

3:30pm Community & Economic Development Committee

Shelby City Council Agenda

Monday, April 6, 2015

COUNCIL CHAMBERS

29 MACK AVENUE

Shelby, Ohio

7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mrs. Carlisle _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from March 16, 2015

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____

Public Comment

Reports from Standing and Special Committees

Community & Economic Development—Steve McLaughlin

Public Works & General Operation Committee—Garland John Gates

Reports of City Officials

Steven L. Schag—Mayor

MOTION TO CONFIRM THE APPOINTMENT OF STEVEN MCLAUGHLIN TO THE SHADE TREE COMMITTEE AS A COUNCILMEMBER

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____

MOTION TO CONFIRM THE APPOINTMENT OF DERRIN ROBERTS AS CHAIRPERSON TO THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____

Bob Lafferty—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Legislation

AMENDED ORDINANCE NO 6-2015

**ENACTING SECTION 452.19 (COMMERCIAL
VEHICLE PARKING IN RESIDENTIAL OR
MANUFACTURED HOME PARK DISTRICTS)
OF CHAPTER 452 (PARKING) OF THE
CODIFIED ORDINANCES OF THE CITY OF
SHELBY**

3RD READING

Moved 2ND

Mr. Gates Mr. Martin Mr. McLaughlin Mrs. Carlisle Mr. Roberts

PASSAGE OF ORDINANCE

Moved 2ND

Mr. Gates Mr. Martin Mr. McLaughlin Mrs. Carlisle Mr. Roberts

ORDINANCE NO 9-2015

**AN ORDINANCE AUTHORIZING ALL ACTIONS
NECESSARY TO EFFECT A GOVERNMENTAL NATURAL
GAS AGGREGATION PROGRAM WITH OPT-OUT
PROVISIONS PURSUANT TO SECTION 4929-.26, OHIO
REVISED CODE, DIRECTING THE RICHLAND COUNTY
BOARD OF ELECTION TO SUBMIT A BALLOT QUESTION
TO THE ELECTORS AND DECLARING AN EMERGENCY**

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

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____ Mrs. Carlisle _____ Mr. Roberts _____

1/17/2015
2nd Reading
3/16/2015

**AMENDED ORDINANCE NO. 6-2015
(Sponsor – Councilmember Gates)**

ENACTING SECTION 452.19 (COMMERCIAL VEHICLE PARKING IN RESIDENTIAL OR MANUFACTURED HOME PARK DISTRICTS) OF CHAPTER 452 (PARKING) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS: A situation has arisen in which multiple commercial vehicles have been parked for days on end in a manufactured home park district adjacent to a residential district; 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 parking of commercial vehicles in residential and manufactured home park districts be limited.

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

Section 1: That Section 452.19 of the Codified Ordinances of the City of Shelby be enacted to read as follows:

452.19 COMMERCIAL VEHICLE PARKING IN RESIDENTIAL OR MANUFACTURED HOME PARK DISTRICTS.

No person shall park or permit to be parked more than one vehicle in excess of 6 1/2 feet of width upon a lot or parcel in a residential or manufactured home park district for a cumulative amount of time greater than six hours in any 48-hour period.

Section 2: That all other sections of Chapter 452 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 Section 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: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Jeffrey D. Fenner
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NUMBER 9 -2015
(Sponsors - Councilmembers: Martin, Carlisle, and McLaughlin)

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE RICHLAND COUNTY BOARD OF ELECTION TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail natural gas loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and

WHEREAS, this City Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code (the "aggregation Program"), for the residents, businesses and other natural gas consumers in the City and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

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

SECTION 1. This City Council finds and determines that it is in the best interest of the City of Shelby, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish the Aggregation Program in the City of Shelby. Provided that this Ordinance and the Aggregation Program is approved by the electors of the City of Shelby pursuant to Section 2 of this Ordinance, the City of Shelby is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using a natural gas load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Ordinance.

SECTION 2. The Board of Elections of Richland County is hereby directed to submit the following question to the electors of the City of Shelby at the primary election on November 3, 2015.

SECTION 3. 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 NATURAL GAS AGGREGATION PROGRAM FOR CITY OF SHELBY

Shall the City of Shelby have the authority to aggregate the retail natural gas loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

SECTION 3. The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than ninety (90) days prior to May 5, 2015. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4929.26 of the Ohio Revised Code.

SECTION 4. Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Ordinance, this City Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this City Council shall aggregate the natural gas load of any natural gas load center within the City unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two years without paying a penalty as set forth in rule 4901:28-04 of the Ohio Revised Code.

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.

SECTION 6. That the Richland County Board of Elections and the Mayor, Clerk of Council, and Director of Law of the City of Shelby are hereby authorized to take all action necessary to submit the above question to the electors of the City at the election held on November 3, 2015.

SECTION 7. Notice of the adoption of this Ordinance shall be given once by publishing the title of the Ordinance in an abstract.

SECTION 8. That this Ordinance is 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 D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Robert L. Lafferty
Clerk of Council

Steven L Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law