

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

Shelby City Council Agenda
Monday, September 16, 2019
COUNCIL CHAMBERS
29 MACK AVENUE
Shelby, Ohio
7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

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

Dispense with Reading of Journal from September 3, 2019

Moved _____ 2ND _____

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

Public Comment

Pat Carlisle—Shelby Historic Preservation

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Safety Committee—Derrin Roberts

Utilities & Streets Committee—Nathan Martin

Committee of the Whole—Steve McLaughlin

Reports of City Officials

Steven L. Schag—Mayor

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Future Use of Main Street Fire Station

Live streaming of Council meetings

Legislation

ORDINANCE NO. 25-2019

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

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 26-2019

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

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

Moved _____ 2ND _____

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

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

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

ORDINANCE NO 27-2019

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

1ST READING

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

ORDINANCE NO 28-2019

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

1ST READING

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

ORDINANCE NO 29-2019

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

1ST READING

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

RESOLUTION NO 45-2019

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

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

RESOLUTION NO 46-2019

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

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

RESOLUTION NO 47-2019

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

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

RESOLUTION NO 48-2019

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

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

RESOLUTION NO 49-2019

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

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

RESOLUTION NO 50-2019

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SALT FROM CARGILL, INC IN CONJUNCTION WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS FOR THE PURCHASE OF ROCK SALT AND DECLARING AN EMERGENCY

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

Miscellaneous Business

Adjournment at _____ p.m.
Moved _____ 2ND _____
Mr. McLaughlin _____ Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____

ORDINANCE NO: 25 -2019
(Sponsor: Councilmember McLaughlin)

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

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

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

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

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

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

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

600 – MFG- 526	Diesel Fuel	\$10,000.00
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Section 2: That all other portions of Ordinance No.: 7-2019, not modified expressly herein, shall remain in full force and effect.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED: _____

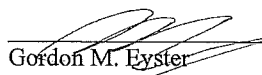
Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 27 -2019
(Sponsors – Councilmembers Gates and Roberts)

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

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

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Codified Ordinance Chapter 276 (Division of Health) be amended as noted above.

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

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

276.04 FOOD SERVICE/RETAIL FOOD ESTABLISHMENT LICENSE FEES.

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

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

Section 2: That all other sections of Chapter 276 shall remain in full force and effect.

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

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

PASSED: _____
Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST:

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

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

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

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

WHEREAS, one of the requirements for national accreditation is that the Shelby City Health Department establish an advisory board for the purpose of enhancing public engagement and providing valuable input; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Codified Ordinance Chapter 276 (Division of Health) be enacted.

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

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

CHAPTER 276: Division of Health

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

(a) Establishment; Membership; Compensation

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

(b) Terms of Service; Vacancies

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

(c) Powers and Duties

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

(d) Officers; Rules, Quorum; Report

The Mayor shall serve as Chair of the Health Department Advisory Board and will designate a health department employee to serve as Secretary. The Secretary shall be responsible for sending meeting notices, preparing meeting minutes, and communicating with the Board at the Mayor's direction. The Board shall meet quarterly. A majority of members shall constitute a quorum for the transaction of business. All findings, advice, reports, and recommendations of the Board shall be made in writing and shall designate by name those members of the Board approving or

concurring therein. Members who do not approve or concur therein shall have the right, as part of the Board's report, to state their reason for disagreement.

Section 2: That all other sections of Chapter 276 shall remain in full force and effect.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 29 - 2019

(Sponsor: Councilmember Martin)

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

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

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

WHEREAS, the Utility will implement internet services as a tiered approach, first delivering it to the business sector and then to residents; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1056 (Internet Services) be enacted.

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

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

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

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

PASSED: _____

Steven D. McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven T. Lifer
Director of Finance

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

1056.01 INTERNET SERVICES.

- A. The Director of Public Service is hereby authorized to make available internet service provided to residential and commercial customers within the City of Shelby and customers outside of the City of Shelby. Such internet services shall be provided subject to the conditions and charges set forth in this chapter.
- B. The Director of Public Service shall have the authority to modify or amend the rates and conditions of this chapter upon approval of Council.

