

REVISED AGENDA

January 21, 2020

City Council

Regular Meeting of the Wadsworth City Council Tuesday, January 21, 2020, 6:30 p.m., in City Council Chambers:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call
5. Council Meeting Minutes for Approval: *Regular Council of January 7, 2020*
6. Joint Meeting of Wadsworth City Council and Wadsworth Township to Elect a Member of the Woodlawn Union Cemetery Board
7. Visitors
8. Correspondence
9. Reports of Officials
10. Reports of Committees and Commissions
11. Reading of Legislation:

ORDINANCE NO. 20-001 (1st RDG.): AN ORDINANCE TO AMEND SECTIONS 154.210 AND 154.211 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO MODIFY THE PURPOSE AND PERMITTED USES OF C-4 HIGHWAY INTERCHANGE COMMERCIAL DISTRICTS

Council Public Hearing to be set for March 3, 2020, at 6:30 p.m., in Council Chambers

- Sponsored by Council Member Thomas Stugmyer
- Forwarded by Economic Development & Planning Committee January 13, 2020

ORDINANCE NO. 20-002 (1st RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE AIPIRT RUNWAY 10-28 IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded Public Ways Committee January 13, 2020

ORDINANCE NO. 20-003 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SANITARY SEWER OVERFLOW REMEDIATION PLAN AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded Public Service Committee January 14, 2020

ORDINANCE NO. 20-004 (1st RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS FOR, AND AWARD CONTRACTS FOR THE 2020 STREET IMPROVEMENT PROGRAM PROJECTS CONSISTING OF THE CONSTRUCTION OF IMPROVEMENTS OF CERTAIN CITY STREETS AND ALL APPURTENANCES AND DECLARING AN EMERGENCY.

- Sponsored by Council Member David Williams
- Forwarded Public Ways Committee January 13, 2020

ORDINANCE NO. 20-005 (1st RDG.): AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT OF COOPERATION WITH BOARD OF COMMISSIONERS OF THE COUNTY OF MEDINA FOR THE RESURFACING OF LEATHERMAN ROAD FROM I-76 TO REIMER ROAD, HARTMAN ROAD FROM BROAD STREET TO REIMER ROAD AND REIMER ROAD FROM HINKLE DRIVE TO MEDINA LINE ROAD IN WADSWORTH CITY, AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded Public Ways Committee January 13, 2020

ORDINANCE NO. 20-006 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 308 MINI HYDRAULIC EXCAVATOR WITH EQUIPMENT FROM OHIO CAT THROUGH PARTICIPATION IN AN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded Public Service Committee January 14, 2020

ORDINANCE NO. 20-007 (1st RDG.): AN ORDINANCE FINDING THE EXISTENCE OF A REAL AND PRESENT EMERGENCY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE DEPARTMENT OF PUBLIC SERVICE NECESSITATING AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH BAYPOINTE TECHNOLOGY FOR THE PURCHASE OF ONE NIMBLE SAN CENTRAL STORAGE DEVICE WITHOUT FORMAL BIDDING AND ADVERTISING, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SUCH A CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded Public Service Committee January 14, 2020

ORDINANCE NO. 20-008 (1st RDG.): AN ORDINANCE TO APPROVE THE EXECUTION OF AN EFFICIENCY SMART SCHEDULE WITH AMERICAN MUNICIPAL POWER INC. AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded Public Service Committee January 14, 2020

RESOLUTION NO. 20-01 (2nd RDG.): A RESOLUTION PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, MECHANICAL RESUSCITATORS OR OTHER FIRE EQUIPMENT AND APPLIANCES, BUILDINGS AND SITES THEREFOR OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, FOR THE ESTABLISHMENT AND MAINTENANCE OF FIRE-ALARM COMMUNICATIONS OR FOR THE PAYMENT OF OTHER RELATED SERVICES AS AUTHORIZED BY SECTION 5705.19(I) OF THE OHIO REVISED CODE AND REQUESTING THE COUNTY AUDITOR OF MEDINA COUNTY, OHIO TO CERTIFY TO THE COUNCIL OF THE CITY OF WADSWORTH THE TOTAL CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY AN ADDITIONAL CONTINUING

LEVY OF 1.1 MILLS FOR EACH ONE DOLLAR OF VALUATION TO BE PLACED ON THE BALLOT AT THE NOVEMBER 3, 2020 ELECTION

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee December 17, 2019
- Discussed in Committee of the Whole January 7, 2020

RESOLUTION NO. 20-02 (2nd RDG.): A RESOLUTION PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, MECHANICAL RESUSCITATORS OR OTHER FIRE EQUIPMENT AND APPLIANCES, BUILDINGS AND SITES THEREFOR OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, FOR THE ESTABLISHMENT AND MAINTENANCE OF FIRE-ALARM COMMUNICATIONS OR FOR THE PAYMENT OF OTHER RELATED SERVICES AS AUTHORIZED BY SECTION 5705.19(I) OF THE OHIO REVISED CODE AND REQUESTING THE COUNTY AUDITOR OF MEDINA COUNTY, OHIO TO CERTIFY TO THE COUNCIL OF THE CITY OF WADSWORTH THE TOTAL CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY AN ADDITIONAL CONTINUING LEVY OF 1.5 MILLS FOR EACH ONE DOLLAR OF VALUATION TO BE PLACED ON THE BALLOT AT THE NOVEMBER 3, 2020 ELECTION

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee December 17, 2019
- Discussed in Committee of the Whole January 7, 2020

