

3:30pm Community & Economic Development Committee

**AMENDED
Shelby City Council Agenda
Monday, October 3, 2016
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 6, 2016

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Community & Economic Development Committee—Steve McLaughlin

Public Works & General Operation Committee—Charlie Roub

Reports of City Officials

Steven L. Schag—Mayor
Breast Cancer Awareness Proclamation

Steven T. Lifer—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business
Amp Safety Awards

Unfinished Business
Mohican Street—Junk Yard

Legislation

AMENDED ORDINANCE NO 20-2016

AMENDING SECTION 1292.02 (GENERAL PROVISIONS) OF CHAPTER 1292 (NONCONFORMING LOTS, USES AND BUILDINGS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 24-2016

AMENDING SECTION 238.04 OF CHAPTER 238 ESTABLISHMENT; MEMBERSHIP (AUXILLARY POLICE UNIT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 25-2016

ENACTING SECTION 1050.06 (PHOTOVOLTAIC AND WIND GENERATION INTERCONNECTION GENERAL REQUIREMENTS) AND SECTION 1050.07 (NET METERING SCHEDULE) OF CHAPTER 1050 (ELECTRICITY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY

3RD READING

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

PASSAGE OF ORDINANCE

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

ORDINANCE NO 26-2016

ESTABLISHING SPEED LIMITS ON A PORTION OF MANSFIELD AVENUE, AND STATE STREET IN THE CITY OF SHELBY

2ND READING

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

RESOLUTION NO 63-2016

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

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

RESOLUTION NO 64-2016

**APPROVING THE SHELBY HISTORIC PRESERVATION
COMMISSION'S RULES AND REGULATIONS**

Moved _____ 2ND _____

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

Miscellaneous Business

Adjournment at _____ p.m.

Moved _____ 2ND _____

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

**PROCLAMATION
OCTOBER 2016
NATIONAL BREAST CANCER AWARENESS MONTH**

WHEREAS: This year, more than 230,000 women and 2,000 men will be diagnosed with breast cancer in America. Thus the heartache and the pain of this disease will touch all too many of our Shelby Citizens; and

WHEREAS: During National Breast Cancer Awareness Month, we recognize all those who know the anguish of breast cancer, and we stand behind the efforts to improve care and bring attention to this disease; and

WHEREAS: When breast cancer is caught early, treatments work best and survival rates increase. That is why all women and men should be familiar with the risk factors and symptoms of this disease and speak with their health care provider about the risk of breast cancer and the importance of recommended mammograms; and

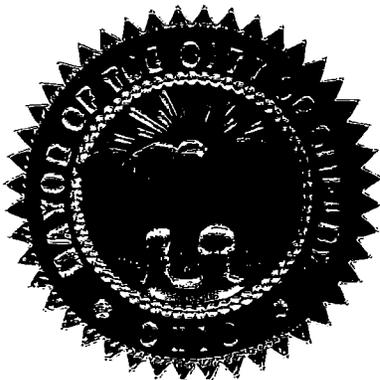
WHEREAS: Today, more Americans are surviving breast cancer than ever before, but there is more work to do, Researchers are working every day to improve the lives of breast cancer patients, survivors, and their families; and

WHEREAS: This month, as we honor those lost to breast cancer, let us join with the loved ones who celebrate their memory and the patients who battle this disease every day, as well as our Nation's advocates, medical researchers, and health care providers. And let us renew our commitment to better prevent, detect, and treat breast cancer, in our community.

NOW THEREFORE, in recognition of the importance of bringing awareness to this disease and of early detection I, Steven L. Schag, Mayor of the City of Shelby do hereby proclaim the month of October 2016 as Breast Cancer Awareness Month and urge all citizens to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Shelby, Ohio to be affixed this 3rd day of October, in the year of our Lord, two thousand and sixteen.

Steven L. Schag,
Mayor



referred to
Planning Comm
8/1/2016
1st Reading
9/6/2016
2nd Reading
9/19/2016

AMENDED ORDINANCE NO: 20-2016
(Sponsors: Councilmembers Roberts and Roub)

AMENDING SECTION 1292.02 (GENERAL PROVISIONS) OF CHAPTER 1292 (NONCONFORMING LOTS, USES AND BUILDINGS) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 1292.02 contains regulations for Nonconforming Structures in the City of Shelby; and

WHEREAS, Shelby City Council is desirous to amend said regulations; and

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

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Section 1292.02 of Chapter 1292 of the Codified Ordinances of the City of Shelby be amended.

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

Section 1: That Section 1292.02 (General Provisions) of Chapter 1292 (Nonconforming Lots, Uses and Buildings) of the Codified Ordinances of the City of Shelby be amended so that said section shall read as follows:

1292.02 GENERAL PROVISIONS.

(a) *Nonconforming lots.* In any one-family or multiple-family district, one-family and two-family dwellings may be erected on any single lot of record existing on the effective date of adoption or amendment of this Zoning Code, even though the lot fails to meet the requirements for area and width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving the area and width of the lot conform to the regulations for the district in which the lot is located. The Board of Zoning Appeals may grant a variance where the strict application of the provisions of this Zoning Code would result in practical or unnecessary hardship in complying with the minimum yard requirements for the district in which the lots are located.

(b) *Nonconforming uses of land.* The lawful use of any land existing on the effective date of adoption or amendment of this Zoning Code may be continued although the use does not conform to the provisions of this Zoning Code, provided that the following provisions are met:

(1) A. A nonconforming use shall not be extended, enlarged or increased to occupy a greater area of land than was occupied on the effective date of this Zoning Code, with the following exceptions:

1. A manufactured home existing as a nonconforming use may be replaced by a larger manufactured home, provided that all setback requirements for that district are in compliance.

2. An existing conditional use church, in a residential neighborhood, not located on a major or minor arterial thoroughfare, may be extended or expanded to occupy a greater area of land, provided that all setback requirements for that district are in compliance.

B. The extension of a lawful use to any portion of a nonconforming structure which existed prior to the enactment of this Zoning Code shall not be deemed to be the extension of the nonconforming use. However, a nonconforming use may be extended, enlarged or increased to occupy a greater area of land than was occupied on the effective date of this Zoning Code in the event the same is required by law.

