compact disc is \$1.00 per disc.

(b) A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the City determines that the record can reasonably be duplicated as an integral part of the City's normal operations.

(c) If a requester asks that documents be delivered, he or she may be charged the actual cost of the postage and mailing supplies or other actual costs of delivery. There is no charge for e-mailed documents.

*passed 8-5-19*

**210.08 MANAGING RECORDS.**

The City's records are subject to records retention schedules. The City's current schedules are available at City Hall, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

**210.09 APPLICABILITY.**

The provisions of this chapter shall apply to all offices, departments, boards, and commissions of the City. No later than 30 days after its effective date, the Clerk of Council shall cause a copy of this chapter to be posted prominently at all locations where public records are kept, including, but not limited to, City Hall, Police Department, Fire Department, Health Department, Municipal Utilities Office, Water Treatment Plant, Wastewater Treatment Plant, Municipal Light Plant, City Garage, Electric Distribution Garage, Seltzer Pool, and Parks Department Garage.

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 8-5-19*



**ORDINANCE NO: 24 -2019**  
**(Sponsor: Councilmember McLaughlin)**

**AMENDING ORDINANCE NO: 7-2019 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.**

WHEREAS, on March 18, 2019, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code Section 5705.38; and

WHEREAS, it is necessary to increase a line item within the 2019 budget and to fund said line item with previously unappropriated monies; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these additional appropriations be made effective so as to balance the books for the calendar year 2019 and so as to fund necessary expenditure and/or projects.

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

Section 1: The Ordinance No: 7-2019 (Annual Appropriations) is hereby amended as follows:

**THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES**

600 - CAP- 531	Miscellaneous	\$175,000.00
600 - DIS - 485	Maintenance, Autos	\$3,000.00
600 - DIS - 515	Equipment	\$5,000.00
600 - DIS - 539	Traffic Signals	\$10,000.00

Section 2: That all other portions of Ordinance No.: 7-2019, not modified expressly herein, shall remain in full force and effect.

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

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

*passed 8-5-19*

RESOLUTION NO. 35 -2019  
(Sponsor: Councilmember Martin)

**GIVING CONSENT/AUTHORIZATION TO THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO TO COMPLETE BRIDGE INSPECTION SERVICES (PID 109334) WITHIN THE CITY OF SHELBY, OHIO.**

WHEREAS, Ohio Revised Code (ORC) Section 723.54 requires all cities to inspect the bridges inside the municipality, except bridges on the state highway system or the county highway system; and

WHEREAS, the Ohio Department of Transportation has developed a program to assist the municipalities for bridge inspections; and

WHEREAS, it is in the interest of public health, safety, morals and general welfare of the citizens of the City of Shelby that consent and authorization be given to the Ohio Department of Transportation for bridge inspections.

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

Section 1: That the City of Shelby has determined the need for the following project:

Bridge Inspection Services, including, but not limited to routine inspections, element level inspections, critical-findings reports, fracture critical member inspections, load rating calculations and reports, weight limits post sign recommendations, scour assessments, scour plan of actions, development of fracture critical plans, and underwater dive inspection reports if needed.

Section 2: That being in the public interest, the City of Shelby gives consent to the Director of Transportation to complete the above described project.

Section 3: That the City of Shelby shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant's Scope of Services Task Order Contract (Exhibit A).

The City of Shelby agrees to pay 100% of the cost of those features which are not included in Exhibit A. Those features may include but not limited to the purchasing and erecting the recommended weight limits postings signs, the implementation of critical findings reports such as partial or total bridge closures, the implementation of the scour plan of actions. When recommendations affect public safety, ODOT expects full implementation by the LPA. Starting in October 2019, The Federal Highway Administration requires installing weight limits posting signs within 30 days from the official date of the approved recommendations. Timely implementation is essential to the success of this program.

Section 4: That the City of Shelby agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

Section 5: That the Mayor as Director of Public Service is hereby empowered on behalf of the City of Shelby to enter into contracts with the Director of Transportation which are necessary to complete the above described project.

Section 6: 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 7: 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 8-5-19

**RESOLUTION NO. 36-2019**  
**(Sponsors – Councilmembers Martin, McLaughlin, and Gates)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ACQUIRE A CERTAIN PARCEL OF REAL ESTATE OWNED BY SHELBY HORIZONS, LTD. FOR A SOLAR PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, Section I of the Charter of the City of Shelby, Ohio authorizes the acquisition of real property in fee simple by purchase for any municipal purpose; and

WHEREAS, a fourteen (14) acre parcel of real property on State Street is currently available for purchase which is in the City of Shelby, Ohio; and

WHEREAS, said property is needed for the construction of a photovoltaic electric generation facility; 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 the title to the fourteen (14) acres of real property on State Street.