1056.02 DEFINITIONS.

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

- A. "City." The City of Shelby, Ohio.
- B. "Commercial customer." Any customer that is not a "residential customer."
- C. "Council." The Council of the City of Shelby.
- D. "Customer." An individual, partnership, corporation, or other legal entity receiving internet service under the terms of this chapter at one structure and/or one location, subject to these rules and regulations.
- E. "Landlord/customer." The owner of any structure and/or location where a customer is taking service, if the owner is different from the end user of service and the owner is responsible for payment of the communications bill for the structure and/or location.
- F. "Month." One billing cycle, approximately 30 days apart.
- G. "Residential customer." A customer who uses service for individual single family home or farm use, including apartments, mobile homes and other individual single family dwelling units or living quarters or apartment units. A non-profit entity operating for a public benefit or a for-profit business shall not constitute a "residential customer".
- H. "Utility." The Division of Electricity and Communications of the city.
- I. "Communication Service(s)". Any and all forms of communication which are transferred electronically, and to include, but not necessarily limited to telecom, internet, cable, satellite, and managed services of telecommunications, entertainment and media, and internet/web services.

1056.03 RATES AND CHARGES FOR SERVICE.

- A. Service schedules.
 - (1) *Schedule A.* Residential Internet

(3) *Schedule C. Beta Internet Service Rates*

- (a) *Availability of service.* Beta internet service may be provided to certain customers for a trial period for new services or services expanded to new areas. The Director of Public Service, in his/her sole discretion, shall determine if customers qualify for beta internet service rates. The Director of Public Service shall consider whether the internet services to be provided are being tested when determining if a customer qualifies for beta internet service. Beta internet service may be available for residential and commercial customers within or outside the City of Shelby as specified by the utility.
- (b) *Rates for service.* 50% of the applicable rates under Schedules A and B for the period of one year.
- (c) *Riders for equipment charges, taxes, and other costs related to service.* Customers under this schedule shall be subject to the applicable equipment charges, applicable taxes, installation costs, and other costs related to service. These costs will be recovered through riders on customers' bills. Riders can be adjusted by the utility as necessary to recover costs.
- (d) *Terms of payment.* The amount billed is due on the fifteenth day of the month for the following month's service.

B. Economic development incentive rate for commercial internet.

- (1) *Applicable to commercial customers.* To encourage economic development within the city, the Director of Public Service can approve economic development rates for certain qualifying commercial customers. To qualify, a new or existing customer shall meet the following criteria:
 - (a) New commercial customers shall employ at least two full time equivalent ("FTE") employees. Existing commercial customers shall employ at least two additional FTE employees. An FTE employee is defined as a person who works at least 35 hours per week.
- (2) *No customer shall be entitled to an economic development incentive rate for more than five cumulative years.* For purposes of this provision, a year is defined as 12 consecutive months of receiving service at the economic development incentive rate.
- (3) *The five year economic development incentive rate shall be as follows:*
 - (a) Year 1-5—Wholesale internet pricing. (As defined as the amount the city pays for bandwidth but not less than \$0.30/MBps)

1056.04 SERVICE AND PHYSICAL PROPERTY.

- A. *Service boundary.* The utility may supply all communication service(s) within the corporate limits of the city. Subject to Article XVIII of the Ohio Constitution and the City Charter, the utility may extend service to customers outside the corporate limits of the City.
- B. *Application for service.*
- (1) A copy of the schedules and standard terms and conditions under which service is rendered to customers will be furnished upon request at the utility office. The utility, in its sole discretion, shall determine which schedule is applicable to serve customers. Once an application for service is approved, service will be commenced and a copy of the service agreement will be furnished to the customer upon request. If a customer desires delivery of telecommunications service at more than one point, a separate agreement shall be required for each separate point of delivery. Service delivered at each point of delivery shall be billed separately under the applicable schedule.
 - (2) The customer (or landlord/customer), after making proper application for service, shall notify the utility when the customer desires service to be established. Service shall be turned on, upon the date specified, by an authorized agent of the utility if beginning service on such date is possible and practicable for the utility.
 - (3) When landlord/customer files an application for service on the behalf of tenant(s), the tenant(s) name(s) shall be included on the application.
- C. *Service not transferrable.* No person may commence use of service until after making application for service and a service agreement is provided to the person in accordance with division (B)(2) of this section. Any successor in interest to a customer, including, without limitation, heirs, executors, administrators, assignees, trustees, guardians, receivers and conservators, shall be deemed to be a person who must make application for service; provided that any successor in interest whose rights arise from death or incompetence of the customer shall have thirty (30) days in which to make application.
- D. *Customer indebted to utility.* Service will not be supplied to any premises, if at the time of application for service, the applicant is indebted to the utility for service previously supplied at the same time or other premises, until payment of the indebtedness or other arrangement satisfactory to the utility shall have been made. Unpaid balances of previously rendered final bills shall be transferred and included on the initial or subsequent bill for a like service account. Such transferred final bills, if unpaid, will be part of the past due balance of the transferred account and subject to the utility's collections and disconnection procedures. The transfer of final bills is limited to like service, i.e., residential to

permission obtained from the utility. The renting of premises with the cost of service included in the rental as an incidence will not be considered a resale of the services.