(2) Whenever a nonconforming use has been discontinued for a period of two years or more, the discontinuance shall be considered as conclusive evidence of an intention to abandon legally the nonconforming use. At the end of the two-year period, any subsequent use of the land shall conform to the provisions of this Zoning Code for the district in which the land is located.

(3) Nonconforming uses existing and established after the effective date of this Zoning Code shall be declared illegal nonconforming uses and shall be discontinued no more than 20 days following the date of inspection of the use.

(4) A nonconforming use destroyed or damaged by fire, collapse, explosion or acts of nature, to the extent of 100% of its replacement cost, exclusive of the foundation at the time of destruction, may be reconstructed and the nonconforming use continued although the use does not conform to the provisions of this Zoning Code, subject to the following conditions:

A. The reconstruction of a nonconforming use shall not be extended, enlarged or increased to occupy greater lot coverage than was occupied on the effective date of this Zoning Code.

B. Reconstruction shall begin on a nonconforming use within one year from the date the nonconforming use was destroyed or damaged by fire, collapse, explosion or acts of nature.

(c) *Nonconforming structures.* A lawful structure existing on the effective date of adoption or amendment of this Zoning Code may be continued although the structure does not conform to the area, height or yard provisions of this Zoning Code, provided that the following provisions are met:

(1) A nonconforming structure may not be altered or enlarged in a manner which increases its nonconformity.

(2) A nonconforming structure destroyed or damaged by fire, collapse, explosion or acts of nature, to the extent of 100% of its replacement cost, exclusive of the foundation at the time of destruction, may be reconstructed and the nonconforming structure continued although the structure does not conform to the provisions of this Zoning Code, subject to the following conditions:

1. The reconstruction of a nonconforming structure shall not be extended, enlarged or increased to occupy greater lot coverage than was occupied on the effective date of this Zoning Code.

2. Reconstruction shall begin on a nonconforming structure within one year from the date the nonconforming structure was destroyed or damaged by fire, collapse, explosion or acts of nature.

(3) Should the structure be moved or transported for any reason and for any distance whatsoever, it shall thereafter conform to the provisions for the district in which it is located after it is removed.

(d) *Nonconforming uses of structures and land.* The lawful use of a structure or of a structure and land, existing on the effective date of adoption or amendment of this Zoning Code, may be continued although the use does not conform to the provisions of this Zoning Code, providing that the following provisions are met:

(1) Whenever a nonconforming use of a structure and land in combination has been discontinued for six consecutive months, or for 18 months during any three-year period, the structure and premises in combination shall not be re-established or used except in conformity with the provisions of the district in which it is located.

(2) Any nonconforming use of a structure and land in combination may be changed to another nonconforming use of the same or a more restrictive classification than the existing nonconforming use by the Board of Zoning Appeals. In permitting such a change, the Board may require that the more restrictive nonconforming use meet certain conditions and requirements in accordance with the provisions of this Zoning Code.

(3) Where a nonconforming structure and use exist, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 2: That all other Sections of Chapter 1292 of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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

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

PASSED: _____

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

9/16/2016
And Reading
9/19/2016

ORDINANCE NO. : 24-2016
(Sponsor: Councilmember Roberts)

AMENDING SECTION 238.04 OF CHAPTER 238 ESTABLISHMENT; MEMBERSHIP (AUXILIARY POLICE UNIT) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 238.01(a) of the Codified Ordinances of the City of Shelby makes provision for Council to modify the membership of the Shelby Police Department from time to time; and

WHEREAS, in order to provide for the health, safety, and welfare of the citizens of Shelby it is necessary to increase the number of auxiliary police officers available to the citizens of Shelby.

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

Section 1: That Section 238.04 (e) and (j) of the Codified Ordinances of the City of Shelby be amended to add the following section language:

§ 238.04 AUXILIARY POLICE UNIT.

(e) Members of the Auxiliary Police Unit who have a current Ohio peace officer certification and who have reached the age of 21 shall be paid the wages of a probationary police officer, as established in the then current collective bargaining agreement for their services, and non-certified officers shall be paid at the then current hourly minimum wage rate as established by the State of Ohio for their services, and the city shall furnish patches and badges for the Auxiliary Police Unit,

and

(j) The Chief of Police, with approval of the mayor, may allow retirees to maintain a commission with the Shelby Police Department, without counting toward the authorized personnel strength of the Auxiliary Unit pursuant to subsection (d), above. Such officers will maintain police powers but may not be called upon to act in a uniformed enforcement capacity within the police department. They may be called upon to perform other voluntary administrative or community service duties, as requested and/or authorized by the Chief of Police.

Section 2: That the Mayor as Director of Public Safety is hereby authorized to modify Membership of the Shelby Police Department as set forth in Section 238.04.

Section 3: All other provisions of section 238.04 shall remain in full force and effect unless otherwise modified herein.

Section 4: That all meetings and hearing 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: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:


Gordon M. Byster
Director of Law

1st Reading
9/6/2016
2nd Reading
9/19/2016

ORDINANCE NO.: 25 -2016
(Sponsor: Councilmember Gates)

ENACTING SECTION 1050.06 (PHOTOVOLTAIC AND WIND GENERATION INTERCONNECTION GENERAL REQUIREMENTS) AND SECTION 1050.07 (NET METERING SCHEDULE) OF CHAPTER 1050 (ELECTRICITY) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Technological advancements have made the installation of small-scale photovoltaic and wind generation energy systems by customers of the City of Shelby's Division of Electricity and Telecommunications a real possibility; and

WHEREAS, It is in the interest of the public health, safety, morals, and general welfare of the City of Shelby and its Division of Electricity and Telecommunications that Council enact policies to govern the interconnection of photovoltaic and wind energy systems to the City of Shelby's electric distribution systems.

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

Section 1: That Section 1050.06 (Photo Voltaic and Wind Generation Interconnection General Requirements) of the Codified Ordinances of the City of Shelby be enacted to read as follows:

1050.06 PHOTOVOLTAIC AND WIND GENERATION INTERCONNECTION GENERAL REQUIREMENTS.

The following general requirements shall govern the interconnection of photovoltaic (PV) and wind energy systems to the City of Shelby's electric distribution systems.