**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 the title to the said real estate, and being identified by the following:

Situated in the City of Shelby, County of Richland, and State of Ohio

Being part of the Northeast Quarter of Section Six (6), Township Twenty-two (22), Range Nineteen (19), City of Shelby, Sharon Township, Richland County, Ohio, and being more particularly described as follows, further subject to all easements and restrictions of record.

Per the legal property description in Exhibit A

Premises also known as State Street, Shelby, Ohio 44875

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 8-5-19*

**RESOLUTION NO. 37-2019**  
**(Sponsors - Councilmember Martin and McLaughlin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE POWER AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR A PHOTOVOLTAIC ELECTRIC GENERATION FACILITY AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby desires to purchase of the electricity from a photovoltaic electric generation facility that is owned, operated, and maintained by AEP OnSite Partners, LLC; and

WHEREAS, AEP OnSite Partners, LLC, will construct a photovoltaic electric generation facility and its related equipment and facilities at the City of Shelby, State Street property location; and

WHEREAS, AEP OnSite Partners, LLC, has performed a feasibility analysis and an environmental assessment of the property and has found the site to be of a sound location for a solar facility; 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 Purchase Power Agreement with AEP OnSite Partners, LLC, for a photovoltaic electric generation facility.

**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 Purchase Power Agreement with AEP OnSite Partners, LLC, for a photovoltaic electric generation facility.

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 8-5-19*

**RESOLUTION NO. 38-2019**  
**(Sponsors - Councilmembers Martin and McLaughlin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY WHICH SHALL GRANT PERMISSION FOR THE CONSTRUCTION, OPERATION, MAINTAIN, REPAIR, ENLARGE, REPLACE, ADD OR REMOVE FACILITIES OF THE SAID COMPANY'S PHOTOVOLTAIC ELECTRIC GENERATION FACILITY ON THE CITY OF SHELBY STATE STREET PROPERTY AND REFERENCED BY THE LEGAL PROPERTY DESCRIPTION AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby desires to purchase the electricity from a photovoltaic electric generation facility that is owned and operated by AEP OnSite Partners, LLC; and

WHEREAS, AEP OnSite Partners, LLC, will construct, operate, and maintain a photovoltaic electric generation facility and its related equipment and facilities on real property owned by the City of Shelby; and

WHEREAS, said real property is located on State Street and shown per the legal property description in Exhibit A; 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 Easement Agreement with AEP OnSite Partners, LLC to grant permission to construct, operate, and maintain a safe and reliable Photovoltaic Electric Generation Facility on the City of Shelby said property located on State Street per the legal description.

**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 Easement Agreement with AEP OnSite Partners, LLC, to grant permission for the construction, operation, maintenance, repair, enlarge, replace, add or remove facilities to the AEP photovoltaic electric generation facility on the City of Shelby property, located at State Street and referenced by the property description in Exhibit A.

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 8-5-19*

**RESOLUTION NO. 39 -2019**  
**(Sponsors - Councilmembers Martin and McLaughlin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN INTERCONNECT AGREEMENT WITH AEP ONSITE PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR THE DISTRIBUTION OF THE ELECTRICITY THAT IS PRODUCED FROM THE AEP PHOTOVOLTAIC ELECTRIC GENERATION FACILITY AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby desires to purchase the electricity from a photovoltaic electric generation facility that is owned, operated, and maintained by AEP OnSite Partners, LLC.; and

WHEREAS, AEP OnSite Partners, LLC, will construct a photovoltaic electric generation facility and its related equipment and facilities at the City of Shelby, State Street property location; and

WHEREAS, AEP OnSite Partners, LLC, requires the electricity being produced by their facility to be distributed onto the City of Shelby electric distribution system for the delivery of the energy; 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 Interconnect Agreement with AEP OnSite Partners, LLC., for the safe and reliable distribution of the electricity that is produced from the Photovoltaic Electric Generation Facility.

**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 Interconnect Agreement with AEP OnSite Partners, LLC, for the safe and reliable distribution of electricity from their photovoltaic electric generation facility onto the City of Shelby owned and operated electric distribution system.

