

The City Record

Official Municipal Bulletin - Shelby Ohio

Legislative Update



Current Council

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

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Councilmembers:

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

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ORDINANCE NO. 30-2017
(Sponsors: Councilmembers Gates, Martin and McLaughlin)

DECLARING THE NECESSITY FOR THE CONTINUATION OF A LEVY OF TWO-TENTHS (.2%) PERCENT INCOME TAX FOR THE PURPOSE OF MAINTAINING ROADWAY AND SIDEWALK IMPROVEMENT AND REPAIR

WHEREAS, the City of Shelby needs to maintain roadways and sidewalks so as to keep them passable and to promote free travel and commerce within the boundaries of the City of Shelby; and

WHEREAS, the voters of the City of Shelby approved an income tax levy on November 5, 2013 for roadway improvements and sidewalk replacement; and

WHEREAS, it has been determined by the Council of the City of Shelby that it is necessary to maintain roadways and sidewalks and that it be funded by continuing a levy of two-tenths (.2%) percent income tax and that the proceeds of that said tax be used for roadway improvements and repair (97%) and sidewalk replacement (3%).

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

Section 1: That it is necessary to continue a levy of two-tenths (.2%) percent income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby and for the specific purpose of roadway and sidewalk improvements and repair. A "Roadway" includes all appurtenances to the roadway including but not limited to, bridges, viaducts, culverts, and approaches on or to such roadway.

Section 2: That such two-tenths (.2%) percent income tax shall be expended for roadway improvements and repair (97%) and sidewalk replacement (3%).

Section 3: That such two-tenths (.2%) percent income tax for roadway and sidewalk improvements and repair shall be imposed upon all income taxable by the City of Shelby only if approved by the majority of electors of the City of Shelby pursuant to Section 718.01 of the Ohio Revised Code.

Section 4: That if the two-tenths (.2%) percent income tax is approved by the electors of the City of Shelby, said two-tenths (.2%) percent shall be levied upon income taxable by the City of Shelby for a period of five (5) years from January 1, 2019 through December 31, 2023.

Section 5: That the question to levy a two-tenths (.2%) percent income tax shall be submitted to the electors of the City of Shelby at the primary election to be held at the designated voting places within said City of Shelby on the 8th day of May, 2018.

Section 6: That if the continued (.2%) tax is approved by the electors of the City of Shelby, then and in that event, said (.2%) percent continued tax shall not be subject to the credit provisions as contained within Section 880.10 of the Codified Ordinances of the City of Shelby.

Section 7: That the Clerk of this Council be and hereby directed to certify a true copy of the Ordinance to the Board of Elections, Richland County, Ohio as provided by the Ohio Revised Code Section 718.01 and that he shall do so at least 90 days before the primary election herein mentioned.

Section 8: That the ballot shall be substantially in the following form or similar form as approved by the appropriate election authorities to express the intent and purpose hereof.

PROPOSED MUNICIPAL INCOME TAX

CITY OF SHELBY

A Majority Affirmative Voted is Necessary for Passage

Shall the Ordinance providing for the continuation of a two-tenths (.2%) levy on income for a period of five (5) years, commencing on January 1, 2019 and ending on December 31, 2023, for roadway improvement and repair (97%) and sidewalk replacement (3%), be passed.

FOR THE INCOME TAX

AGAINST THE INCOME TAX

Section 9: 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 10: That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby directed and authorized to take all action necessary to submit the above question to the electors of the City at the election held on May 8, 2018.

Section 11: That the Clerk of Council is hereby directed to certify a copy of this Ordinance to the Richland County Board of Election no later than 4:00 p.m. on the ninetieth day prior to the date of election.

Section 12: That said Ordinance, if approved by the electors, shall become effective on January 1, 2019.

Section 13: 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. 1-2018
(Sponsor: Council Member McLaughlin)

OFFERING THE SHELBY CITY COUNCIL'S SUPPORT OF THE BLACK FORK WATERCOURSE OF THE MOHICAN RIVER CLEAN UP PROJECT COVERING THE LENGTH OF THE WATERWAY COMMENCING AT CHARLES MILL RESERVOIR AND CONTINUING UPSTREAM TO STATE ROUTE 13.

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Black Fork waterway remain free of all logjams, drift, dead natural growth, accumulations and/or brush which may impede water flow; and

WHEREAS, restrictions in the waterway contribute to road closings, which make it impossible for emergency vehicles to get to many of the Richland County residents; and

WHEREAS, these restrictions in the river have contributed to many of the residents of Richland County a very significant amount of money for years by way of loss of crops and decline of property values; and

WHEREAS, that the Shelby City Council requests the board of the Muskingum Watershed Conservancy District (MWCD) to assist in the Black Fork watercourse clean-up project.

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

SECTION 1: That the Shelby City Council hereby offers its support for the Black Fork watercourse clean-up 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, 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.

Pass
1-1-18

RESOLUTION NO. 2-2018
(Sponsor: Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OF THE CITY OF SHELBY TO APPLY FOR A CERTIFIED LOCAL GOVERNMENT GRANT FOR CREATION OF A HISTORIC PRESERVATION PLAN AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio State Historic Preservation Office provides financial assistance for the creation historic preservation plans through the Certified Local Government Grant; and

WHEREAS, the City of Shelby Historic Preservation Commission desires financial assistance under the Certified Local Government Grant Program to create a historic preservation 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 Service of City of Shelby apply for a Certified Local Government 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 a historic preservation plan.

Section 2: That the Mayor as Director of Public Service is hereby authorized and directed to execute and file an application with the Ohio State Historic Preservation Office 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 Certified Local Government 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.

Pass
1-16-18

RESOLUTION NO: 3-2018
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE FIRE DEPARTMENT TRAINING REIMBURSEMENT GRANT FOR THE TRAINING OF FIREFIGHTERS AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Commerce provides financial assistance for fire department purposes through the Fire Department Training Reimbursement Grant; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Fire Department Training Reimbursement Grant Program to train firefighters; 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 Training Reimbursement 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 firefighting training.

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 Training Reimbursement 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.

RESOLUTION NO: 4-2018
(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.

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 Mayors 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.

RESOLUTION NO: 5 -2018
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT FOR FIREFIGHTING EQUIPMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Federal Emergency Management Agency administers financial assistance for fire department purposes, through the Assistance to Firefighters Grant Program; and

WHEREAS, the City of Shelby desires financial assistance under the Assistance to Firefighters Grant Program to purchase turnout gear, air monitors, testing equipment, and a heart monitor; 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 the City of Shelby apply for an Assistance to Firefighters Grant.

