

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

**AMENDED**

**Shelby City Council Agenda**

**Monday, August 16, 2021**

**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 August 2, 2021**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_

Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**Public Comment**

**Reports from Standing and Special Committees**

Finance & Personnel Committee—Councilman Gates

Utilities & Streets Committee—Councilman Martin

Safety Committee—Councilman Roberts

**Reports of City Officials**

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

**New Business**

Committee of the Whole—To discuss the Water and Wastewater Infrastructure Grant Program

**Unfinished Business**

Future Use of Main Street Fire Station—ORC Section 721.01—Future letter in regard to real estate as needed or not needed for any municipal purpose

Norm Schumacher—Broadway

Charter centennial timeline

McBride Park Baseball Field

**Legislation**

**ORDINANCE NO 21-2021**

**AMENDING ORDINANCE NO 8-2021 (ANNUAL  
APPROPRIATIONS) AND DECLARING AN EMERGENCY**

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

Moved        2<sup>ND</sup>       

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

**PASSAGE OF ORDINANCE**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 47-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SERVICE TO ENTER INTO A MEMORANDUM OF  
UNDERSTANDING (MOU) WITH THE INTERNATIONAL  
UNION OF OPERATING ENGINEERS LOCAL 18S UNIT A  
AND UNIT B FOR THE OBSERVANCE OF THE  
JUNTEENTH HOLIDAY FOR THE 2021 CALENDAR YEAR**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 48-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC  
SAFETY TO SIGN A MEMORANDUM OF INTENT AND  
UNDERSTANDING WITH INTERNATIONAL UNION OF  
FIREFIGHTERS LOCAL 2492 REGARDING JUNETEENTH**

Moved        2<sup>ND</sup>       

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

**RESOLUTION NO 49-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH RICHLAND ENGINEERING LIMITED FOR CONSTRUCTION INSPECTION SERVICES FOR THE RIC-SR39-3.35 MAIN STREET STREETScape PROJECT AND DECLARING AN EMERGENCY**

Moved        2<sup>ND</sup>         
Mr. McLaughlin        Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin       

**RESOLUTION NO 50-2021**

**APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE WATER METER PURCHASE PROJECT WITHIN THE CITY OF SHELBY, OHIO**

Moved        2<sup>ND</sup>         
Mr. McLaughlin        Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin       

**RESOLUTION NO 51-2021**

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2021 SHELBY MAIN STREET ARCH PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

Moved        2<sup>ND</sup>         
Mr. McLaughlin        Mr. Roub        Mr. Roberts        Mr. Gates        Mr. Martin

**RESOLUTION NO 52-2021**

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE MAIN STREET WATER SERVICE REPLACEMENT PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**RESOLUTION NO 53-2021**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISON SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY**

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**Miscellaneous Business**

**Adjournment** at \_\_\_\_\_ p.m.

Moved \_\_\_\_\_ 2<sup>ND</sup> \_\_\_\_\_  
Mr. McLaughlin \_\_\_\_\_ Mr. Roub \_\_\_\_\_ Mr. Roberts \_\_\_\_\_ Mr. Gates \_\_\_\_\_ Mr. Martin \_\_\_\_\_

**RESOLUTION NO. 47 -2021**  
**(Sponsor – Councilmember Martin)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 18S UNIT A AND UNIT B FOR THE OBSERVANCE OF THE JUNETEENTH HOLIDAY FOR THE 2021 CALENDAR YEAR.**

WHEREAS, in June 2021, the President of the United States signed into law a new Federal Holiday to be observed on the 19<sup>th</sup> day of June and in which the designated holiday is to be known as Juneteenth; and

WHEREAS, there is a desire to create a day of observance for the Juneteenth holiday within the language of the Collective Bargaining Agreement between The City of Shelby and The International Union of Operating Engineers Local 18S Unit A and Unit B; and

WHEREAS, the language for the Memorandum of Understanding (MOU) has been designed and agreed upon by both parties for the observance of the Juneteenth holiday; and

WHEREAS, the MOU will allow members of Local 18S Unit A and Unit B to observe the Juneteenth holiday by the issuance of an extra Floating Holiday for the 2021 calendar year; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to enter into the Memorandum of Understanding with The International Union of Operating Engineers Local 18S Unit A and Unit B to establish a day of observance for the Juneteenth holiday by the means of a Floating Holiday for the 2021 calendar year.

**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 enter into a Memorandum of Understanding with The International Union of Operating Engineers Local 18S Unit A and Unit B to establish a day of observance for the Juneteenth holiday for the 2021 calendar year.

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: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon Eyster  
Director of Law

**RESOLUTION NO. 48 -2021**  
**(Sponsor – Councilmembers Gates & Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO SIGN A MEMORANDUM OF INTENT AND UNDERSTANDING WITH INTERNATIONAL UNION OF FIREFIGHTERS LOCAL 2492 REGARDING JUNETEENTH.**

WHEREAS, Congress has passed, and the President has signed Public Law 117-17 to designate June 19 as a legal public holiday known as Juneteenth Independence Day; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the City of Shelby execute a Memorandum of Intent and Understanding with International Association of Firefighters Local 2492 regarding this holiday.

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

Section 1: That the Mayor as Director of Public Safety shall be and is hereby authorized to sign a Memorandum of Intent and Understanding, a copy of which is attached to and incorporated into this Resolution as if fully written herein, with International Association of Firefighters Local 2492 regarding the Juneteenth Independence Day holiday.