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 8-5-19*

RESOLUTION NO. 40 -2019  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A COOPERATIVE AGREEMENT FOR CONSTRUCTION OF WEST MAIN STREET SANITARY SEWER IMPROVEMENTS PROJECT BETWEEN THE CITY OF SHELBY, OHIO AND THE OHIO WATER DEVELOPMENT AUTHORITY AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby, Ohio (hereinafter referred to as the "LGA") seeks to install a sanitary sewer line on a portion of West Main Street; and

WHEREAS, the LGA desires to obtain a loan from the Ohio Water Development Authority (hereinafter referred to as the "OWDA") to finance costs of the construction of such facilities on the terms set forth in the Cooperative Agreement (defined below); and

WHEREAS, the OWDA has indicated its willingness to make a loan for that purpose and on those terms;

**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 LGA hereby approves the loan application for the aforesaid West Main Street Sanitary Sewer Improvements Project in cooperation with the OWDA under the provisions, terms and conditions set forth in the "Cooperative Agreement for State Planning Project" as set forth in Exhibit A (the "Cooperative Agreement") and hereby authorizes the Chief Executive Officer and the Chief Fiscal Officer of the LGA to execute the Cooperative Agreement with the OWDA substantially in the form set forth in Exhibit A.

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 declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of said City of Shelby, Ohio for the reason that the immediate construction of the West Main Street Sanitary Sewer Improvements Project at the earliest possible time is necessary in order to protect the health of the inhabitants of the LGA by providing a sanitary sewer line; wherefore, this resolution shall be in full force and effect from its passage, approval by the Mayor, and the earliest period allowed by law.

*passed 8-5-19*

RESOLUTION NO. 41 -2019  
(Sponsor: Councilmember Gates)

**APPROVING THE WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE.**

WHEREAS, Codified Ordinance 662.04 requires the Director of Public Service to notify owners of an assessment for the cutting and removal of offensive and noxious weeds, vines, and grass by the City of Shelby; and

WHEREAS, the Director of Public Service has served said notices on multiple properties within the City of Shelby, Ohio; and

WHEREAS, before the Clerk of Council can certify these assessments to the County Auditor for inclusion on the tax duplicate, Codified Ordinance 662.04 requires that City Council approve said assessment; 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 approve the assessments as prepared by the Director of Public Service so that the Clerk of Council can certify said assessments to the County Auditor for inclusion on the tax duplicate.

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

Section 1: That the Council of the City of Shelby hereby approves the list of assessments as prepared by the Director of Public Service and attached hereto as "Exhibit A".

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

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 8-5-19*



RESOLUTION NO. 34 -2019  
(Sponsor: Councilmember Gates)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO INSTALL A VINYL COATED CHAIN LINK FABRIC FENCE ON THE WEST WHITNEY AVENUE OVERHEAD BRIDGE.**

WHEREAS, there are community benefits of purchasing and installing a fence on the West Whitney Avenue overhead bridge to help prevent individuals from self harm; and

WHEREAS, Seaman's Custom Fence has provided a quote of \$15,950 for the materials and installation of said fence; 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 fulfill the desire to install a fence on the West Whitney Avenue Bridge over the CSX railroad tracks.

**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 conduct business with Seaman's Custom Fence or another qualified fencing company for the installation of a vinyl coated chain link fabric fence on the West Whitney Avenue Bridge.

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.

8-19-19  
passed

RESOLUTION NO. 42 -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 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 #29; 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 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 Thirty-Seven Thousand Eighty-Eight and 57/100 Dollars (\$37,088.57) 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 5-19-19

RESOLUTION NO. 43 -2019  
(Sponsor: Councilmember Martin)

**ADOPTING THE MAIN STREET CORRIDOR PLAN CREATED BY THE PATH FORWARD DIVISION OF THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR FEDERAL FUNDING FROM THE RICHLAND COUNTY REGIONAL PLANNING FOR DOWNTOWN ENHANCEMENTS.**

WHEREAS, in consultation with the city administration, the Path Forward Division of the Community Improvement Corporation of Shelby has engaged the community and developed a Main Street Corridor Plan to improve aesthetics and traffic in the Central Business District; and

WHEREAS, the Richland County Regional Planning Commission is the Metropolitan Planning Organization for Richland County and administers federal funding said enhancements; 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 of City of Shelby apply for federal funding from the Richland County Regional Planning Commission.

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

Section 1: That the City of Shelby Council adopts the Main Street Corridor Plan created by the Path Forward Division of the Community Improvement Corporation of Shelby.