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 City of Shelby approves and application for financial assistance for turnout gear, air monitors, testing equipment, and a heart monitor for the Shelby Fire Department.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Federal Emergency Management 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 and become eligible for reimbursement under the terms of the Assistance to Firefighters 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.

RESOLUTION NO: 6 -2018
(Sponsors: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS THE DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT FOR AN AMBULANCE AND DECLARING AN EMERGENCY.

WHEREAS, the Federal Emergency Management Agency administers financial assistance for fire department purposes, through the Assistance to Firefighters Grant Program; and

WHEREAS, the City of Shelby desires financial assistance under the Assistance to Firefighters Grant Program to purchase an 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 Mayor as Director of Public Safety of the City of Shelby apply for an Assistance to Firefighters Grant.

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 City of Shelby approves and application for financial assistance for an ambulance for the Shelby Fire Department.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Federal Emergency Management 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 and become eligible for reimbursement under the terms of the Assistance to Firefighters 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.

RESOLUTION NO: 7-2018
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) RELATING TO A LOCAL PUBLIC AGENCY (LPA) FEDERAL LOCAL-LET PROGRAM FUNDING FOR THE GAMBLE STREET AND SMILEY AVENUE RECONSTRUCTION PROJECT (PID 106258) AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby has been awarded federal highway dollars for the reconstruction of the Smiley Avenue and Gamble Street Reconstruction 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 enter into an agreement for said funds.

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 is hereby authorized and directed to enter into an agreement with the State of Ohio, Department of Transportation (ODOT) relating to LPA Federal Local-Let Project program funding in an amount not to exceed Three Hundred Thirty-Two Thousand, Nine Hundred Nineteen Dollars (\$332,918.00) or 80% of the eligible project costs for the Gamble Street and Smiley Avenue Reconstruction Project (PID 106258) which agreement shall be substantially in the form of Exhibit "A" attached hereto and made a part hereof.

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.

Pass
1-16-18

RESOLUTION NO. 8 -2018
(Sponsor- Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER
INTO AN AMENDMENT TO THE CONTRACT WITH CT CONSULTANTS FOR
DESIGN SERVICES FOR THE SHELBY WASTEWATER TREATMENT
IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY**

WHEREAS, the City of Shelby has entered into a contract with CT Consultants for design services for the Shelby Wastewater Treatment Plant Improvement Project, and said contract provides for a written amendment; and

WHEREAS, it has become necessary to make modifications to the project and adjust the contract as detailed in the attached Amendment #3; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that this change order be approved; and

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

Section 1: That the Mayor as Director of Public Service shall be and is hereby authorized to enter into an amendment to the contract with CT Consultants for the total amount of Thirty-Six Thousand Five Hundred Fifteen and 00/100 Dollars (\$36,515.00) 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.

*Passed
2-5-18*

RESOLUTION NO. 9 -2018
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH K.E. McCARTNEY & ASSOCIATES, INC. FOR ENGINEERING SERVICES AND FINAL DESIGN FOR THE GAMBLE STREET/SMILEY AVENUE INTERSECTION PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, in order to proceed with the construction of the Gamble Street/Smiley Avenue Intersection Project it is necessary that final design be prepared; 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 design; 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 is hereby authorized to enter into the agreement with K.E. McCartney & Associates, Inc., for engineering services and final design of the Gamble Street/Smiley Avenue Intersection 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
2-5-18

RESOLUTION NO. 10 -2018
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE RECYCLE OHIO GRANT FOR THE PURCHASE OF TRASH RECEPTACLES AND SOLID WASTE/RECYCLABLE COLLECTION AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for recycle and litter prevention programs through the Recycle Ohio Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Recycle Ohio Grant Program for trash receptacles and the collection of recyclable solid waste materials; 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 Recycle Ohio 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 purchasing trash receptacles and to provide recyclable and solid waste collection.

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.

2-5-18 Passed

RESOLUTION NO. 11 -2018
(Sponsor - Councilmember: Martin)

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

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

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

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

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to enter an agreement with the Richland County Commissioners for the payment of legal counsel fees for indigents for the year beginning January 1, 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 shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

*Passed
2-5-18*

RESOLUTION NO. 12A -2018
(Sponsor: Councilmember Gates)

DIRECTING THE RICHLAND COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION ON TUESDAY, MAY 8, 2018 WITH REGARD TO WHETHER A TWO-TENTHS (.2) PERCENT INCOME TAX FOR THE PURPOSE OF MAINTAINING ROADWAY AND SIDEWALK IMPROVEMENTS AND REPAIRS WOULD CONTINUE TO BE IMPOSED AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Section 718.01 requires that municipal income tax rates in excess of one percent (1%) will be approved by the electors of the Municipality at a general, primary, or special election; and

WHEREAS, by Ordinance No. 30-2017 (passed January 1, 2018) the Shelby City Council determined to submit to the electors the question whether a two-tenths (.2) percent income tax would continue to be imposed for maintaining roadway (97%) and sidewalk improvement and repair (3%) for a period of five (5) years commencing on January 1, 2019 and ending on December 31, 2023.

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 pursuant to the provision of Section 718.01 of the Ohio Revised Code, the Richland County Board of Elections is hereby directed and ordered to submit to the electors of the City of Shelby, Ohio a primary election to be held on Tuesday, May 8, 2018 the question of whether the City shall continue to levy a two-tenths (.2) percent income tax upon income taxable by the City of Shelby for the benefit of the citizens of the City of Shelby for the specific purpose of roadway improvements (97%) and sidewalk improvement and repair (3%) for a period of five (5) years commencing January 1, 2019 and ending on December 31, 2023.

Section 2: That the balance shall be substantially in the following form:

PROPOSED MUNICIPAL INCOME TAX

CITY OF SHELBY

A Majority Affirmative Vote is Necessary for Passage

Shall the Ordinance providing for the continuation of a two-tenths (.2) levy on income for a period of five (5) years, commencing on January 1, 2019 and ending on December 31, 2023, for roadway improvement and repair (97%) and sidewalk replacement (3%), be passed

FOR THE INCOME TAX

AGAINST THE INCOME 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 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.

Pass 2/20/18

RESOLUTION NO. 13 -2018
(Sponsor: Councilmembers 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.

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

Pass 2/20/18

RESOLUTION NO. 14 -2018
(Sponsor: Councilmember Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR FINANCIAL ASSISTANCE FROM THE SHELBY FOUNDATION FOR THE PURCHASE OF EQUIPMENT AND DECLARING AN EMERGENCY.

