

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

Shelby City Council Agenda
Tuesday, January 18, 2022
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 _____

Motion to excuse Councilmember Martin

Moved _____ 2ND _____

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

Dispense with Reading of Journal from January 3, 2022

Moved _____ 2ND _____

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

Public Comment

Reports from Standing and Special Committees

Finance & Personnel Committee—Councilmember Gates

Utilities & Streets Committee—Councilmember Martin

Safety Committee—Councilmember Roberts

Reports of City Officials

Steven L. Schag—Mayor

**MOTION TO CONFIRM THE APPOINTMENT OF GARLAND JOHN GATES TO THE
COMMUNITY REINVESTMENT AREA HOUSING COUNCIL**

Moved _____ 2ND _____

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

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

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

Legislation

ORDINANCE NO 1-2022

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (d) (BALANCE LEVELIZATION RATE RIDER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

2ND READING

Moved 2ND

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

ORDINANCE NO 2-2022

**AMENDING SECTION 206.02 (BOUNDARIES OF WARDS)
OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE
CODIFIED ORDINANCES OF THE CITY OF SHELBY**

2ND READING

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

RESOLUTION NO 2-2022

**AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC
SAFETY TO PARTICIPATE IN THE JOHNSON AND
JOHNSON NATIONAL OPIOD SETTLEMENT AND
DECLARING AN EMERGENCY**

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

Miscellaneous Business

Adjournment at _____ p.m.

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

1st Reading
1/21/2022

ORDINANCE NO: 1 -2022
(Sponsor: Councilmember Martin)

AMENDING CHAPTER 1050 (ELECTRICITY), SECTION 1050.02 (RATES AND CHARGES FOR SERVICE), (d) (BALANCE LEVELIZATION RATE RIDER) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the Balance Levelization was established to help reduce the electric fund balance; and

WHEREAS, the fund balance has been reduced to the proposed electric cash reserve policy level; and

WHEREAS, it is necessary at this time to modify Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) to amend the negative rate rider from \$0.0022/kWh to \$0.0000/kWh to help retain the available cash balance at the desired level; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) be amended and/or modified.

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

Section 1: That Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service), (d) (Balance Levelization Rate Rider) be amended to read as follows:

(d) Balance Levelization Rate Rider

(1) Service Schedules A, A-D, B, C, and D shall have a negative rate *rider* in the amount of \$0.0000 / kWh. The negative rate *rider* shall cease from all service schedules and be removed from the utility bill.

Section 2: That all other language in Chapter 1050 (Electricity), Section 1050.02 (Rates and Charges for Service) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

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

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

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

1st Reading
1/3/2022

ORDINANCE NO. 2 -2022
(Sponsor – Councilmember Gates)

AMENDING SECTION 206.02 (BOUNDARIES OF WARDS) OF CHAPTER 206 (WARDS AND BOUNDARIES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY.

WHEREAS, Section 206.01 of the Codified Ordinances of the City of Shelby requires that each of the City's four wards "shall contain as nearly as practicable an equal number of inhabitants"; and

WHEREAS, Council met on Wednesday, December 15, 2021, as the Committee of the Whole to consider adjusting ward boundaries in light of the results of the Twenty-fourth Decennial United States Census; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare that the boundaries of wards – specifically the boundaries of the Third and Fourth Wards – be adjusted to comply with the requirements of Codified Ordinance 206.01;

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

Section 1: That Section 206.02 of the Codified Ordinances of the City of Shelby be amended to read as follows:

206.02 BOUNDARIES OF WARDS.

The boundaries of the wards of the city are as follows:

(a) *First Ward.* The first ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of the Black Fork of the Mohican River and West Main Street; from there westerly along the centerline of West Main Street to the west corporation line; from there generally northerly and easterly along the corporation line to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West State Street; from there westerly along the centerline of West State Street to the centerline of Leslie Lane; from there southerly along the centerline of Leslie Lane to the centerline of Maple Street; from there easterly along the centerline of Maple Street to the centerline of North Gamble Street; from there southerly along the centerline of North Gamble Street to the centerline of West Smiley Avenue; from there easterly along the centerline of West Smiley Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the point of beginning.