Section 2: That the Mayor as Director of Public Service is hereby authorized and directed to apply for funding from the Richland County Regional Planning Commission to implement said plan.

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 8-19-19*

**RESOLUTION NO. 44 -2019**  
**(Sponsors: Councilmembers Gates and 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 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 8-19-19*

**ORDINANCE NO. 22-2019**  
**(Sponsors: Councilmembers Gates and Roberts)**

**AMENDING SECTION 238.01 (ESTABLISHMENT AND MEMBERSHIP) OF CHAPTER 238 (POLICE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREA, Shelby Ordinance 238.01 provides for Shelby City Schools to pay 100% of all training cost or expense; 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 238.01 be amended for such costs to be paid in proportionate share between Shelby City Schools and the City of Shelby.

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

Section 1: That Section 238.01 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**238.01 ESTABLISHMENT; MEMBERSHIP.**

There is hereby established a Police Department for the City, to consist of the following officers and personnel and such other officers and personnel as Council shall from time to time determine:

- (1) One (1) Chief of Police;
- (2) Two (2) police captains;
- (3) Three (3) police sergeants;
- (4) Eleven (11) police patrol officers, two (2) of which shall be school resource officers. The hiring and continued employment of said resource officers shall be contingent upon active contracts in partnership with the Board of Education of the Shelby City School District and the Board of Education of the Pioneer Career & Technology Center, wherein each board will immediately pay or reimburse the City 75% of all cost, expense, pension, retirement, health benefit, insurance, or any other cost or expense associated with said school resource officer as well as a proportional share of all training cost or expense associated with said school resource officer. If a board fail for any reason whatsoever to pay or reimburse the City as contemplated herein, the School Resource Officer's position for that district shall be immediately terminated, unless otherwise modified by Council. Further, said positions are contingent upon any collective bargaining agreement between the City and Fraternal Order of Police Lodge No. 180 acknowledging and approving the terms contained herein as well as with any contract or agreement with each board; and
- (5) Four (4) police dispatchers.

Section 2: That all other sections of Chapter 238 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.

PASSED: **September 3, 2019**

Steven McLaughlin  
Vice President of Council

ATTEST: Steven Lifer  
Clerk of Council

APPROVED:  
Steven L. Schag  
Mayor

Prepared by:  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO: 25 -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 – MFG- 526</b>	<b>Diesel Fuel</b>	<b>\$10,000.00</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.

**ORDINANCE NO. 26 -2019**  
(Sponsor: Councilmember McLaughlin)

**AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances (August 20, 2018) and have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State Law.

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

Section 1: That the editing, arrangement and numbering or renumbering of the following Ordinances and parts of Ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
3-2018	4-2-2018	881.27 – 881.43
5-2018	5-21-2018	238.01
7-2018	7-16-2018	TSO IX
9-2018	6-18-2018	TSO III
10-2018	6-18-2018	1050.02
12-2018	7-16-2018	678.15
14-2018	9-4-2018	1054.01 to 1054.27, 1054.99
16-2018	9-4-2018	1042.05
22-2018	10-15-2018	276.04
23-2018	10-15-2018	678.17
25-2018	11-19-2018	TSO III
26-2018	1-7-2019	TSO IX
28-2018	11-19-2018	881.06
31-2018	1-7-2019	625.01, 625.02
32-2018	1-7-2019	1296.17
35-2018	1-22-2019	1028.01

Section 2: That pursuant to Section 17 of the City Charter and Ohio R.C. 731.23, the Clerk of Council shall publish a copy of this ordinance, together with a summary of the new matter contained in the Codified Ordinances hereby approved, adopted and enacted. Such publication shall be made within ten (10) days of the adoption of this ordinance and shall be made in a newspaper of general circulation in the City or published in the official municipal bulletin located on the City's website.

Section 3: That all ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in this ordinance are hereby repealed as of the effective date of this ordinance except as follows:

(a) The enactment of such sections and subsections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and recodification.

(b) The repeal provided above shall not affect any legislation enacted subsequent to August 20, 2018.

Section 4: That all meetings and hearings concerning the adoption of this ordinance have been in compliance with Section 220.01 of the Codified Ordinances, Ohio R.C. 121.22 and the City Charter.

Section 5: That this ordinance is hereby deemed to be an emergency measure necessary for the maintenance of the public health, safety, morals and general welfare of all citizens of Shelby and for the additional reason that it is immediately necessary to have an up-to-date Code of Ordinances, one which is consistent with State law, as required by the Ohio Constitution, with which to administer the affairs of the City and enforce law and order, wherefore this ordinance, and the Codified Ordinances hereby approved, adopted and enacted, shall be in full force and effect immediately from and after its passage and approval by the Mayor and the earliest period allowed by law.