WHEREAS, The Shelby Foundation is a nonprofit organization that gives back to Shelby's community and surrounding areas by providing donors an opportunity to positively impact Shelby's future; and

WHEREAS, The Foundation does this by providing financial assistance to schools and other nonprofit organizations to expand programs, enhance arts, culture and humanities, and support improved health and welfare services. In short, the Foundation assists the community where we live, work and love by making it better; and

WHEREAS, the City of Shelby Fire Department desires financial assistance from the Shelby Foundation to purchase equipment; 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 financial assistance from the Shelby Foundation; 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 equipment from the Shelby Foundation.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Shelby Foundation 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 Ordinance 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.

Pass 2/20/18

RESOLUTION NO. 15 -2018
(Sponsor: Councilmember Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE COMMUNITY FACILITY LOAN/GRANT PROGRAM THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR THE PURCHASE OF EQUIPMENT AND DECLARING AN EMERGENCY.

WHEREAS, the United States Department of Agriculture provides financial assistance to develop community facilities for public use in rural areas and towns with populations of up to 20,000 through the Community Facility Loan/Grant Program; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Community Facility Loan/Grant Program to purchase equipment; 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 financial assistance through the Community Facility Loan/Grant Program; 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 equipment through the United States Department of Agricultural Community Facility Loan/Grant Program.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the United States Department of Agriculture 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 financial assistance under the terms of the Community Facility Loan/Grant Program.

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 Ordinance 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.

Pass 2/20/18

RESOLUTION NO. 16 -2018
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH OHIO REGIONAL DEVELOPMENT CORPORATION.

WHEREAS, the City of Shelby, intends to apply for PY 2018 Community Housing Impact and Preservation Program (CHIP) funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD) for the purpose of addressing local housing needs; and

WHEREAS, Ohio Regional Development Corporation, the consultant, is a consulting firm with experience in applying for and administering CHIP Grant Programs throughout the State of Ohio, and was selected via the RFQ/P process to act as the Consultant for the City of Shelby in applying for and administering the PY 2018 CHIP Program for the City of Shelby; and

WHEREAS, it is necessary for the City and the Consultant to enter into an agreement which sets forth the responsibilities of each party for the PY 2018 CHIP Program; and

WHEREAS, OCD Policy 15-02, 2 CFR 200.320, authorizes the City to hire an administrative consultant and those services are detailed in the Contract for Administrative Services; and

WHEREAS, The City and Consultant understand this agreement is contingent on PY 2018 CHIP funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD); and

WHEREAS, this agreement will remain in effect until the CHIP funds are expended and the funded activities are complete and closed out.

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 authorizes the Mayor as Director of Public Service to enter into a contract with Ohio Regional Development Corporation to serve as the administrative consultant for the City of Shelby for the PY 2018 CHIP Program.

Section 2: That the City of Shelby authorizes ORDC to submit the PY 2018 CHIP application on behalf of The City of Shelby and the partnership with Richland County.

Section 3: That this Resolution must accompany said Application, which must be filed with the Ohio Development Services Agency by May 4, 2018.

Section 4: That this resolution also authorizes the Mayor as Director of Public Service to sign any and all documentation related to the execution of said partnership agreement and CHIP Application.

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

*Printed
3-5-18*

RESOLUTION NO. 17-2018
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PARTNERSHIP AGREEMENT WITH THE RICHLAND COUNTY COMMISSIONERS.

WHEREAS, the City of Shelby, (Grantee), in conjunction with the Board of Richland County Commissioners (Partner), is applying for PY 2018 Community Housing Impact and Preservation Program (CHIP) funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD) for the purpose of addressing local housing needs; and

WHEREAS, the City, as the Grantee, is requesting \$700,000 in CDBG, HOME and Ohio Housing Trust Fund (OHTF) funds for CHIP approved activities; and

WHEREAS, Richland County will be the Partner and the City of Shelby will be the Grantee of the Partnership; and

WHEREAS, the Grantee and the Partner set forth the responsibilities and obligations of each in the Partnership Agreement; and

WHEREAS, City of Shelby, as the Grantee of the CHIP Application understands their authority for the entire CHIP Grant, as well as, sole responsibility for regulatory compliance and the terms of the grant agreement, if funded; and

WHEREAS, Grantee and Partner understand all agreements are contingent on PY 2018 CHIP funding from the State of Ohio, Development Services Agency, Office of Community Development (OCD); and

WHEREAS, the Partnership is in effect until the CHIP funds are expended and the funded activities are complete and closed out. The Grantee nor the Partner cannot terminate or withdraw from the partnership agreement while it remains in effect.

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 authorizes the submission of the PY 2018 CHIP Application through the State of Ohio's Ohio Community and Energy Assistance Network (OCEAN) website by Ohio Regional Development Corporation.

Section 2: That the City of Shelby accepts the role, responsibility and authority of being Grantee of the CHIP Application.

Section 3: That the City of Shelby authorizes participation, partnership, and submission of the PY 2018 Community Housing Impact and Preservation (CHIP) Program Application with the State of Ohio, Development Services Agency, and to provide all information and documentation required in said Application submission.

Section 4: That the City of Shelby hereby understands and agrees that participation in said Program will require compliance with program guidelines and assurances.

Section 5: That the City of Shelby hereby commits itself to provide any local share of funding, described in the Application, if necessary.

Section 6: That this Resolution must accompany said Application, which must be filed with the Ohio Development Services Agency by May 4, 2018.

Section 7: That this resolution also authorizes the Mayor as Director of Public Service to sign any and all documentation related to the execution of said partnership agreement and CHIP Application.

Section 8: 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 9: That the 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
3-5-18*

RESOLUTION NO. 18 -2018
(Sponsor: Councilmember Martin)

DECLARING THE NECESSITY OF IMPROVING A PORTION OF WEST MAIN STREET WITH A SANITARY SEWER.

WHEREAS, The Council of the City of Shelby, by virtue of the authority granted to it in Section 76 of the Charter of the City of Shelby, has determined that it is necessary to improve a portion of West Main Street with a sanitary sewer; 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 a portion of West Main Street be approved and the necessity thereof be declared; 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 hereby determined to be necessary to improve a portion of West Main Street with a sanitary sewer.

Section 2: That it is hereby determined and declared that said improvement is conducive to the public health, convenience, and welfare of the City of Shelby, Ohio, and the inhabitants thereof.

Section 3: That plans, specifications, estimates, and profiles of the proposed improvement are on file in the office of the Mayor and such plans, specifications, estimates and profiles are open to inspection of all interested persons.

Section 4: That the grade of said improvement, after construction has been completed, shall be shown on all said plans, profiles, and specifications.