- H. *Reasonable access to premises.* Neither the utility nor its agents or employees shall enter into the interior of any structure on the premises of a customer without the express permission of the customer except in cases of emergency. Any agent or employee seeking entrance into or upon the premises of a customer shall have and show symbols of identification. Any agent or employee seeking entrance to the interior of any structure on the premises shall advise the owner or occupant as to his or her purpose in doing so. Except in cases of emergency, no customer shall be obligated to afford entrance or access to his or her premises except during normal business hours and then only to those parts of the premises as may be the location of utility-owned property.
- I. *Right-of-way.* The customer, without reimbursement, will make or procure conveyance to the utility of right-of-way or right of entry and installed lines satisfactory to the utility to permit the utility to cross property between the utility's lines and the customer's property at the location where service is to be furnished, including property owned or controlled by the customer for the utility's distribution lines, extensions thereof or appurtenances necessary or incidental to the supplying of service to the customer.
- J. *Network Access Policy Statement and Internet Acceptable Use Policy.* The Director Public Service or his or her designee shall implement a Network Access Policy Statement and Internet Acceptable Use Policy that shall be provided to customers with the service agreement after the application for service is accepted by the utility. A prospective customer must agree to abide by the terms and conditions of the Network Access Policy Statement and Internet Acceptable Use Policy before the utility will provide internet service to the customer.

1056.05 BILLING.

- A. *Billing periods.* Bills will be rendered by the utility to the customer on a monthly basis. Non-receipt of bills by customer does not release or diminish the obligation of customer with respect to payment thereof. The responsibility for payment of all internet services shall be with the individual or entity whose name appears on the application for service as the "customer".
- B. *Billing adjustments.* The utility may adjust then current or subsequent bills to address billing errors or omissions from prior bills. There is no limitation on the time when the utility may back bill for such billing errors or omissions.
- C. *Payment of bills.* The customer shall pay bills at the utility office during the regular office hours or to any of the utility's authorized collecting agent during the regular office hours of the agent. Any remittance received by mail at any office of

sum equal to the utility's estimate of the cost to be incurred by it for temporary service.

- (2) After the service has been discontinued and all actual costs determined, any sum deposited by the customer in excess of the actual cost shall be refunded to him. If the utility elects to leave in place any or all of the facilities provided, constructed or installed to render such temporary service, an amount of the customer's deposit shall be returned to the customer such that the customer shall only be charged for the facilities not retained.

F. *Right to discontinue service.*

- (1) After giving notice as specified below, the utility shall have the right to discontinue service for any of the following reasons or purposes:
 - (a) Refusing reasonable access to the utility's facilities;
 - (b) Non-payment of bills for service when bills are due;
 - (c) Failure to furnish or maintain a required security deposit; and
 - (d) Material violation of any of these rules and regulations not otherwise covered in this provision.
- (2) The utility shall have the right, without notice, to discontinue service and disconnect and remove from the premises of a customer, the equipment and any other property belonging to the utility for any of the following reasons or purposes:
 - (a) Non-use of service;
 - (b) Fraudulent representation or practice and theft of service; and
 - (c) Whenever deemed necessary by the utility for safety reasons.

G. *Termination procedures.*

- (1) It is determined that a customer is delinquent in rendering payment for service when the billing for service remains unpaid after five business days from the due date. Whenever a customer is delinquent in providing payment for service from the due date of the bill, the utility shall mail a delinquency notice to the customer (and landlord/customer if applicable).
- (2) The utility may, after proper and reasonable notice of pending termination of service (not less than ten days), terminate the customer's service during normal utility business hours in compliance with the following conditions:
 - (a) No delinquent bill disconnection may be made after 12:30 p.m. on the day preceding a day that all services necessary for the customer to arrange and the utility to perform a reconnection are not regularly performed.

1056.07 PENALTY.

Unless otherwise provided by law, whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than \$150 for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues unless otherwise provided by law.