Passed 9-16-19



RESOLUTION NO. 45 -2019  
(Sponsor: Councilmember McLaughlin)

**ADOPTING THE CITY OF SHELBY HISTORIC PRESERVATION PLAN: 2019-2025  
PREPARED BY PERSPECTUS HISTORIC ARCHITECTURE, CHAMBERS, MURPHY  
& BURGE STUDIO AND THE SHELBY HISTORIC PRESERVATION COMMISSION.**

WHEREAS, City Council passed Ordinance 20-2014 on February 17, 2015 establishing Chapter 1488 Historic Landmarks and Buildings establishing the Shelby Historic Preservation Commission and its rules and procedures; and

WHEREAS, City Council approved application for a Certified Local Government grant for the purpose of developing the Shelby City Historic Preservation Plan, and such grant was certified on October 13, 2017 through the State Historic Preservation Office and Section 101(c) of the National Historic Preservation Act; and

WHEREAS, City Council approved 2018 and 2019 appropriations for line item 101-652 Historic Preservation Commission; and

WHEREAS, the Historic Preservation Commission sent out Requests for Proposals, evaluated those received and recommended a consulting firm to the Mayor who signed an agreement with Perspectus Historic Architecture of Akron on July 27, 2018; and

WHEREAS, Perspectus Historic Architecture and the State Historic Preservation Office have assisted the Commission in following the Secretary's of Interior recommended content for the Shelby City Historic Preservation Plan.

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

Section 1: That the City of Shelby Council adopts the City of Shelby, Historic Preservation Plan 2019-2025 prepared by Perspectus Historic Architecture, Chambers, Murphy & Burge Studio and the Shelby Historic Preservation Commission.

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 9-16-19

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL )

Revised Code, Secs. 5705.34-5705.35

RESOLUTION NO. 46-2019  
(SPONSOR - COUNCILMEMBER MCLAUGHLIN)

The Council of the City of Shelby, Richland

County, Ohio, met in Regular session on September 16, 2019  
(Regular Or Special)

at the office of Shelby City Council with the following members present:

Mr./Mrs. Charles Roub, First Ward  
Mr./Mrs. Derrin Roberts, Second Ward  
Mr./Mrs. Garland John Gates, Third Ward  
Mr./Mrs. Nathan Martin, Fourth Ward  
Mr./Mrs. Steven McLaughlin, Councilperson at Large  
Mr./Mrs.  
Mr./Mrs.

Mr./Mrs. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted  
a Tax Budget for the next succeeding fiscal year commencing January 1st, 2020; and  
Year

WHEREAS, The Budget Commission of Richland County, Ohio, has  
certified its action thereon to this Council together with an estimate by the County Auditor of the rate  
of each tax necessary to be levied by this Council, and what part thereof is without, and what part within,  
the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Shelby

Richland County, Ohio, that the amounts and rates, as determined by the  
Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate  
of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A  
 SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET  
 COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$208,500.00		2.00	
Police Pension	\$36,000.00		0.50	
Fire Pension	\$36,000.00		0.50	
Park Fund		\$160,000.00		1.50
Health Fund		\$220,000.00		1.90
<b>TOTAL</b>	<b>\$275,500.00</b>	<b>\$400,000.00</b>	<b>2.00</b>	<b>1.40</b>

**SCHEDULE B**  
**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
<b>GENERAL FUND:</b>		
Current Expense Levy authorized by voters on for not to exceed years.		
<b>SPECIAL LEVY FUNDS:</b>		
Park Fund Levy authorized by voters on November 8, 2010 for not to exceed 5 years. TY 17-21	0.50	\$180,000.00
Park Fund Levy authorized by voters on November 4, 2014 for not to exceed 5 years. TY 15-19	1.00	
Health Fund Levy authorized by voters on November 8, 2014 for not to exceed 5 years. TY 17-21	0.90	\$230,000.00
Health Fund Levy authorized by voters on November 4, 2014 for not to exceed 5 years. TY 15-19	1.00	

and be it further

*RESOLVED*, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. ~~Alex~~ \_\_\_\_\_ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr. ~~Alex~~ McLaughlin \_\_\_\_\_
- Mr. ~~Alex~~ Roub \_\_\_\_\_
- Mr. ~~Alex~~ Roberts \_\_\_\_\_
- Mr. ~~Alex~~ Gates \_\_\_\_\_
- Mr. ~~Alex~~ Martin \_\_\_\_\_
- Mr./Mrs. \_\_\_\_\_
- Mr./Mrs. \_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2019