Section 5: That the entire cost of said improvement, less two percent (2%) thereof, the cost of intersections, the cost of "oversized" utilities (those costs incurred over and above the cost of "regular sized" utilities), as well as the costs lift station, force main, engineering, and property acquisition (all said city costs to be in the sum of One Hundred Forty Seven Thousand Six Hundred Dollars (\$147,600.00)), shall be assessed upon twenty-four (24) parcels of real property which shall be improved and shall receive benefits from the aforesaid described improvement, said properties being the twenty-four (24) on West Main Street with the following parcel identification numbers: 1.) 0460819818000; 2.) 0460819512000; 3.) 0460820218000; 4.) 0460819608000; 5.) 0460804308000; 6.) 0460806810000; 7.) 0460819614000; 8.) 0460819614001; 9.) 0460816417000; 10.) 0460802308000; 11.) 0460810210000; 12.) 0460820215002; 13.) 0460815310000; 14.) 0460815511002; 15.) 0460815511001; 16.) 0460815512002; 17.) 0460821911000; 18.) 0460813001000; 19.) 0460822012000; 20.) 0460815401000; 21.) 0460802617000; 22.) 0460806214000; 23.) 0460804118000; 24.) 0460813614000.

*Passed
3-19-18*

Section 6: That the method of assessment shall be in accordance with Section 77 of the Charter of the City of Shelby and shall be computed in proportion to the benefits which may result from the improvement.

Section 7: That the Director of Finance and Public Record of the City of Shelby, Ohio, be and is hereby authorized and directed to prepare and file in the office of the Clerk of this Council the estimated assessments of the cost of the improvement described in this Resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk of this Council and shall be prepared pursuant to the provisions of the Resolution. When such estimated assessments have been so filed, said Clerk shall cause notice of the adoption of this Resolution and filing of said estimated assessments to be served on the owners of all lots and lands to be assessed as provided in R.C. 727.13, unless service of said notice has been waived by said owners.

Section 8: That the assessments to be levied shall be paid in twenty (20) semi-annual installments, with the interest on deferred payments at same rate as shall be borne by the bonds or notes to be issued in anticipation of the collection thereof, provided that the owner of any property assessed may, at his or her option, pay such assessment in cash within thirty (30) days after passage of the assessing ordinance.

Section 9: Those bonds of the City of Shelby, Ohio, shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto, and notes of said City of Shelby, Ohio, shall be issued in anticipation of the issuance of such bonds and the levy of such assessments.

Section 10: 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.

ORDINANCE NO. 4 -2018
(Sponsor - Councilmember Gates & McLaughlin)

CREATING APPROPRIATIONS FOR THE YEAR 2018 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 2018, 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 2018.

Section 2: That City Council does hereby appropriate as an appropriation for the year 2018 the following sums, to wit:

	ACCT. NO.	PERSONAL SERVICES	OTHER	APPROPRIATION EXPENSE
GENERAL FUND	101			
Building and Zoning		\$0.00	\$3,480.00	\$3,480.00
Civil Service		\$80.00	\$250.00	\$330.00
Council		\$44,880.00	\$13,870.00	\$58,750.00
Court		\$291,850.00	\$97,150.00	\$389,000.00
Finance		\$181,050.00	\$14,900.00	\$195,950.00
Law		\$104,044.00	\$22,600.00	\$126,644.00
Economic Development		\$0.00	\$54,000.00	\$54,000.00
Engineering		\$91,845.00	\$16,380.00	\$108,225.00
Fire		\$1,202,000.00	\$46,120.00	\$1,248,120.00
Mayor		\$136,100.00	\$6,290.00	\$142,390.00
Misc.		\$0.00	\$77,850.00	\$77,850.00
Police		\$1,781,000.00	\$345,450.00	\$2,126,450.00
Transportation		\$0.00	\$38,150.00	\$38,150.00
Transfers		\$0.00	\$390,000.00	\$390,000.00
TOTAL GENERAL FUND		\$3,832,849.00	\$1,126,490.00	\$4,959,339.00
SPECIAL FUNDS				
Street	200	\$311,650.00	\$148,750.00	\$460,400.00
State Highway	205	\$31,520.00	\$0.00	\$31,520.00
Street Sales Tax	210	\$0.00	\$110,250.00	\$110,250.00
Income Tax	220	\$161,700.00	\$3,645,600.00	\$3,807,300.00
Health	225	\$185,070.00	\$454,900.00	\$639,970.00
Park	230	\$27,015.00	\$536,875.00	\$563,890.00
Rehab Escrow CDBG	232	\$0.00	\$20,000.00	\$20,000.00
Court Probation	233	\$14,850.00	\$3,725.00	\$18,575.00
BMV Reimbursement	234	\$0.00	\$0.00	\$0.00
Law Enforcement Trust	235	\$0.00	\$8,730.00	\$8,730.00
Court IDAT	236	\$0.00	\$27,000.00	\$27,000.00
Court Enforce. & Education	237	\$0.00	\$700.00	\$700.00
Dare	238	\$0.00	\$4,500.00	\$4,500.00
Unclaimed Monies	240	\$0.00	\$500.00	\$500.00