(a) *PV/Wind System Output Size.*

(1) *Residential:* As determined by the property's historic billing and Shelby Division of Electricity and Telecommunications system requirements with a maximum of 10kW.

(2) *Commercial/Industrial:* As determined by the property's historic billing and Shelby Division of Electricity and Telecommunications system requirements with a maximum of 100kW.

(b) PV/Wind Inverter Output Voltage (AC) shall be 240 VAC nominal residential and 208/240/480 VAC commercial.

(c) The sources for Distributed Generation System Standards are National Electric Code (NEC), Institute of Electric and Electronics Engineers (IEEE), Underwriters Laboratory (UL), American National Standards Institute (ANSI), National Electric Safety Code (NESC), International Electrotechnical Commission (IEC), and American Wind Energy Association (AWEA).

(1) PV systems shall meet the following standards: NEC 690 & 705, IEEE 1547, UL1741, UL1703, ANSI & NESC along with all applicable State and Local Standards.

(2) Wind Turbine systems shall meet the following standards: NEC 694 & 705, IEEE 1547, UL1741, UL6142, IEC 61400, AWEA, ANSI & NESC along with all applicable state and local Standards.

(3) Voltage Range shall meet the following requirements:

Voltage Range (% Nominal)	Max. Clearing Time (sec)*
V < 50%	0.16
50% ≤ V < 110%	2.0
110% < V < 120%	1.0
V ≥ 120%	0.16

(*) Max clearing times for Distributed Energy Resources ≤30kW;
Default clearing times for Distributed Energy Resources >30kW

(4) Frequency Range shall meet the following requirements:

Frequency Range (Hz)	Max. Clearing Time (sec)
$f > 60.5$	0.16
$f < 57.0^*$	0.16
$59.8 < f < 57.0^{**}$	Adjustable (0.16 and 300)

(*) 59.3 Hz if Distributed Energy Resources \leq 30kW;
(**) For Distributed Energy Resources $>$ 30kW

- (5) Voltage Control is not permitted (IEEE 1547).
- (6) Flicker shall not exceed Maximum Borderline of Irritation Curve (IEEE 1453).
- (7) Harmonics (IEEE 519) shall meet the following requirements:
- a. $<$ 5% THD
 - b. $<$ 4% below 11th harmonic
 - c. $<$ 2% for 11th – 15th harmonic
 - d. $<$ 1.5% for 17th – 21st harmonic
 - e. $<$ 0.6% for 23rd – 33rd harmonic
 - f. $<$ 0.3% for 33rd and greater harmonic
- (8) Current imbalance shall meet the latest requirements for the following:
- a. Current imbalance shall not be greater than 10%.
 - b. NEC
 - c. IEEE
 - d. NESC
 - e. Local fire department

(9) *Grouping of Disconnects.* The DC disconnect (PV array/Wind output), AC disconnect (inverter output), and revenue meter shall be grouped within 10 feet of one another on the side of the building. The disconnects shall be permanently and clearly identified as to their purpose.

Section 2: That Section 1050.07 (Net Metering Rate Schedule) of the Codified Ordinances of the City of Shelby be enacted to read as follows:

1050.07 NET METERING SCHEDULE.

Customers who generate a portion or all of their own electrical needs and provide any excess generation to the City of Shelby's system shall receive a billing credit equal to the City's wholesale cost of energy, adjusted to include line losses. This billing credit shall be provided to the customer under a net metering rate schedule subject to the following terms and conditions:

(a) *Limitations.* Billing under this schedule is limited to customers who operate a Generating Facility utilizing renewable energy source electric generating technology. The eligible facilities must be installed on the customer's premises. The maximum size of the electric generation eligible for net metering is 10 kW or under for residential units and 100 kW or under for commercial or industrial units. To qualify for this schedule, customer's non-dispatchable (solar/wind) generating units will be limited in size, not to exceed customer's annual self-service energy needs, measured in kWh. The customer property at the distributed generation site's usage history over the last three years, if available, shall be used as a benchmark for determining this kWh total. If a customer has more than one generator, to qualify for this schedule, the total capacity of the generators shall be less than the maximum listed above. The City of Shelby may restrict or deny service under this Schedule once the total connected generation provided under this Schedule equals or exceeds one percent of the City of Shelby's previous year's peak demand. The customer's facility must comply with the City of Shelby's existing interconnection rules and regulations.

(b) *Monthly Rate.* Deliveries from the City to the customer shall be billed in accordance with the standard applicable rate schedules.

(c) *Customer Credits for Net Excess Generation (NEG)*. Net Excess Generation (NEG) represents the amount of electric generation by the customer beyond the customer's own metered usage which is delivered to the City of Shelby during the billing period. Deliveries from the customer to the City of Shelby shall be credited at the wholesale purchase price (base rate) of electricity purchased by the City of Shelby for the month of the billing cycle. The credit to the customer shall not exceed the dollar amount the City of Shelby bills the customer for energy consumption in any billing period. Instead, the net excess dollar amount shall be allowed to accumulate as an NEG credit to offset the customer's energy charges in the next billing period. The credit will be adjusted based on the currently used power cost adjustment. NEG credits, if any, will be carried over from month to month. Upon an account being closed, a final kWh reading shall be taken from the net electric meter. If the accumulative kWh balance is a credit owed to the account holder, the net kWh credits due, shall be paid to the account holder. The amount owed to the account holder shall be calculated by multiplying the final net kWh balance by the most recent fuel and purchase power cost adjustment. The sum will be the amount owed to the account holder. The credit shall be paid within 60 days after the account is closed.

Section 3: That all other sections of Chapter 1050 (Electricity) shall remain in full force and effect;

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

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: _____

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

1st reading
9/19/2016

ORDINANCE NO.: 26-2016
(Sponsors: Councilmembers Martin & McLaughlin)

ESTABLISHING SPEED LIMITS ON A PORTION OF MANSFIELD AVENUE AND STATE STREET IN THE CITY OF SHELBY.