Attest:

\_\_\_\_\_  
 Steven T. Lifer Clerk of Council

\_\_\_\_\_  
 Steven McLaughlin Vice President of Council  
 Mayor, Steven L. Schag

CERTIFICATE OF COPY  
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, Steven T. Lifer, Clerk of the Council of

City of Shelby, in said County, and in whose custody the Files

and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby  
certify that the foregoing is taken and copied from the original Resolution No. 46-2019

now on file with said Board, that the foregoing has been compared by me with said original document,  
and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Clerk of Council

City of Shelby of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 3703.24, or at such a later date as may be approved by the Board of Tax Appeals

No. _____
_____ (CITY COUNCIL )
City of Shelby Richland County, Ohio.
_____ RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.
_____ (CITY COUNCIL )
Adopted _____, 2019
_____ Clerk of Council
Filed _____, 20 ____
_____ County Auditor
By _____ Deputy.

Passed 9-16-19

**RESOLUTION NO. 47 -2019**  
**(Sponsor: Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE EAST MAIN STREET SANITARY SEWER PROJECT.**

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivision for capital improvement to public infrastructures; and

WHEREAS, the City of Shelby is planning to make capital improvements on to its sanitary sewer infrastructure with the East Main Street Sanitary Sewer Replacement 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 apply for said funds.

**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 is hereby authorized to apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure for the East Main Street Sanitary Sewer Project.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

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 9-16-19

**RESOLUTION NO. 48 -2019**  
**(Sponsor – Councilmember Gates)**

**AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO EXECUTE A LOAN AGREEMENT FOR THE PURCHASE OF A NEW FIRE DEPARTMENT AMBULANCE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby Fire Department desires to purchase a new ambulance; 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 Finance Director apply for a loan through a local lending institution.

**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 and Finance Director are authorized to execute a loan agreement not to exceed 7 years, nor exceed 2.65% interest rate for a demo ambulance costing \$213,147.00 for the Shelby Fire Department.

Section 2: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the requirements to apply for a loan under the terms of U.S. Bank.

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 9-16-19

RESOLUTION NO. 49 -2019  
(Sponsor: Councilmember Gates)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PARTICIPATE IN THE STATE COOPERATIVE PURCHASING PLAN FOR THE PURCHASE OF A 2018 BRAUN CHIEF XL FORD F450 4X4 AMBULANCE AND DECLARING AN EMERGENCY.**

WHEREAS, the Shelby Fire Department is desirous of purchasing a new ambulance for the operation of the department; and

WHEREAS, the requirements of advertising and bidding are dispensed with the event that said ambulance is purchased through the State Cooperative Purchase Plan; 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 purchase one (1) 2018 Braun Chief XL Ford F450 4x4 ambulance as detailed on the product quotation from Penn Care, 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 Safety is hereby authorized to purchase a 2018 Braun Chief XL Ford F450 4X4 ambulance as outlined on the product quotation from Penn Care, Inc through the State Cooperative Purchase Plan.

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 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. 27-2019**  
**(Sponsors – Councilmembers Gates and Roberts)**

**AMENDING SECTION 276.04 (FOOD SERVICE/RETAIL FOOD ESTABLISHMENT LICENSE FEES) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, in accordance with Ohio Revised Code Chapter 3717 ([Retail Food Establishments; Food Service Operations](#)), the Shelby Division of Health has calculated the cost of licensing retail food establishments and, as a result, [has recommended an increase in the local fee for vending for the 2019 CPI the maximum fee that could be charged; and decrease the fee for a temporary food license; 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 Codified Ordinance Chapter 276 (Division of Health) be amended as noted above.