*passed
3-19-18*

Court IDAM	242	\$0.00	\$3,500.00	\$3,500.00
CDBG General	250	\$0.00	\$366,000.00	\$366,000.00
Home Program	251	\$0.00	\$140,000.00	\$140,000.00
City Admin. & Bldg.	650	\$0.00	\$10,380.00	\$10,380.00
Police Pension	700	\$225,000.00	\$870.00	\$225,870.00
Fire Pension	701	\$225,000.00	\$820.00	\$225,820.00
Shade Tree Trust	705	\$0.00	\$4,300.00	\$4,300.00
FEMA	815	\$0.00	\$0.00	\$0.00
Total Special Revenue Funds		\$1,181,805.00	\$5,487,400.00	\$6,669,205.00
Debt Service Funds				
Special Bond	275	\$0.00	\$21,380.00	\$21,380.00
General Bond SSE	281	\$0.00	\$0.00	\$0.00
Light Debt Reserve	602	\$0.00	\$0.00	\$0.00
Total Debt Service		\$0.00	\$21,380.00	\$21,380.00
Capital Project Funds				
Court Computer	239	\$0.00	\$13,650.00	\$13,650.00
Police Computer	241	\$0.00	\$750.00	\$750.00
Capital Improvement	300	\$0.00	\$179,200.00	\$179,200.00
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	\$10,000.00	\$10,000.00
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	\$30,850.00	\$30,850.00
Streets, Alleys, Catch Basin, Fund	353	\$0.00	\$473,450.00	\$473,450.00
Police/Court	354	\$0.00	\$636,300.00	\$636,300.00
Police Equipment	702	\$0.00	\$27,300.00	\$27,300.00
Fire Equipment	703	\$0.00	\$540,200.00	\$540,200.00
Total Capital Projects		\$0.00	\$1,911,700.00	\$1,911,700.00
Permanent Fund				
Mini Park Trust	710	\$0.00	\$3,000.00	\$3,000.00
Total Permanent Funds		\$0.00	\$3,000.00	\$3,000.00
Special Assessment Fund				
Fire Damage Fund	253	\$0.00	\$5,000.00	\$5,000.00
Total Special Assessment Funds		\$0.00	\$5,000.00	\$5,000.00
Enterprise Funds				
Sewer	400	\$768,325.00	\$749,620.00	\$1,517,945.00
San. Sewer Capital Improvements	401	\$0.00	\$7,730,950.00	\$7,730,950.00
Waste Water Capital Improvements	402	\$0.00	\$393,550.00	\$393,550.00
Water	500	\$1,008,400.00	\$932,100.00	\$1,940,500.00
Water Facilities	501	\$0.00	\$361,500.00	\$361,500.00
Water Capital Improvements	502	\$0.00	\$386,050.00	\$386,050.00
Electric	600	\$1,187,250.00	\$11,775,225.00	\$12,962,475.00
Total Enterprise Funds		\$2,963,975.00	\$22,328,995.00	\$25,292,970.00
Internal Service Fund				
Hospitalization	715	\$0.00	\$1,675,000.00	\$1,675,000.00
Sharing Fund	706	\$0.00	\$30,000.00	\$30,000.00
Total Internal Service Fund		\$0.00	\$1,705,000.00	\$1,705,000.00

Passed
3-19-18

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	\$76,000.00	\$76,000.00
Total Agency Funds		\$0.00	\$76,000.00	\$76,000.00

Total Appropriations

All Funds		\$7,978,629.00	\$32,664,965.00	\$40,643,594.00
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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 2018 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.

RESOLUTION NO. 19 -2018
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR THE OHIO ENVIRONMENTAL PROTECTION AGENCY MOSQUITO CONTROL GRANT AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Environmental Protection Agency provides financial assistance for health department purposes through the Mosquito Control Grant; and

WHEREAS, the City of Shelby Health Department desires financial assistance under the Mosquito Control Grant Program to control the mosquito population; 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; 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 the control of Mosquitos through the Ohio Environmental Protection Agency Mosquito Control Grant.

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 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 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. 3 -2018
(Sponsor: Councilmember Gates)

AMENDING CHAPTER 881 (EARNED INCOME TAX REGULATIONS EFFECTIVE BEGINNING JANUARY 1, 2016) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY TO ADOPT SECTIONS 718.80 THROUGH 718.95 OF THE OHIO REVISED CODE.

WHEREAS, House Bill (H.B.) 49 of the 132nd General Assembly, the State's general appropriations bill for the biennium, includes Section 803.100 purporting to require that municipalities, on or before January 31, 2018, adopt certain municipal income tax provisions that are also adopted within H.B. 49 to authorize State officials to collect and administer municipal net profits taxes; and

WHEREAS, Section 803.100 of H.B. 49 references and relies upon Section 718.04(A) of the Ohio Revised Code, which purports to make municipal income taxing authority conditional upon a municipality's adoption of code sections as dictated by the State; and

WHEREAS, Although the municipal income tax provisions of H.B. 49 and Section 718.04(A) of the Ohio Revised Code violate the Home Rule Amendment to the Constitution of the State of Ohio, the City of Shelby nevertheless is compelled to adopt H.B. 49's municipal income tax provisions, on or before January 31, 2018, to avoid any doubt or taxpayer challenge as to its ability to impose a municipal income tax under the terms of Section 803.100 of H.B. 49 and Section 718.04(A) of the Ohio Revised Code; and

WHEREAS, The City is a party to ongoing litigation seeking a declaration that the H.B. 49 municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, and other provisions of Ohio law that usurp the powers of local self-government are unconstitutional, and to enjoin all actions by state officials to implement the H.B. 49 municipal income tax provisions; and

WHEREAS, The City, by enacting this Ordinance, does not concede the legality of H.B. 49's municipal income tax provisions, Section 718.04(A) of the Ohio Revised Code, or any other law that is subject to the suit in which the City is participating, and reserves its right to continue prosecution of that lawsuit.

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

Section 1: That Chapter 881 of the Codified Ordinances of the City of Shelby be amended to adopt Sections 718.80 through 718.95 of the Ohio Revised Code as set forth in Exhibit A, attached hereto and incorporated by reference herein.

Section 2: That all other sections of Chapter 881 shall remain in full force and effect.

Section 3: That the Council hereby expressly finds and determines that it does not concede the legality of H.B. 49's municipal income tax provisions; Section 803.100 of H.B. 49; Section 718.04(A) of the Ohio Revised Code; or any other law that is the subject of the action pending in Case Number 2017 CV 10258 in the Franklin County Court of Common Pleas, and that the City reserves its rights to continue its participation in and prosecution of said litigation, and any other litigation challenging the State's authority to dictate municipal tax collection and administration, and that adoption of this Ordinance shall not prejudice the claims of the City therein.

Section 4: That if any provision of the H.B. 49 municipal income tax provisions is found unconstitutional, or is stayed or enjoined as a result of the litigation referenced in Section 3 herein, that the corresponding amendment adopted in Section 1 of this Ordinance shall likewise be stayed.

Section 5: 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; and

Section 6: 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
4-2-18*

RESOLUTION NO. 21 -2018
(Sponsor: Councilmembers Gates and Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO SIGN A HOME PARK INSPECTION AGREEMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Commerce provides financial reimbursement for Manufactured Home Park Inspections through 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 Mayor as Director of Public Safety of City of Shelby apply for reimbursement for inspecting the Manufactured Home Parks, 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 reimbursement for inspecting Manufactured Home Parks.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and sign a contract with the Ohio Department of Commerce and to provide all information and documentation required to become eligible for reimbursement.

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

*Passed
4-2-18*

RESOLUTION NO. 22-2018
(Sponsor: Councilmember Gates)

DECLARING THE INTENT TO VACATE RAILROAD STREET AND SANDUSKY STREET IN THE CITY OF SHELBY, OHIO.

WHEREAS, the plats of the City of Shelby, Ohio, indicate that Railroad Street and Sandusky Street are dedicated streets 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 sets forth the procedure for doing so; and

WHEREAS, the owners of the property contiguous to and abutting Railroad Street and a portion of Sandusky Street have submitted a "Petition to Vacate Street or Alley" to the Council of the City of Shelby asking that said street 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 Railroad Street and Sandusky Street be vacated as shown and described on Exhibit A; 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 Railroad Street and Sandusky Street as shown and described on Exhibit A within the City of Shelby be vacated.