WHEREAS, The Ohio Department of Transportation (ODOT) has conducted a geometric and traffic characteristic study on a portion of Mansfield Avenue from Mickey Road to the Southernmost corporation line, and State Street to evaluate the statutory vehicular speed limit established by Ohio Revised Code 4511.11 (Speed Limits); and

WHEREAS, the geometric and traffic characteristic study upon the section of road described above has determined that the appropriate prima facie speed limits on Mansfield Avenue are 35 miles per hour (MPH) from the intersection of Mickey Road to the intersection of Seneca Drive and 45 miles per hour from the intersection of Seneca Drive to the southernmost corporation limit and

WHEREAS, ODOT has determined that State Street is a designated as a through highway as defined in ORC 4511.65(B), therefore making its prima facie speed limit 35; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of Shelby that the speed zones on Mansfield Avenue and State Street be modified so as to bring said zones into compliance with Ohio Revised Code 4511.21.

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

Section 1: That in accordance with Ohio Revised Code Section 4511.21 (B) (3), the speed limit on Mansfield Avenue from the intersection of Mickey Road to intersection Seneca Drive shall be 35 miles per hour.

Section 2: That in accordance with Ohio Revised Code Section 4511.21 (H) (1), the speed limit on Mansfield Avenue from the intersection of Seneca Drive to the southernmost corporation limit, shall be 45 miles per hour.

Section 3: That in accordance with Ohio Revised Code Section 4511.21 (B) (3), the speed limit on State Street from the westernmost corporation limit to the easternmost corporation limit shall be 35 mile per hour.

Section 4: That the Clerk of Council shall forward a copy of this Ordinance to the District 3 Deputy Director of the Ohio Department of Transportation for approval and proper recording.

Section 6: That the City of Shelby Service Department shall install standard signs, properly posted and giving notice thereof.

Section 7: 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 8: 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: _____

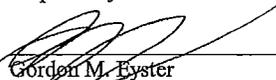
Steven McLaughlin,
Vice President of Council

APPROVED:

ATTEST: _____
Steven Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 3 • 906 CLARK AVE • ASHLAND, OHIO 44805 • (800) 276-4188

JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • HOWARD P. HUEBNER, DISTRICT DEPUTY DIRECTOR

September 8, 2016

Joe Geis
City of Shelby
43 West Main Street
Shelby, OH 44875

SR 39 Speed Zones – City of Shelby

Mr. Geis,

Regarding the speed limit for State Route 39 (SR 39) from Straight Line Mile (SLM) 4.64 to 5.77, (from the intersection of SR 39 and Mickey Road to the existing westbound corporation limit 0.08 miles west of Taylortown Road) several speed studies were performed to review the posted speed limits of SR 39 to evaluate compliance with the Ohio Revised Code (4511.21). Our studies concluded that the appropriate prima facie speed limits are as follows:

- Mickey Road to Seneca Drive – 35 MPH
- Seneca Drive to the existing westbound corporation limit (0.08 miles west of Taylortown Road) – 45 MPH

We have also received concurrence from the Ohio State Highway Patrol for the 45 MPH speed limit on the portion of SR 39 that is outside Shelby corporation limits. Please send a resolution stating that the city accepts the proposed speed zones as stated above, then install all appropriate speed limit signs within Shelby corporation limits and inform us when this work is complete. We will install all signs outside corporation limits.

if you have any questions or comments, please feel free to contact me by phone at (419) 207-7174 or by email at scott.ockunzzi@dot.ohio.gov.

Respectfully,

A handwritten signature in black ink that reads "Scott R. Ockunzzi".

Scott Ockunzzi, P.E.
Transportation Engineer
District Three

JAC:SRO:so
cc: LOC file



Ohio Department of Transportation WARRANT FOR SPEED ZONE



Rev. 3/23/09 BV

Complete all Green/Shaded areas.	
Road Name: Mansfield Avenue	Road No. SR: 39
County: Richland	Date: 10/2/2015
Begin Study At: Mickey Road	Township/City/Village: City of Shelby
Length: 0.56 miles	Warehouse/Road: ODOT SLM: 5.2
ODOT SLM: 4:54	End Study At: 12:055
Average Daily Traffic (ADT):	Existing Speed Limit: 50

For further guidance in completing this form, see the Traffic Engineering Manual, section 1203.

No. of Houses or Farms	(Hold Cursor Here for More Info)	1	Must have direct access to the roadway being studied.
No. of Small Businesses, Apts./Condos	(Hold Cursor Here for More Info)	9	Must have direct access to the roadway being studied.
No. of Medium Businesses, Apts./Condos	(Hold Cursor Here for More Info)	5	Must have direct access to the roadway being studied.
No. of Major Businesses, Apts./Condos	(Hold Cursor Here for More Info)	1	Must have direct access to the roadway being studied.
No. of Minor Street Intersections	(Hold Cursor Here for More Info)	3	Subdivision, Residential, or Other streets that mainly serve the residents of that street.
No. of Major Street Intersections	(Hold Cursor Here for More Info)	0	Streets which serve both the residents and commuters of the area.
No. of Signalized Intersections	(Hold Cursor Here for More Info)	0	Do not include intersections at the beginning or end of the section.
Lane Width	(Round down to nearest foot)	11	Average lane width of through traffic lanes.
Shoulder Width	(Round down to nearest foot)	8	General width of paved and/or non-paved shoulder throughout the section.
Crashes	(Latest three years of data)	17	Only include crashes within the section, excluding animal and side street crashes.
85%ile Speed of Traffic		41	Average of the 85% speed at all locations where speed samples were taken.
10-mph Pace Speed of Traffic	31 to	40	Average of the Pace speed at all locations where speed samples were taken.
Roadway Characteristics	(Enter letter and number or use Drop Down Box)	A1	Hold cursor over alphabetic value below to view description then enter letter and number.
Roadway Characteristics Examples			

To View Calculation Sheet or Examples of Characteristics and Crashes to Include, use Buttons to Right.	Calculation Sheet	Characteristics	Crashes to Include
Calculated Speed	43 MPH		
Requested Speed Limit		45 MPH	

Test Runs* 40

* Completed by ODOT for comparison or verification of calculated speed.

Study by: Scott Ocunzzi

Include the related Resolution(s) when submitting this form.

RESOLUTION NO.: 63 -2016
(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

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 waterline infrastructure with the Park Avenue Waterline 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.