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

Section 1: That, effective March 1, 2020, Section 276.04 of the Codified Ordinances of the City of Shelby be amended to read as follows:

**276.04 FOOD SERVICE/RETAIL FOOD ESTABLISHMENT LICENSE FEES.**

The following food service/retail food establishment fees are hereby adopted:

- (a) Risk class 1
  - (1) Business under 25,000 square feet: \$112.50 + current state fee
  - (2) Business over 25,000 square feet: \$156.25 + current state fee
- (b) Risk class 2
  - (1) Business under 25,000 square feet: \$132.50 + current state fee
  - (2) Business over 25,000 square feet: \$180.00 + current state fee
- (c) Risk class 3
  - (1) Business under 25,000 square feet: \$225.00 + current state fee
  - (2) Business over 25,000 square feet: \$312.50 + current state fee
- (d) Risk class 4
  - (1) Business under 25,000 square feet: \$262.50 + current state fee
  - (2) Business over 25,000 square feet: \$391.25 + current state fee
- (e) Vending machine: \$8.34 + 1.9% CPI = \$8.50 + current state fee
- (f) Mobile food service: \$89.00 + current state fee
- (g) Temporary food service: \$=00.00 per event up to five days
- (h) Level I food safety training: \$10
- (i) Level II certification in food protection: \$125
- (j) Level II examination only
  - (1) Shelby City: \$25
  - (2) Non-Shelby City: \$50

Section 2: That all other sections of Chapter 276 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.

PASSED: October 21, 2019

Steven McLaughlin  
Vice President of Council

ATTEST: Steven Lifer  
Clerk of Council

APPROVED:  
Steven L. Schag  
Mayor

Prepared by:  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO. 28-2019**  
**(Sponsors: Councilmembers Gates and Roberts)**

**ENACTING SECTION 276.10 (HEALTH DEPARTMENT ADVISORY BOARD) OF CHAPTER 276 (DIVISION OF HEALTH) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.**

WHEREAS, the Shelby City Health Department is completing/satisfying a host of standards and measures in accordance with the national accreditation process of the Public Health Accreditation Board; and

WHEREAS, one of the requirements for national accreditation is that the Shelby City Health Department establish an advisory board for the purpose of enhancing public engagement and providing valuable input; 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 Codified Ordinance Chapter 276 (Division of Health) be enacted.

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

Section 1: That Section 276.10 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

**CHAPTER 276: Division of Health**

**A Health Department Advisory Board is Hereby established with the following Provisions:**

**(a) Establishment; Membership; Compensation**

There is hereby established a Health Department Advisory Board, which shall consist of the following six members: Mayor, Health Commissioner, one individual representing healthcare, one individual representing environmental health services, and two individuals representing the community at-large. All members shall be appointed by the Mayor and subject to confirmation by Council. Members shall be qualified by their education and/or experience in public health, healthcare, environmental health, community service, concern for the city's welfare, and/or other criteria as determined by the Mayor. Members of the Health Department Advisory Board shall serve faithfully, honestly, impartially, voluntarily, and without compensation.

**(b) Terms of Service; Vacancies**

The term of office shall be three years, except that of the Mayor and Health Commissioner. The Mayor and Health Commissioner are permanent positions on the Board and shall be filled by the individuals currently holding each position. In the event that a vacancy occurs during the term of any member, the Mayor shall appoint a successor to fulfill the unexpired portion of the term.

**(c) Powers and Duties**

The Health Department Advisory Board is a standing Board formed to obtain community input and engage stakeholders in services provided by the health department. The Board shall have the power to study, investigate, advise, report, and recommend to the Mayor any action, program, or plan with the Board finds advisable for the city's public health department. The Board shall have no legal responsibilities and is formed to give advice and recommendations to the health department. It cannot compel the Mayor or health department staff to act on its recommendations or feedback.

**(d) Officers; Rules, Quorum; Report**

The Mayor shall serve as Chair of the Health Department Advisory Board and will designate a health department employee to serve as Secretary. The Secretary shall be responsible for sending meeting notices, preparing meeting minutes, and

communicating with the Board at the Mayor's direction. The Board shall meet quarterly. A majority of members shall constitute a quorum for the transaction of business. All findings, advice, reports, and recommendations of the Board shall be made in writing and shall designate by name those members of the Board approving or concurring therein. Members who do not approve or concur therein shall have the right, as part of the Board's report, to state their reason for disagreement.

Section 2: That all other sections of Chapter 276 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.

PASSED: October 21, 2019

Steven McLaughlin  
Vice President of Council

ATTEST: Steven Lifer  
Clerk of Council

APPROVED:  
Steven L. Schag  
Mayor

Prepared by:  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO. 29 - 2019**  
**(Sponsor: Councilmember Martin)**

**ENACTING CHAPTER 1056 (INTERNET SERVICES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.**

WHEREAS, broadband internet is the infrastructure of the future and necessary for jobs of the future, economic development, and the communication of an informed citizenry; and

WHEREAS, implementing broadband internet as a public utility at the local level will allow the Utility to increase speed, service, and reliability to our citizens; and

WHEREAS, the Utility will implement internet services as a tiered approach, first delivering it to the business sector and then to residents; 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 1056 (Internet Services) be enacted.