Section 2: That, in accordance with Codified Ordinance Section 1028.02, the Clerk of Council of the City of Shelby is hereby instructed to cause notice of Council's intent to vacate Railroad Street and Sandusky Street as shown and described on Exhibit A to be served upon those persons mandated by the terms of the Charter of the City of Shelby, Ohio.

Section 3: That, in accordance with Codified Ordinance Section 1028.02, 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 Assessment 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.

RESOLUTION NO. 20-2018
(Sponsor: Councilmember Roberts)

Position 5

USDA

Form RD 1942-47
(Rev. 12-97)

LOAN RESOLUTION
(Public Bodies)

FORM APPROVED
OMB NO. 0575-0015

A RESOLUTION OF THE Council of City of Shelby

OF THE City of Shelby, Richland County, Ohio

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Fire Department Equipment

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Shelby, Richland County, Ohio

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
Forty-eight thousand and 00/100 (\$48,000.00)

pursuant to the provisions of Ohio Revised Code (ORC) Chapter 133; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 50,000

under the terms offered by the Government; that the Mayor

and Director of Finance of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

Passed 4-16-18

RESOLUTION NO. 23 -2018
(Sponsor – Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO DEMOLISH
THE FORMER CAR WASH ON MANSFIELD AVENUE.**

WHEREAS, the building and grounds commission has recommended that the City of Shelby should proceed with the demolition of the former Mansfield Avenue Car Wash within the City of Shelby, Ohio, and has determined that there are no statutes, regulations, nor mandates which prohibit such action; and

WHEREAS, the Building and Grounds Commission of the City of Shelby has determined that said building has no value in its present condition, and that any type of repair/rehabilitation would not be in the best interest of the City of Shelby, and further recommended that the building be demolished; 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 former Mansfield Avenue Car Wash within the City of Shelby be demolished and said lot cleared; and

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to proceed with the demolition of the former Mansfield Avenue Car Wash within the City of Shelby, Ohio.

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
5-7-18

RESOLUTION NO. 24 - 2018
(Sponsor- Councilmember Martin)

DECLARING PROPERTY OBSOLETE AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE OR HIS DESIGNEE TO HIRE TO SELL OBSOLETE PROPERTY.

WHEREAS, the City of Shelby owns property which is deemed to be obsolete and no longer needed (see list attached hereto); and

WHEREAS, it is necessary for the obsolete property to be sold, which the value of each item is worth greater than \$1,000.00; and

WHEREAS, Ohio Revised Code Section 721.15 allows such property to be sold to the highest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipal corporation; 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 Mayor as Director of Public Service or his designee, sell the property under any terms authorized by the Mayor and in compliance with Ohio Law.

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 or his designee shall be and is hereby authorized to sell the obsolete property listed on the attached Exhibit A to the highest bidder after advertisement pursuant to Ohio Law.

Section 2: That the Director of Finance and Public Record shall deposit the proceeds from the sale of obsolete property as follows: any proceeds from the two (2) police vehicles into the General Fund; the proceeds from all remaining property into the electric fund.

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.

*Amended
5-7-18*

1st Reading
4/2/2018
2nd Reading
4/14/2018

AMENDED ORDINANCE NO. 5 -2018
(Sponsor: Councilmembers Roub and Roberts)

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

WHEREAS: Shelby Ordinance 238.01 establishes three (3) captains and two (2) sergeants within the city of Shelby Police 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 Section 238.01 to provide two (2) captains and three (3) sergeants.

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 100% 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; and

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
5-21-18

ORDINANCE NO: 8 -2018
(Sponsors: Councilmember McLaughlin)

**AMENDING ORDINANCE NO.: 4-2018 (ANNUAL APPROPRIATIONS), AND
DECLARING AN EMERGENCY.**

WHEREAS, on March 19, 2018, 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 line items within the 2018 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 2018 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. 4-2018 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

401 - SCI - 500	ENGINEERING	\$31,000.00
401 - SCI - 536	CONSTRUCTION	\$603,000.00
600 - CAP - 500	ENGINEERING	\$245,000.00
600 - CAP - 515	EQUIPMENT	\$55,000.00

Section 2: That all other portions of Ordinance No.: 4-2018, 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
5-21-18*

RESOLUTION NO. 25 -2018
(Sponsor: Councilmembers Gates & Roberts)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY OF THE CITY OF SHELBY TO APPLY FOR A GRANT FROM THE RUSSELL AND MARY GIMBEL FOUNDATION FOR THE PURCHASE OF FIRE HOUSE FURNISHINGS.

WHEREAS, the Russell and Mary Gimbel Foundation provides financial assistance for organizations and associations; and

WHEREAS, the City of Shelby Fire Department desires financial assistance under the Russell and Mary Gimbel Foundation to purchase firehouse furnishings; 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 financial assistance from the Russell and Mary Gimbel Foundation; and

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 approves an application for financial assistance for firehouse furnishings.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Russell and Mary Gimbel Foundation and to provide all information and documentation required to become eligible for possible funding 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
5-21-18*

RESOLUTION NO. 26 -2018
(Sponsor – Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS FOR USED DIESEL GENERATORS, ENGINEERING SERVICES, AND INSTALLATION SUPPLIES WITHOUT BIDDING UP TO \$300,000 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Shelby's goal is to put in place a 21st century municipal electric system that capitalizes on producing enough power to reduce our outside purchase power demands and related cost, by investing in today's proven and approved power generation technology, while exploring tomorrow's leading renewable resource technologies. The combination of blended power generation will allow for future developments while continuing to provide an exceptional electric system with unparalleled reliability and competitive rates for our customers for years to come; and

WHEREAS, a permit to install and operate diesel generators is required through the Environmental Protection Agency (EPA), and this process can take up to 180 days for the final determinations; and

WHEREAS, used generators sell quickly without sufficient time for bidding, and AMP (American Municipal Power) is selling 1.875 Megawatt JV5 Diesel Generators; and

WHEREAS, the City of Shelby needs one or more generators for economic (peak shaving) and safety reasons, to supply the City with ample power and for emergency situations; and

WHEREAS, the City of Shelby is in need of its own large capacity generators; and

WHEREAS, engineering services will be needed for the relocation and installation of JV5 diesel generators for the Progress Drive Generation Station site; and

WHEREAS, the cost for purchasing JV5 diesel generators, engineering services for relocation and installation, and miscellaneous supplies should not exceed \$300,000.