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. Byster
Director of Law



State of Ohio
Public Works Commission
Application for Financial Assistance

IMPORTANT: Please consult "Instructions for Financial Assistance for Capital Infrastructure Projects" for guidance in completion of this form

Applicant

Applicant: City of Shelby Subdivision Code: 139-72102
 District Number: 16 County: Richland Date: 10/31/2016
 Contact: Joseph C. Gies Phone: (419) 342-3600
(The individual who will be available during business hours and who can best answer or coordinate the response to questions)
 Email: jogies@shelbycity.oh.gov FAX: (419) 347-1193

Project Name: Park Avenue Waterline Replacement Project Zip Code: 44875

	Subdivision Type	Project Type	Funding Request Summary
	<small>(Select one)</small>	<small>(Select single largest component by \$)</small>	<small>(Automatically populates from page 2)</small>
Project	<input type="checkbox"/> 1. County	<input type="checkbox"/> 1. Road	Total Project Cost: <u>256,000</u> .00
	<input checked="" type="checkbox"/> 2. City	<input type="checkbox"/> 2. Bridge/Culvert	1. Grant: <u>128,000</u> .00
	<input type="checkbox"/> 3. Township	<input checked="" type="checkbox"/> 3. Water Supply	2. Loan: <u>0</u> .00
	<input type="checkbox"/> 4. Village	<input type="checkbox"/> 4. Wastewater	3. Loan Assistance/ Credit Enhancement: <u>0</u> .00
	<input type="checkbox"/> 5. Water (6119 Water District)	<input type="checkbox"/> 5. Solid Waste	Funding Requested: <u>128,000</u> .00
	<input type="checkbox"/> 5. Water (6119 Water District)	<input type="checkbox"/> 6. Stormwater	

District Recommendation (To be completed by the District Committee)

Funding Type Requested		
<small>(Select one)</small>		
<input type="checkbox"/> State Capital Improvement Program	SCIP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<input type="checkbox"/> Local Transportation Improvement Program	RLP Loan - Rate: _____ % Term: _____ Yrs	Amount: _____ .00
<input type="checkbox"/> Revolving Loan Program	Grant:	Amount: _____ .00
<input type="checkbox"/> Small Government Program	LTIP:	Amount: _____ .00
District SG Priority: _____	Loan Assistance / Credit Enhancement:	Amount: _____ .00

For OPWC Use Only

STATUS _____	Grant Amount: _____ .00	Loan Type: <input type="checkbox"/> SCIP <input type="checkbox"/> RLP
Project Number: _____	Loan Amount: _____ .00	Date Construction End: _____
_____	Total Funding: _____ .00	Date Maturity: _____
Release Date: _____	Local Participation: _____ %	Rate: _____ %
OPWC Approval: _____	OPWC Participation: _____ %	Term: _____ Yrs

1.0 Project Financial Information (All Costs Rounded to Nearest Dollar)

1.1 Project Estimated Costs

Engineering Services

Preliminary Design:	<u>7,800</u> .00	
Final Design:	<u>11,600</u> .00	
Construction Administration:	<u>0</u> .00	
Total Engineering Services:	a.) <u>19,400</u> .00	<u>9</u> %
Right of Way:	b.) <u>0</u> .00	
Construction:	c.) <u>216,700</u> .00	
Materials Purchased Directly:	d.) <u>0</u> .00	
Permits, Advertising, Legal:	e.) <u>2,600</u> .00	
Construction Contingencies:	f.) <u>17,300</u> .00	<u>8</u> %
Total Estimated Costs:	g.) <u>256,000</u> .00	

1.2 Project Financial Resources

Local Resources

Local In-Kind or Force Account:	a.) <u>0</u> .00	
Local Revenues:	b.) <u>128,000</u> .00	
Other Public Revenues:	c.) <u>0</u> .00	
ODOT / FHWA PID: <u>0</u>	d.) <u>0</u> .00	
USDA Rural Development:	e.) <u>0</u> .00	
OEPA / OWDA:	f.) <u>0</u> .00	
CDBG:	g.) <u>0</u> .00	
<input type="checkbox"/> County Entitlement or Community Dev. "Formula"		
<input type="checkbox"/> Department of Development		
Other: _____	h.) _____ .00	
Subtotal Local Resources:	i.) <u>128,000</u> .00	<u>50</u> %

OPWC Funds (Check all requested and enter Amount)

Grant: <u>100</u> % of OPWC Funds	j.) <u>128,000</u> .00	
Loan: <u>0</u> % of OPWC Funds	k.) _____ .00	
Loan Assistance / Credit Enhancement:	l.) <u>0</u> .00	
Subtotal OPWC Funds:	m.) <u>128,000</u> .00	<u>50</u> %
Total Financial Resources:	n.) <u>256,000</u> .00	<u>100</u> %

1.3 Availability of Local Funds

Attach a statement signed by the Chief Financial Officer listed in section 5.2 certifying all local resources required for the project will be available on or before the earliest date listed in the Project Schedule section. The OPWC Agreement will not be released until the local resources are certified. Failure to meet local share may result in termination of the project. Applicant needs to provide written confirmation for funds coming from other funding sources.

2.0 Repair / Replacement or New / Expansion

2.1 Total Portion of Project Repair / Replacement:	<u>256,000</u> .00	<u>100</u> %
2.2 Total Portion of Project New / Expansion:	<u>0</u> .00	<u>0</u> %
2.3 Total Project:	<u>256,000</u> .00	<u>100</u> %

A Farmland Preservation letter is required for any impact to farmland

3.0 Project Schedule

3.1 Engineering / Design / Right of Way	Begin Date: <u>10/01/2016</u>	End Date: <u>01/31/2017</u>
3.2 Bid Advertisement and Award	Begin Date: <u>02/01/2017</u>	End Date: <u>06/30/2017</u>
3.3 Construction	Begin Date: <u>07/01/2017</u>	End Date: <u>11/30/2017</u>

Construction cannot begin prior to release of executed Project Agreement and issuance of Notice to Proceed.

Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by project official of record and approved by the Commission once the Project Agreement has been executed.

4.0 Project Information

If the project is multi-jurisdictional, information must be consolidated in this section.

4.1 Useful Life / Cost Estimate / Age of Infrastructure

Project Useful Life: 50 Years Age: 1941 (Year built or year of last major improvement)

Attach Registered Professional Engineer's statement, with seal or stamp and signature confirming the project's useful life indicated above and detailed cost estimate.