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

Section 1: That Chapter 1056 (Internet Services) of the Codified Ordinances of the City of Shelby be and is hereby enacted as set forth in Exhibit A, attached hereto and incorporated by reference herein.

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

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

PASSED: October 21, 2019

Steven D. McLaughlin  
Vice President of Council

ATTEST: Steven T. Lifer  
Director of Finance

APPROVED:  
Steven L. Schag  
Mayor

Prepared by:  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO: 33-2019**  
**(Sponsor: Councilmember McLaughlin)**

**TRANSFERRING APPROPRIATIONS FOR THE YEAR 2019 AND DECLARING AN EMERGENCY.**

WHEREAS, it is necessary to transfer funds from one line item to another within the existing 2019 budget; and

WHEREAS, these transfers be made effective so as to balance the books for the calendar year 2019 and so as to fund necessary expenditures and/or projects; 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 funds be transferred.

**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 Director of Finance shall be and is hereby authorized and directed to make the following transfers:

FROM	300-CAB-507	Maintenance Buildings	\$42,000.00
TO	300-STR- 565	Pickup Truck	\$42,000.00
FROM	600-CAP-536	Construction	\$7,300.00
TO	600-CAP- 531	Miscellaneous	\$7,300.00
FROM	600-DIS-400	Wages	\$20,000.00
TO	600-MFG- 400	Wages	\$20,000.00
FROM	703-IGT-141	Federal Grants	\$215,000.00
TO	703-OFI- 226	Sale of Notes/Loans	\$215,000.00
FROM	703-FEF-515	Equipment	\$14,000.00
TO	703-FEF- 564	Service Vehicle	\$14,000.00

Section 2: That all other portions of Ordinance No. 7-2019, not modified 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 to be 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: October 21, 2019 Steven McLaughlin  
Vice President of Council

ATTEST: Steven Lifer  
Clerk of Council

APPROVED:  
Steven L. Schag  
Mayor

Prepared by:  
Gordon M. Eyster  
Director of Law

**ORDINANCE NO: 34-2019**  
**(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>200 – STR- 515</b>	<b>Equipment</b>	<b>\$7,200.00</b>
<b>220 – CIT- 506</b>	<b>Refunds</b>	<b>\$10,000.00</b>
<b>400 – DIS- 400</b>	<b>Wages</b>	<b>\$25,000.00</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.

PASSED: October 21, 2019  
Steven McLaughlin  
Vice President of Council

ATTEST: Steven Lifer  
Clerk of Council

APPROVED:  
Steven L. Schag  
Mayor

Prepared by:  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 5a -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 ELEVEN THOUSAND TWO HUNDRED FORTY AND 85/100 DOLLARS (\$11,240.85) 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 #30; 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 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 Eleven Thousand Two Hundred Forty and 85/100 Dollars (\$11,240.85) 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.



**RESOLUTION NO. 53 -2019**  
**(Sponsor: Councilmember Roub)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE A FORD F250 PICK-UP TRUCK WITH A BOX UTILITY BED FROM DONLEY FORD OF SHELBY FOR THE OPERATION OF THE SERVICE DEPARTMENT.**

WHEREAS, the Shelby Service Department is desirous of purchasing a pick-up truck with a box utility bed for the operation of the department; and

WHEREAS, Donley Ford of Shelby offered the best quote for providing the same; 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 purchase a 2019 Ford F250 Super Duty pick-up truck with a box utility bed.

**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 is hereby authorized to purchase from Donley Ford of Shelby, a 2019 Ford F250 Super Duty pick-up truck with a box utility bed for the Service Department.

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 10-21-19

RESOLUTION NO. 54 -2019  
(Sponsor Councilmember- Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER WITH SHELLY AND SANDS, INC FOR THE 2019 PAVING PROJECT IN THE AMOUNT OF FIFTY-NINE THOUSAND ONE-HUNDRED THREE AND 06/100 DOLLARS (\$59,103.06) AS AN INCREASE AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby has entered into a contract with Shelly and Sands, Inc. for the 2019 Paving Project, and said contract provides for a written change order; and

WHEREAS, it has become necessary to make additions to the 2019 Paving Project and adjust the contract as detailed in the attached Change Order #2; 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 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 Shelly and Sands, Inc. for the total amount of Fifty-Nine Thousand One Hundred Three and 06/100 Dollars (\$59,103.06) 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 10-21-19