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 D. McLaughlin  
Vice President of Council

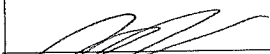
APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 49 -2021  
(Sponsor: Councilmember Martin)

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH RICHLAND ENGINEERING LIMITED FOR CONSTRUCTION INSPECTION SERVICES FOR THE RIC-SR39-3.35 MAIN STREET STREETScape PROJECT AND DECLARING AN EMERGENCY.**

WHEREAS, in order to proceed with the construction of the RIC-SR39-3.35 Main Street Streetscape Project it is necessary that the City contract for construction inspection services; and

WHEREAS, it is in the interest of the public health, safety, morals and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to enter into an agreement for the completion of said services.

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

Section 1: That the Mayor as Director of Public Service is hereby authorized to enter into an agreement with Richland Engineering Limited for construction administration services for the RIC-SR39-3.35 Main Street Streetscape Project.

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

Section 3: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council


APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Byster  
Director of Law



RESOLUTION NO. 50 -2021  
(Sponsor: Councilmember Martin)

**APPROVING THE SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE WATER METER PURCHASE PROJECT WITHIN THE CITY OF SHELBY, OHIO.**

WHEREAS, the 5/8" x 3/4" water meters, meter registers, and communication modules are in need of replacement; and

WHEREAS, specifications have been completed for the Water Meter Purchase Project; and

WHEREAS, said project will allow for remote meter reading creating efficiencies in the utility department; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to advertise for 5/8" x 3/4" Water Meters, Meter Registers, and ERT's (encoder receiver transmitter).

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

Section 1: That the specifications for the Water Meter Purchase Project in the City of Shelby are hereby approved.

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

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

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

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
\_\_\_\_\_  
Gordon M. Byster  
Director of Law

RESOLUTION NO. 51, -2021  
(Sponsor- Councilmember Martin)

**APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2021 SHELBY MAIN STREET ARCH PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY.**

WHEREAS, The Community Improvement Corporation of Shelby, Ohio has raised funds for an arch to contribute to the Shelby Streetscape Project; and

WHEREAS, plans and specifications have been completed for the Main Street Arch Project; and

WHEREAS, it is the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that said improvements be made to Main Street.

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

Section 1: That the plans and specifications for the 2021 Main Street Arch Project in the City of Shelby are hereby approved.

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

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

Section 4: That this Resolution is hereby deemed to be an emergency and therefor, 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: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

RESOLUTION NO. 5a -2021  
(Sponsor- Councilmember Martin)

APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE MAIN STREET WATER SERVICE REPLACEMENT PROJECT, WITHIN THE CITY OF SHELBY, OHIO AND DECLARING AN EMERGENCY

WHEREAS, plans and specifications have been completed for the Main Street Water Service Replacement Project; and

WHEREAS, the City has received funding from the Ohio Water Supply Revolving Loan Fund from the Ohio Environmental Protection Agency; 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 be constructed within the City of Shelby.

**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 plans and specifications for the Main Street Water Service Replacement Project in the City of Shelby are hereby approved.

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

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

Section 4: That this Resolution is hereby deemed to be an emergency and therefor, 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: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

  
Gordon M. Eyster  
Director of Law

**RESOLUTION NO. 53-2021**  
**(Sponsor- Councilmember Roberts)**

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE MATERIAL TERMS OF THE ONE OHIO SUBDIVISION SETTLEMENT PURSUANT TO THE ONE OHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021, NATIONAL OPIOID SETTLEMENT AGREEMENT AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Shelby, Ohio (herein "Municipality") is a municipal corporation formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by certain entities within the Opioid Pharmaceutical Supply Chain; and

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representative and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the Council of City of Shelby, Ohio has adopted, and hereby reaffirms its adoption of, a One Ohio Memorandum of Understanding ("MOU") relating to the allocation and the use of the proceeds of any potential settlements described; and

WHEREAS, the MOU has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution; and

WHEREAS, the Council of the City of Shelby, Ohio understands that an additional purpose of the MOU is to create an effective means of distributing any potential settlement funds obtained under the MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio, as well as to permit collaboration and explore potentially effectuation earlier resolution of the Opioid Litigation against Opioid Pharmaceutical Supply Chain Participants; and

WHEREAS, nothing in the MOU binds any party to a specific outcome, but rather, any resolution under the MOU requires acceptance by the State of Ohio and the Local Governments; and

WHEREAS, a settlement proposal is being presented to the State of Ohio and Local Governments by distributors AmerisourceBergen, Cardinal, and McKesson (collectively the "Settling Distributors") to resolve governmental entity claims in the State of Ohio using the structure of the One Ohio MOU and consistent with the material terms of the July 21, 2021, proposed National Opioid Distributor Settlement Agreement; and

WHEREAS, the Council of the City of Shelby, Ohio wishes to agree to the material terms of the proposed National Opioid Distributor Settlement Agreement with the Settling Distributors (the "Proposed Settlement").

**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 authorized to accept the Proposed Settlement on behalf of the City of Shelby, Ohio, pursuant to the terms of the One Ohio MOU.

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

Section 3: That this Resolution is hereby deemed to be an emergency so as to meet the ongoing contractual obligations of the City of Shelby, Ohio, and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Steven McLaughlin  
Vice President of Council

APPROVED:

ATTEST: \_\_\_\_\_

Brian Crum  
Clerk of Council

\_\_\_\_\_  
Steven L. Schag  
Mayor

Prepared by:

\_\_\_\_\_  
Gordon M. Eyster  
Director of Law