4.2 User Information

Road or Bridge: Current ADT _____ Year _____ Projected ADT _____ Year _____

Water / Wastewater: Based on monthly usage of 4,500 gallons per household; attach current ordinances.

Residential Water Rate Current \$ 11.19 Proposed \$ 11.19

Number of households served: 4,190

Residential Wastewater Rate Current \$ _____ Proposed \$ _____

Number of households served: 0

Stormwater: Number of households served: _____

4.3 Project Description

- A: **SPECIFIC LOCATION** (Supply a written location description that includes the project termini; a map does not replace this requirement.) 500 character limit.

This project will replace an existing 4" waterline that runs from the north side of the Park Avenue/Tucker Avenue intersection to the southern side of the Park Avenue/Reservoir Road intersection.

- B: **PROJECT COMPONENTS** (Describe the specific work to be completed; the engineer's estimate does not replace this requirement) 1,000 character limit.

The City of Shelby has made an ongoing effort to replace its existing waterline infrastructure. The waterlines in this project were installed in the 1940's. The existing waterline is 4 inches in size and does not meet the current EPA requirement of 8 inches. The lines also does not provide adequate fire flow for todays modern equipment. The lines are corroded and currently have about 30% of their intended size. Residents are currently experiencing discoloration in their water from the existing lines. There have been numerous water main breaks in this area in recent years.

This project will provide many benefits including water quality, sufficient fire flow and a reliable infrastructure.

- C: **PHYSICAL DIMENSIONS** (Describe the physical dimensions of the existing facility and the proposed facility. Include length, width, quantity and sizes, mgd capacity, etc in detail.) 500 character limit.

QUAN	UNIT	ITEM
1310	LF	8" WATERLINE
13	EA	8" GATE VALVES
4	EA	FIRE HYDRANTS
35	EA	WATER SERVICES
60	LF	CURB REPLACEMENT
120	SY	PAVEMENT REPLACEMENT
160	SY	CONCRETE DRIVE REPLACEMENT
1380	SF	SIDEWALK REPLACEMENT

5.0 Project Officials

Changes in Project Officials must be submitted in writing from an officer of record.

5.1 Chief Executive Officer (Person authorized in legislation to sign project agreements)

Name: Steven L. Schag
Title: Mayor
Address: 43 West Main Street

City: Shelby State: OH Zip: 44875
Phone: (419) 347-5131
FAX: (419) 347-1193
E-Mail: steveschag@shelbycity.oh.gov

5.2 Chief Financial Officer (Can not also serve as CEO)

Name: Steven T. Lifer
Title: Director of Finance and Public Record
Address: 43 West Main Street

City: Shelby State: OH Zip: 44875
Phone: (419) 347-5131
FAX: (419) 347-1193
E-Mail: stevelifers@shelbycity.oh.gov

5.3 Project Manager

Name: Joseph C. Gies
Title: Project Coordinator
Address: 43 West Main Street

City: Shelby State: OH Zip: 44875
Phone: (419) 342-3600
FAX: (419) 347-1193
E-Mail: joegies@shelbycity.oh.gov

6.0 Attachments / Completeness review

Confirm in the boxes below that each item listed is attached (Check each box)

- A certified copy of the legislation by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 7.0, Applicant Certification, below.
- A certification signed by the applicant's chief financial officer stating the amount of all local share funds required for the project will be available on or before the dates listed in the Project Schedule section. If the application involves a request for loan (RLP or SCIP), a certification signed by the CFO which identifies a specific revenue source for repaying the loan also must be attached. Both certifications can be accomplished in the same letter.
- A registered professional engineer's detailed cost estimate and useful life statement, as required in 164-1-13, 164-1-14, and 164-1-16 of the Ohio Administrative Code. Estimates shall contain an engineer's seal or stamp and signature.
- A cooperative agreement (if the project involves more than one subdivision or district) which identifies the fiscal and administrative responsibilities of each participant.
- Farmland Preservation Review - The Governor's Executive Order 98-IV, "Ohio Farmland Protection Policy" requires the Commission to establish guidelines on how it will take protection of productive agricultural and grazing land into account in its funding decision making process. Please include a Farm Land Preservation statement for projects that have an impact on farmland.
- Capital Improvements Report. CIR Required by O.R.C. Chapter 164.06 on standard form.
- Supporting Documentation: Materials such as additional project description, photographs, economic impact (temporary and/or full time jobs likely to be created as a result of the project), accident reports, impact on school zones, and other information to assist your district committee in ranking your project. Be sure to include supplements which may be required by your local District Public Works Integrating Committee.

7.0 Applicant Certification

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission as identified in the attached legislation; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

Applicant certifies that physical construction on the project as defined in the application has NOT begun, and will not begin until a Project Agreement for this project has been executed with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding from the project.

Certifying Representative (Printed form, Type or Print Name and Title)

Original Signature / Date Signed

F.E. KROCKA & ASSOCIATES, INC.