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 shall be and is hereby authorized to enter into contracts for purchasing 1.875 Megawatt JV5 Diesel Generators, engineering for relocation and installation, and miscellaneous supplies, without bidding, for up to \$300,000.

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 has been 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
5-21-18*

RESOLUTION NO. 27 -2018
(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 EAST MADISON WATER LINE REPLACEMENT PROJECT.

WHEREAS, it has become necessary to replace an existing water line on 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; 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 for the East Madison Avenue Waterline Project 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 the East Madison Avenue Waterline Replacement 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.

RESOLUTION NO. 28-2018
(Sponsor - Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE COMMUNITY IMPROVEMENT CORPORATION OF SHELBY, OHIO (CIC) FOR AN ECONOMIC DEVELOPMENT LIAISON/ COORDINATOR AND DECLARING AN EMERGENCY

WHEREAS, the City of Shelby has proposed an agreement with the CIC for providing an economic development coordinator for the citizens of the City of Shelby, 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 Mayor as Director of Public Service be authorized to enter into an agreement with the CIC for purposes of an economic development coordinator.

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 the attached agreement with the Community Improvement Corporation of Shelby, Ohio for purposes of obtaining an economic development coordinator.

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.

1st Reading
5/21/2018

2nd Reading
6/14/2018

ORDINANCE NO. 9 -2018
(Sponsors: Councilmember Gates)

**VACATING RAILROAD STREET AND A PORTION OF SANDUSKY STREET WITHIN
THE CITY OF SHELBY, RICHLAND COUNTY, OHIO.**

WHEREAS, on the 16th day of April 2018, the Council of the City of Shelby adopted Resolution No. 22-2018 declaring its intent to vacate Railroad Street and a portion of Sandusky 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 3, 2018 and voted to approve and recommend the vacation of Railroad Street and a portion of Sandusky 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.

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

Section 1: That Railroad Street and a portion of Sandusky Street as set forth in the plat and legal description as prepared by F.E. Krocka and Associates, Inc.- Nathan W. Sautter, Registered Surveyor on March 23, 2018 is hereby vacated.

Section 2: That Angela R. Phillips waived her rights to her half of Railroad Street by letter to the Shelby City Council dated February 22, 2018.

Section 3: 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 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
6-18-18

ORDINANCE NO:10 -2018
(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	\$0.0195

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	\$0.0176

passed 6-18-18

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	\$0.0121
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	\$0.0082
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 81 kW.

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

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

All delivery voltages: \$0.15/kVa

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

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

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	\$0.0121

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

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

(6) *Security light service.*

A. *Availability of service.*

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

B. *Rates for service.*

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

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

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

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

(1) *Generation charge.* The generation charge shall be \$0.0062 kWh

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

Previous 12 months' cost (numerator)	Fuel / Purchased
Previous 12 months' net kWh × 0.94 (denominator)	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 200 kW. 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) *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.

(c) *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.

SUBSTITUTE ORDINANCE NO. 11-2018
(Sponsor – Councilmember Roberts)

PROVIDING FOR THE ISSUANCE AND SALE OF \$48,000 OF BONDS TO PROVIDE FUNDS TO PAY COSTS OF FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A CITY FIRE STATION AND ITS SITE; AND DECLARING AN EMERGENCY.

WHEREAS, this Council has applied for financial assistance from the United States of America, acting through the Rural Housing Service, United States Department of Agriculture (the Federal Government or Original Purchaser), in order to provide funds to pay a portion of the cost of furnishing, equipping and otherwise improving a City fire station and its site (the Project); and

WHEREAS, the City has received commitments from the Federal Government for a loan in the amount of \$48,000 (the Loan) and a grant in the amount of \$50,000 (the USDA Grant), proceeds of each of which will be applied by the City to the cost of the Project; and

WHEREAS, this Council has determined to issue the Bonds authorized in Section 1 hereof in order to evidence the Loan from the Federal Government for a portion of the cost of the Project on the favorable terms offered by the Federal Government; and

WHEREAS, the Federal Government has previously approved the form of this Ordinance providing for the purchase by it of the Bonds herein authorized; and

WHEREAS, the Director of Finance and Public Record, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years and the maximum maturity of the Bonds described in Section 1 is ten years; and

WHEREAS, this Council has determined that this ordinance should be declared to be an emergency measure because it is necessary for the immediate preservation of the public peace, property, health and welfare of this City and for the further reason that it is required to be immediately effective to enable the City to take advantage of the favorable terms of the Loan offered by the Federal Government and to timely enter into and meet its obligations under contracts for the Project, which is required to provide a suitable facility for Fire Department operations and thereby to promote public safety;

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 necessary to issue bonds of this City in the aggregate principal amount of \$48,000 (the Bonds) to provide funds to pay a portion of the cost of furnishing, equipping and otherwise improving a City fire station and its site.

*passed
6-18-18*

Section 2. (a) The Bonds shall be issued in one lot and only as fully registered bonds, in the denominations of \$100 or any whole multiple of \$100 in excess thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date; provided that, if the Original Purchaser (as defined in Section 6) shall so request, a single fully registered Bond, in printed or typewritten form, may be issued with multiple maturities of principal in amounts equal to the principal amounts of Bonds stated to mature on the respective dates upon which principal shall be payable. The Bonds shall be dated as of the date of their issuance.

(b) The outstanding principal amount of the Bonds, which shall be equal from time to time to the aggregate installments of purchase price paid by the Federal Government to the City from time to time pursuant to Section 6 hereof less the principal of the Bonds retired as provided in accordance with subsection (c) of this Section, shall bear the rate of interest per year (computed on the basis of a 365-day year), not exceeding 3.50% per year, as shall be determined and specified by the Director of Finance and Public Record in the certificate signed in accordance with Section 6 of this Ordinance (the Certificate of Award). Unless otherwise determined in the Certificate of Award, interest on the Bonds shall be payable annually on June 1 of each year (the Interest Payment Dates), commencing June 1, 2019, until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from the date of the Bonds.

(c) Unless otherwise specified by the Director of Finance and Public Record in the Certificate of Award, the Bonds shall mature on June 1 in the following years (the Principal Payment Dates) and principal amounts:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2019	\$3,800	2024	\$4,900
2020	4,300	2025	5,100
2021	4,400	2026	5,200
2022	4,600	2027	5,400
2023	4,700	2028	5,600

provided that, subject to the limitations set forth in Sections 1 and 3, the principal amount of Bonds maturing on one or more of the Principal Payment Dates may be increased or decreased as specified by the Director of Finance and Public Record in the Certificate of Award, consistently with his determination of the best interest of and financial advantages to the City.