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

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

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

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

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

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

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

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

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

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

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

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

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

The Council of the City of Shelby, Richland

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

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

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

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

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

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

RESOLVED, By the Council of the City of Shelby
Richland County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

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

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

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$203,500.00		2.00	
Police Pension	\$36,000.00		0.30	
Fire Pension	\$36,000.00		0.30	
Park Fund		\$180,000.00		1.50
Health Fund		\$220,000.00		1.90
TOTAL	\$275,500.00	\$400,000.00	2.60	3.40

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

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
<p>GENERAL FUND:</p> <p>Current Expense Levy authorized by voters on for not to exceed years.</p> <p>SPECIAL LEVY FUNDS:</p> <p>Park Fund Levy authorized by voters on November 8, 2016 for not to exceed 5 years. TY 17-21</p> <p>Park Fund Levy authorized by voters on November 4, 2014 for not to exceed 5 years. TY 15-19</p> <p>Health Fund Levy authorized by voters on November 8, 2016 for not to exceed 5 years. TY 17-21</p> <p>Health Fund Levy authorized by voters on November 4, 2014 for not to exceed 5 years. TY 15-19</p>	<p>0.50</p> <p>1.00</p> <p>0.90</p> <p>1.00</p>	<p>\$180,000.00</p> <p>\$220,000.00</p>

and be it further

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

Mr. /Mrs. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr. /Mrs. ~~Mc~~ McLaughlin _____,*
- Mr. /Mrs. ~~R~~ Roub _____,*
- Mr. /Mrs. ~~R~~ Roberts _____,*
- Mr. /Mrs. ~~G~~ Gates _____,*
- Mr. /Mrs. ~~M~~ Martin _____,*
- Mr. /Mrs. _____,*
- Mr. /Mrs. _____,*

Adopted the _____ day of _____, 2019

Attest:

Clerk of Council
Steven T. Lifer

Vice President of Council
Steven McLaughlin

Mayor, Steven L. Schag

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

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

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

and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby

certify that the foregoing is taken and copied from the original Resolution No. 46-2019

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

WITNESS my signature, this _____ day of _____, 2019

Clerk of Council

City of Shelby of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 5705.34, or at such a later date as may be approved by the Board of Tax Appeals

No. _____

(CITY COUNCIL)

City of Shelby

Richland County, Ohio.

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

(CITY COUNCIL)

Adopted _____, 2019

Clerk of Council

Filed _____, 20 ____

County Auditor

By _____
Deputy.

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

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

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

WHEREAS, the City of Shelby is planning to make capital improvements on to its sanitary sewer infrastructure with the East Main Street Sanitary Sewer Replacement Project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to apply for said funds.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure for the East Main Street Sanitary Sewer Project.

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

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 482019
(Sponsor -- Councilmember Gates)

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

WHEREAS, the City of Shelby Fire Department desires to purchase a new ambulance; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Finance Director apply for a loan through a local lending institution.

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

Section 1: That the Finance Director is hereby authorized to seek a seven year, 2.65% loan for a new ambulance costing \$213,147.00 for the Shelby Fire Department.

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

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Lyster
Director of Law

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

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

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

WHEREAS, the requirements of advertising and bidding are dispensed with the event that said ambulance is purchased through the State Cooperative Purchase Plan; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Safety be authorized to purchase one (1) 2018 Braun Chief XL Ford F450 4x4 ambulance as detailed on the product quotation from Penn Care, Inc.

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

Section 1: That the Mayor as Director of Public Safety is hereby authorized to purchase a 2018 Braun Chief XL Ford F450 4X4 ambulance as outlined on the product quotation from Penn Care, Inc through the State Cooperative Purchase Plan.

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

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

PASSED: _____

Steven McLaughlin
Vice President of Council

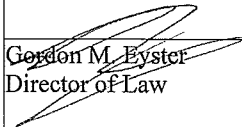
APPROVED:

ATTEST: _____

Steven T. Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 50 -2019

(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PURCHASE SALT FROM CARGILL, INC. IN CONJUNCTION WITH THE RICHLAND COUNTY BOARD OF COMMISSIONERS FOR THE PURCHASE OF ROCK SALT AND DECLARING AN EMERGENCY.

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer are willing to partner with the City of Shelby in purchasing rock salt in the hopes that the combined, larger purchase will be at a lesser cost than if purchased independently; and

WHEREAS, Ohio Revised Code 125.04 authorizes political subdivisions to purchase supplies or services from one another as long as said purchase is on equivalent terms, conditions, and specifications (but at a lower price) than could be purchased by bidding or through the state cooperative purchase plan; and

WHEREAS, the Richland County Board of Commissioners and the Richland County Engineer have completed the necessary steps to purchase rock salt for both the county and City of Shelby all in accordance with the terms of the Ohio Revised Code and specifically 125.04; and

WHEREAS, the Richland County Board of Commissioners have received a low bid of \$101.34 per ton from Cargill, Inc.; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby, Ohio, that the Mayor as Director of Public Service be authorized to cooperate with the Richland County Board of Commissioners for the purchase of rock salt.

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 be authorized to purchase rock salt at a price of \$101.34 per ton from Cargill, Inc.

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: _____

Steven McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law