ENGINEERING & SURVEYING

86 WEST MAIN STREET

SHELBY, OHIO 44875

PHONE: (419) 342-4556

FAX: (419) 347-8885

**PRELIMINARY ESTIMATE
PARK AVENUE WATER LINE REPLACEMENT
TUCKER AVE. TO RESERVOIR
CITY OF SHELBY, OHIO**

QUANT.	UNIT	DESCRIPTION		UNIT COST	TOTAL COST
4	EA.	SYSTEM CONNECTION	@	\$3,000.00	\$12,000.00
1310	L.F.	8" WATERLINE	@	\$50.00	\$65,500.00
9	EA.	8" GATE VALVE	@	\$1,800.00	\$16,200.00
4	EA.	FIRE HYDRANT	@	\$5,000.00	\$20,000.00
15	EA.	WATER SERVICE (SHORT)	@	\$800.00	\$12,000.00
20	EA.	WATER SERVICE-LONG (BY DIRECTIONAL DRILL)	@	\$1,500.00	\$30,000.00
400	L.F.	GRANULAR BACKFILL	@	\$15.00	\$6,000.00
6	EA.	PLUG EXISTING WATER LINES	@	\$500.00	\$3,000.00
9	EA.	REMOVE EX. VALVE BOX, BACKFILL AND PAVE	@	\$300.00	\$2,700.00
60	EA.	CURB REPLACEMENT	@	\$40.00	\$2,400.00
120	S.Y.	PAVEMENT REPLACEMENT (ASPHALT STREET)	@	\$50.00	\$6,000.00
160	S.Y.	CONCRETE DRIVE REPLACEMENT	@	\$55.00	\$8,800.00
1380	S.F.	SIDEWALK REPLACEMENT	@	\$10.00	\$13,800.00
1500	S.Y.	LAWN RESTORATION & SEEDING (10' WIDTH)	@	\$4.00	\$6,000.00
1	L.S.	EROSION CONTROL	@	\$1,200.00	\$1,200.00
1	EA.	PROJECT SIGN	@	\$1,100.00	\$1,100.00
1	L.S.	MOBILIZATION AND BOND	@	\$10,000.00	\$10,000.00

TOTAL	\$216,700.00
CONTINGENCIES	\$17,300.00
TOTAL ESTIMATED COST OF CONSTRUCTION	\$234,000.00
ENGINEERING AND PERMITS	\$22,000.00
TOTAL ESTIMATED COST OF PROJECT	\$256,000.00

EXPECTED LIFE OF WATER LINE 50 YEARS

PREPARED BY:

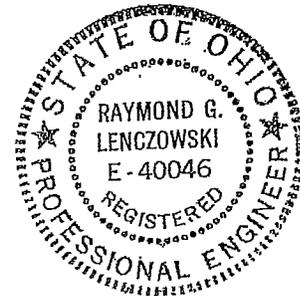
F.E. KROCKA & ASSOCIATES, INC.

86 WEST MAIN STREET

SHELBY OHIO 44875

Raymond G. Lenczowski
RAYMOND G. LENCZOWSKI, P.E.

September 28, 2016



RESOLUTION NO. : 64 -2016
(Sponsor: Councilmember Gates)

APPROVING THE SHELBY HISTORIC PRESERVATION COMMISSION'S RULES AND REGULATIONS.

WHEREAS, In accordance with Codified Ordinance 1488.02(d), the Shelby Historic Preservation Commission has submitted its proposed Rules and Regulations for Council's approval; 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 proposed Rules and Regulations be approved;

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

Section 1: That the Shelby Historic Preservation Commission's proposed Rules and Regulations, a copy of which is attached hereto and incorporated into this Resolution by reference as if fully rewritten herein, shall be and are hereby approved.

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.

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 Lifer
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law

SHELBY HISTORIC PRESERVATION COMMISSION
43 West Main Street, Shelby, OH 44875-1239
Mayor Steve Schag
419-347-5131
steveschag@shelbycity.oh.gov

RULES AND PROCEDURES
Adopted October 3, 2016 by Shelby City Council

NAME AND PURPOSE

On February 17, 2015, Shelby City Council passed Ordinance 20-2014 establishing Chapter 1488: Historic Landmarks and Buildings in the Codified Ordinances of the City of Shelby and creating the Shelby Historic Preservation Commission to preserve the city's distinctive character and its cultural, social, residential, commercial, industrial, educational, political, or architectural heritage for the enjoyment, enrichment, and benefit of the citizens of Shelby.

PUBLIC MEETINGS AND PUBLIC RECORDS

The Commission shall comply with the state and local laws dealing with public meetings and shall provide adequate advance notice of meetings in a newspaper of local distribution. Written and/or electronic minutes of Commission meetings shall be kept and made available for public inspection. All Commission documents and materials shall be available for public inspection in compliance with Ohio's public records laws through the Director of Finance and Public Record.

MEMBERS, TERMS, VACANCIES, AND COMPENSATION

Members shall have a demonstrated special interest, experience, or knowledge of historic preservation, history, architecture, or related disciplines. At least two members of the Commission shall be preservation-related professionals in a field such as architecture, architectural history, history, archeology, planning, or a related area, if such are available in the city. However, no more than two members shall be employees of or policy-makers of any one non-governmental organization.

The Shelby Historic Preservation Commission shall consist of five members. Members shall be appointed by the Mayor and confirmed by City Council. A majority of the members shall be resident electors of the city. The Commission members shall serve five-year staggered terms. Full terms begin on January 1. The initial member terms will end December 31 of 2016, 2017, 2018, 2019, and 2020. There are no term limits.

A vacancy during the unexpired term of any appointed member shall be filled, within 60 days if possible, for the remainder of the term. Members shall serve without compensation.

ETHICS AND CONFLICT OF INTEREST

Members shall be subject to city ordinances regarding conflict of interest and ethics as well as provisions on these subjects in the Ohio Revised Code. No member shall have a, direct or indirect, personal interest in any contracts, funds, or actions of the Commission.

MEETINGS, OFFICERS, TERMS, AND DUTIES

The Commission shall establish its schedule of meeting times and places and shall meet at least once quarterly.

In January of each year, the Commission shall have an organizational meeting to elect a Chair, Vice Chair, and Secretary. The term for officers shall be one year.

The Chair shall be responsible for the public announcement of all meetings, meeting agenda, and conduct all meetings. Chair will present the annual report to City Council.

The Vice Chair shall assume the duties of the Chair in the Chair's absence and any other duties requested by the Chair.

The Secretary shall be certain that written/or electronic minutes of all meetings and public hearings are complete and maintain an archive of all documents and materials with the Director of Finance and Public Record.

Exiting Commission members are expected to turn in all documents and materials they may have to the Director of Finance and Public Record.

COUNCIL REPORTS, LIAISON, AND OVERSIGHT

No later than January 31 of each year, the Commission shall submit a written report to City Council that summarizes its activities, cases, special projects, recommendations, and the qualifications of its members for the previous year. The City Project Coordinator/ Codes and Permits shall be the liaison between the Commission and City Council. All designations of local historic districts, landmarks, buildings, structures, streets, etc. must be recommended to City Council for approval.