So long as a single fully registered Bond with multiple maturities of principal in amounts equal to the principal amounts of Bonds stated to mature on the respective dates upon which principal shall be payable the Bonds, registered in the name of the Original Purchaser, is held by the Original Purchaser, the principal of that Bond shall be subject to redemption by and at the sole option of the City, in whole or in part, at any time prior to maturity at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice to the Original Purchaser from the Director of Finance and Public Record, given upon the direction of this Council by passage of an ordinance. That notice shall specify the redemption date and the principal amount of Bonds of each maturity to be redeemed and shall be given at least 30 days prior to the redemption date or such shorter period as shall be acceptable to the Original Purchaser. If less than all of the outstanding principal of that Bond is called for optional redemption at one time, the principal shall be called in inverse order of maturities and in a whole multiple of \$100. In the event that notice of redemption shall have been given to the Original Purchaser as provided above, the City shall pay to the Original Purchaser on or prior to the redemption date, moneys that will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the principal of the Bond or portions thereof to be redeemed. The principal of the Bond and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 4, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, have been provided to the Original Purchaser on or before the redemption date, so as to be available therefor on that date, then from and after the redemption date the Bond or the portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so provided on or before the redemption date, the Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption.

Section 3. The rate of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing on each Principal Payment Date, shall be such that the total amount of principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the total amount of those payments in any other such fiscal year.

Section 4. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. Interest on the Bonds shall be payable on each Interest Payment Date by check or draft mailed or otherwise delivered to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 5 hereof), at the close of business on the 15th day of the calendar month preceding that Interest Payment Date. Notwithstanding the foregoing, if a single Bond with multiple maturities of principal in amounts equal to the principal amounts of Bonds stated to mature on the respective Principal Payment Dates is issued to represent the entire issue, principal and interest shall be payable upon presentation of the Bond to the Bond Registrar for the proper endorsement of such payments (and surrender upon final payment) or in such other manner as may be agreed upon by the Director of Finance and Public Record, in the name and on behalf of the City and as the Bond Registrar, and the Original Purchaser, including without limitation, so long as the Original Purchaser is the registered owner of the Bond, payment of (i) the principal of the Bonds payable on each Principal Payment Date by wire transfer of

immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as the registered owner will direct in writing to the Bond Registrar, provided that in connection with the payment of the final installment of principal of the Bonds, the registered owner shall present and surrender its Bond at the office of the Bond Registrar, and (ii) interest payable on the Bonds on each Interest Payment Date by wire transfer of immediately available funds to the registered owner to an account in the United States as the registered owner will direct in writing to the Bond Registrar.

Section 5. The Bonds shall be signed by the Mayor and the Director of Finance and Public Record, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the authorized denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance and Public Record, shall be numbered as determined by the Director of Finance and Public Record in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the Chapter 133 of the Ohio Revised Code and Section 133.03(C) thereof, this Ordinance and the Certificate of Award.

The Director of Finance and Public Record is hereby appointed to act as the paying agent, bond registrar, authenticating agent and transfer agent (herein referred to collectively as the "Bond Registrar") for the Bonds.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by Director of Finance and Public Record, as Bond Registrar.

So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at the office of the Bond Registrar. The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings as the Bonds surrendered upon that exchange or transfer.

Section 6. The Director of Finance and Public Record is authorized to sell the Bonds at private sale to the United States of America, acting through the Rural Housing Service, United States Department of Agriculture (the Original Purchaser) at a purchase price, not less than 100% of the aggregate principal amount thereof on terms provided for herein as shall be determined by the Director of Finance and Public Record in the Certificate of Award, plus accrued interest on the

Bonds from their date to the Closing Date, and shall be awarded by the Director of Finance and Public Record, in accordance with law, the provisions of this Ordinance and his determination of the best interests of and financial advantages to the City and its taxpayers, with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award.

The Director of Finance and Public Record shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared, signed, authenticated and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser. The Original Purchaser shall pay the purchase price of the Bonds in one or more installments, such installments to be noted by the Original Purchaser on a schedule attached to the Bonds.

The Mayor, the Director of Finance and Public Record, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. The proceeds from the sale of the Bonds, except any premium and accrued interest, shall be paid into a separate fund of the City, which fund is hereby established pursuant to Section 5705.10 of the Revised Code, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including payment of financing costs incurred in connection with the issuance of the Bonds. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Bonds in the manner provided by law.

Section 8. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Bonds are hereby designated as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code. In that connection, the City hereby represents and covenants that it, together with all its subordinate entities or entities that issue obligations on its behalf, or on behalf of which the City issues obligations, in or during the calendar year in which the Bonds are issued, (i) has not issued and will not issue tax exempt obligations designated as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code, including the Bonds, in an aggregate amount in excess of \$10,000,000, and (ii) has not issued, does not reasonably anticipate issuing, and will not issue tax exempt obligations (including the Bonds, but excluding obligations, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code, that are private activity bonds as defined in Section 141 of the Code and excluding refunding obligations that are not advance refunding obligations as defined in Section 149(d)(5) of the Code) in an aggregate amount exceeding \$10,000,000, unless the City first obtains a written opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not adversely affect the status of the Bonds as "qualified tax exempt obligations". Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Bonds as "qualified tax exempt obligations", it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Bonds are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax exempt obligations of different issuers.

The Director of Finance and Public Record, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any

election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections provided for or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds or the tax status of the Bonds.

Section 9. There shall be 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 outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

Section 10. This City Council hereby finds, determines, declares, ratifies and confirms its acceptance of the Loan and the USDA Grant and ratifies and confirms all actions of City officials and others relating to the application for and acceptance thereof, including all actions of any and all City officials relating thereto.

Section 11. The Clerk of Council is directed to promptly deliver a certified copy of this ordinance and a copy of the Certificate of Award to the County Auditor of Richland County, Ohio.

Section 12. This City Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City of Shelby have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP be and are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery a related legal opinion, all as set forth in the form of engagement letter dated as of June 18, 2018, now on file in the office of the Director of Finance and Public Record. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Mayor is authorized and directed to sign and deliver the engagement letter, and the Director of Finance and Public Record is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that Firm.

Section 14. This Council finds and determines that all formal actions of this Council and of any committees concerning and relating to the passage of this ordinance were taken, and that all

deliberations of this Council and of any committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 15. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and welfare of this City and for the further reason that this ordinance is required to be immediately effective to enable the City to take advantage of the favorable terms of the Loan offered by the Federal Government and to timely enter into and meet its obligations under contracts for the Project, which is required to provide a suitable facility for Fire Department operations and thereby to promote public safety; wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.