(b) *Second Ward.* The second ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of East Main Street and Mansfield Avenue; from there southerly along the centerline of Mansfield Avenue to the centerline of Monroe Avenue; from there southwesterly along the centerline and the extension of the centerline of Monroe Avenue to the centerline of the Ashland Railway right-of-way; from there southerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Simeon Avenue; from there westerly along the extension of the centerline and the centerline of Simeon Avenue to the centerline of Park Avenue; from there northerly along the centerline of Park Avenue to the centerline of East Tucker Avenue; from there westerly along the centerline of East Tucker Avenue to the centerline of the Black Fork of the Mohican River; from there southerly along the centerline of the Black Fork of the Mohican River to the south corporation line; from there generally westerly and northerly along the corporation line to the centerline of West Main Street; from there easterly along the centerlines of West and East Main Streets to the point of beginning.

(c) *Third Ward.* The third ward shall contain all the territory bounded as follows: beginning for the same at the intersection of the centerlines of Mansfield Avenue and East Main Streets; from there westerly along the centerline of East Main Street to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of West Smiley Avenue; from there westerly along the

centerline of West Smiley Avenue to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the centerline of Maple Street; from there westerly along the centerline of Maple Street to the centerline of Leslie Lane; from there northerly along the centerline of Leslie Lane to the centerline of West State Street; from there easterly along the centerline of West State Street to the centerline of North Gamble Street; from there northerly along the centerline of North Gamble Street to the north corporation line; from there generally easterly and southerly along the corporation line to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the centerline of Technology Parkway; from there southerly along the centerline of Technology Parkway to the centerline of Glenwood Drive; from there westerly along the centerline of Glenwood Drive to the centerline of Samantha Avenue; from there northerly along the centerline of Samantha Drive to the centerline of Parkwood Drive; from there westerly along the centerline of Parkwood Drive to the boundary line between Jackson and Sharon Townships; from there northerly along said boundary line to the centerline of Grand Boulevard; from there westerly along the centerline of Grand Boulevard to the centerline of Wentz Avenue; from there southerly along the centerline of Wentz Avenue to the de facto centerline of Parkwood Drive; from there westerly along the de facto centerline of Parkwood Drive to the centerline of Mansfield Avenue; from there along the centerline of Mansfield Avenue to the point of beginning.

(d) *Fourth Ward.* The fourth ward shall contain all that territory bounded as follows: beginning for the same at the intersection of the centerlines of Wentz Avenue and Grand Boulevard; from there easterly along the centerline of Grand Boulevard to the boundary line between Sharon and Jackson Townships; from there southerly along said boundary line to the centerline of Parkwood Drive; from there easterly along the centerline of Parkwood Drive to the centerline of Samantha Drive; from there southerly along the centerline of Samantha Drive to the centerline of Glenwood Drive; from there easterly along the centerline of Glenwood Drive to the centerline of Technology Parkway; from there northerly along the centerline of Technology Parkway to the centerline of East Main Street; from there easterly along the centerline of East Main Street to the east corporation line; from there generally southerly and westerly along the corporation line to the centerline of the Black Fork of the Mohican River; from there northerly along the centerline of the Black Fork of the Mohican River to the centerline of East Tucker Avenue; from there easterly along the centerline of East Tucker Avenue to the centerline of Park Avenue; from there southerly along the centerline of Park Avenue to the centerline of Simeon Avenue; from there easterly along the centerline and the extension of the centerline of Simeon Avenue to the centerline of Ashland Railway right-of-way; from there northerly along the centerline of the Ashland Railway right-of-way to the extension of the centerline of Monroe Avenue; from there northeasterly along the extension of the centerline and the centerline of Monroe Avenue to the centerline of Mansfield Avenue; from there southeasterly along the centerline of Mansfield Avenue to the de facto centerline of Parkwood Drive; from there easterly along the de facto centerline of Parkwood Drive to the centerline of Wentz Avenue; from there northerly along the centerline of Wentz Avenue to the point of beginning.

Section 2: That there be attached to this Ordinance a map delineating the ward boundaries as defined in Section 1 above.

Section 3: That all other sections of Chapter 206 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.

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:

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 2-2022
(Sponsor- Councilmember Gates)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SAFETY TO PARTICIPATE IN THE JOHNSON AND JOHNSON NATIONAL OPIOID SETTLEMENT 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") and now desire to enter similar agreements relating to a Johnson and Johnson national Opioid Settlement 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 Janssen/Johnson & Johnson to resolve governmental entity claims in the State of Ohio using a Settlement Agreement similar to the MOU; and

WHEREAS, the Council of the City of Shelby, Ohio wishes to agree to the material terms of the proposed Settlement Agreement (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 said settlement agreement and Settlement Participation Form.

Section 2: That council intends that any financial proceeds from the Proposed Settlement be deposited into the Police Equipment Fund.

Section 3: 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 4: 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