DUTIES OF THE COMMISSION

The duties of the Commission are spelled out in Chapter 1488 Section 1488.03 of the Codified Ordinances of the City of Shelby. Short summary:

- Promote interest and educate citizens about historic preservations through public events, workshops, informational materials, and cooperation with local genealogical/historic organizations

- Maintain a system to survey and inventory local designated landmarks, historic districts, and cultural resources as to condition and preservation according to Ohio Historic Preservation Office guidelines, and provide a list to the Director of Finance and Public Record and to the Mayor.
- Issue Certificate of Appropriateness for applications to preserve, restore, rehabilitate, or demolish landmarks and structures on the local historic list.
- Assist property owners to designate local city landmarks, buildings, or structures to be placed on the Ohio Historic Inventory and/or nominated to National Register of Historic Places.
- When considering a National Register nomination or action within its jurisdiction, seek expertise and/or contract with technical consultants, as funds permit, to assist when that discipline is not represented on the Commission.
- Encourage Commission members to attend workshops, seminars, and other educational programs on historic preservation.
- Advise local officials and city government departments regarding protections of properties on the local list of historic places or districts.
- Use the U S Secretary of Interior's Standard for Rehabilitation as applicable within the city and deemed appropriate.

DEFINITIONS

The definitions used by the Commission are spelled out in Chapter 1488 Section 1488.04 of the Codified Ordinances of the City of Shelby. Those definitions are: Alteration, Archeology, Certificate of Appropriateness, Cultural Resources, and Demolition.

STANDARDS FOR DESIGNATING A LANDMARK

The Standards for Designating a Landmark are spelled out in Chapter 1488 Section 1488.05 of the Codified Ordinances of the City of Shelby. A designated landmark is real property that must have integrity of design, material, workmanship, architectural style, and have historic or cultural significance such as:

- Associated with an event or events that made a significant contribution to board patters of history.
- Associated with the life of a person significant to the past.
- Embodies the distinctive characteristic of a type, period, method of construction, or distinguishing characteristics of an architectural style, architect, or builder.

Section 1488.05 gives specific allowances for cemeteries, birthplaces, graves, religious institutions, structures that have been relocated and reconstructed, or places of a specific commemorative nature.

STANDARDS FOR DESIGNATING A HISTORIC DISTRICT

The Standards for Designating a Historic District are spelled out in Chapter 1488 Section 1488.06 of the Codified Ordinances of the City of Shelby. Historic Districts must be at least one of the criteria for Historic Landmarks as well as must:

- Have defined boundaries the set the area off in relation to surrounding.
- Have a high degree of historic integrity without excessive loss of architectural or historic character.
- Have internal historic cohesiveness in the sense of shared common history, historical development according to a master plan, shared architectural styles, or a body of architecture illustrating evolution over a period of time.

PROCEDURES FOR DESIGNATION OF INDIVIDUAL LANDMARKS

When a proposal to designate an individual property as a landmark is received from a property owner or initiated by the Commission with permission of the property owner, the Commission shall consider the proposal in terms of criteria specified in Section 1488.05 of the Codified Ordinances of the City of Shelby and make a recommendation to City Council for approval.

The procedure for proposed individual landmarks recommended to City Council for the local list of historic places is detailed in Section 1488.07 and includes:

- Notification of the property owner(s) by personal service or certified mail of the date, time, and place of a public hearing on the proposed designation. The property owner(s) and the public may respond in writing or in attendance.
- No sooner than 30 days after the notice to the owner(s) and publishing a legal notice in the local newspaper, the Commission shall conduct a public hearing to review written comments and open comments. After the hearing and with no objection by the property owner(s), the Commission forwards a copy of the minutes along with its recommendations to City Council.
- City Council shall vote by motion on the proposed designation of property at the next regular City Council meeting.
- If Council does not approve the nomination, and if the property owner(s) does not object, the Commission may revise and/or resubmit the nomination with additional supportive information and notify the property owner(s) of the date Council will act on the renomination.

After approval by City Council, the Clerk of Council shall notify all affected property owners(s) of the decision in writing, add the individual landmark designation to the list of same, and forward a copy of the information to the Mayor and pertinent city personnel.

The Commission may recommend that City Council remove from the landmarks list properties that no longer meet the criteria.

PROCEDURES FOR DESIGNATION OF HISTORIC DISTRICTS

When a proposal to create a historic district is received or initiated by the Commission, the Commission shall consider the proposal in terms of the criteria in Section 1488.06 of the Codified Ordinances of the City of Shelby and make a recommendation to City Council. The procedures followed are detailed in Section 1488.08 and similar to procedures for Designation of Individual Landmarks.

PROCEDURES FOR REVIEW OF PROPOSED ALTERATIONS TO HISTORIC LANDMARKS AND PROPERTIES WITHIN HISTORIC DISTRICTS

The procedures for review of proposed alterations to historic landmarks and properties within a Historic District are spelled out in Chapter 1488 Section 1488.09. The Commission, assisted by city personnel, shall be available to applicants as a source of information and assistance before an application is made and encourage applicants to use this service.

No person shall make any exterior alteration to or demolish any historic structure or part thereof which is a designated city landmark or lies within a local historic district without first obtaining a Certificate of Appropriateness from the Commission. A Certificate of Appropriateness must be obtained from the Commission for new construction on vacant sites inside a designated historic district.

Application(s) for a Certificate of Appropriateness shall be filed at City Hall in such form as prescribed by the Commission and approval of the Mayor. The Mayor or his/her designee is responsible for ensuring that any construction is in accordance with the Certificate of Appropriateness.

The Commission shall approve or reject an application for a Certificate of Appropriateness within 45 days of the filing of a complete application and in compliance with Section 1488.02 (f). If the Commission fails to act in the time period, the application for a Certificate of Appropriateness shall be deemed approved.

Each case requires careful consideration of its unique and relevant factors such as earlier changes, existing conditions, and surrounding properties. The Commission determines if the proposal conforms to the U S Secretary of Interior's Standard for Rehabilitation. The Commission may approve or approve with conditions a Certificate of Appropriateness.

If the Certificate of Appropriateness is denied, the Commission will notify the applicant in writing and include findings of fact supporting the decision. The Commission may suggest changes which can result in approval. The applicant has ten days from receipt of the denial to file a written notice of appeal to the Clerk of Council. City Council shall hear the appeal and render a written decision which may affirm, reverse, or modify the decision of the Commission.