RESOLUTION NO. 20-03 (2nd RDG.): A RESOLUTION PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, MECHANICAL RESUSCITATORS OR OTHER FIRE EQUIPMENT AND APPLIANCES, BUILDINGS AND SITES THEREFOR OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, FOR THE ESTABLISHMENT AND MAINTENANCE OF FIRE-ALARM COMMUNICATIONS OR FOR THE PAYMENT OF OTHER RELATED SERVICES AS AUTHORIZED BY SECTION 5705.19(I) OF THE OHIO REVISED CODE AND REQUESTING THE COUNTY AUDITOR OF MEDINA COUNTY, OHIO TO CERTIFY TO THE COUNCIL OF THE CITY OF WADSWORTH THE TOTAL CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY AN ADDITIONAL CONTINUING LEVY OF 2.0 MILLS FOR EACH ONE DOLLAR OF VALUATION TO BE PLACED ON THE BALLOT AT THE NOVEMBER 3, 2020 ELECTION

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee December 17, 2019
- Discussed in Committee of the Whole January 7, 2020

RESOLUTION NO. 20-04 (2nd RDG.): A RESOLUTION PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, MECHANICAL RESUSCITATORS OR OTHER FIRE EQUIPMENT AND APPLIANCES, BUILDINGS

AND SITES THEREFOR OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, FOR THE ESTABLISHMENT AND MAINTENANCE OF FIRE-ALARM COMMUNICATIONS OR FOR THE PAYMENT OF OTHER RELATED SERVICES AS AUTHORIZED BY SECTION 5705.19(I) OF THE OHIO REVISED CODE AND REQUESTING THE COUNTY AUDITOR OF MEDINA COUNTY, OHIO TO CERTIFY TO THE COUNCIL OF THE CITY OF WADSWORTH THE TOTAL CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY AN ADDITIONAL CONTINUING LEVY OF 2.3 MILLS FOR EACH ONE DOLLAR OF VALUATION TO BE PLACED ON THE BALLOT AT THE NOVEMBER 3, 2020 ELECTION

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee December 17, 2019
- Discussed in Committee of the Whole January 7, 2020

RESOLUTION NO. 20-05 (2nd RDG.): A RESOLUTION PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, MECHANICAL RESUSCITATORS OR OTHER FIRE EQUIPMENT AND APPLIANCES, BUILDINGS AND SITES THEREFOR OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, FOR THE ESTABLISHMENT AND MAINTENANCE OF FIRE-ALARM COMMUNICATIONS OR FOR THE PAYMENT OF OTHER RELATED SERVICES AS AUTHORIZED BY SECTION 5705.19(I) OF THE OHIO REVISED CODE AND REQUESTING THE COUNTY AUDITOR OF MEDINA COUNTY, OHIO TO CERTIFY TO THE COUNCIL OF THE CITY OF WADSWORTH THE TOTAL CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY AN ADDITIONAL CONTINUING LEVY OF 2.5 MILLS FOR EACH ONE DOLLAR OF VALUATION TO BE PLACED ON THE BALLOT AT THE NOVEMBER 3, 2020 ELECTION

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee December 17, 2019
- Discussed in Committee of the Whole January 7, 2020

12. New Business and/or Comments of Council Members and Officials
13. Recess or Adjournment

ORDINANCE NO. 20-001
Sponsored by Council Member Thomas Stugmyer

AN ORDINANCE TO AMEND SECTIONS 154.210 AND 154.211 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO MODIFY THE PURPOSE AND PERMITTED USES OF C-4 HIGHWAY INTERCHANGE COMMERCIAL DISTRICTS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That sections 154.210 and 154.211 of the Codified Ordinances are hereby amended to read as follows:

§154.210 PURPOSE.

The purpose of this district is to provide for uses which are easily accessed from limited access and arterial roadways and thus able to serve the needs of local residents, commuters and travelers. While the district does allow for personal and professional services and retail uses, the district is not intended to accommodate regional shopping districts, wholesaling or distributions uses that would impede the functioning of the highway interchange. Access to and from individual sites shall conform to the High Street Access Management Plan and shared access drives and access roads with controlled ingress and egress to multiple site are encouraged.

§154.211 PERMITTED USES.

- (A) Hotels and motels.
- (B) Restaurants and other places selling food and beverages for on and off-site consumption.
- (C) Personal and professional services; banks and similar financial services; general retail; and office uses subject to the following limitations:
 - 1) The maximum Floor Area Ratio (FAR) shall not exceed 20%.
 - 2) No lot may contain a structure or multiple structures with a single or combined gross floor area (GFA) greater than 15,000 sq. ft.

Section 2. That existing sections 154.210 and 154.211 of the Codified Ordinances are hereby repealed.

Section 3. That this ordinance shall be effective at the earliest time permitted by law.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 20-002
Sponsored by Council Member David Williams

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE AIRPORT RUNWAY 10-28 IMPROVEMENTS PROJECT AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized and directed to advertise for, receive bids for and to enter into a contract for the Airport Runway 10-28 Improvements project in accordance with plans and specifications on file in the office of the Director of Public Service. The total price to be awarded pursuant to said contract shall not exceed \$180,000. If it becomes necessary after the contract is entered into, to authorize change orders, such change orders may be authorized so long as the total financial obligation of the city pursuant to the contract including change orders does not exceed the awarded bid amount plus ten percent of the awarded bid amount.

Section 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in the City of Wadsworth in order to expedite construction of the runway improvements; WHEREFORE, this ordinance shall go into immediate effect provided it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____
President of Council

Attest: _____
Clerk of Council

Approved: _____
Mayor

1st Rdg. _____ 2nd Rdg. _____
3rd Rdg. _____ Passed: yes _____ no _____
Vote: aye _____ nay _____ Immediate Effect: yes _____ no _____

CERTIFICATE OF PUBLICATION

I, Tammy L. Guenther, Clerk of Council of the City of Wadsworth, State of Ohio, do hereby certify that the forgoing ordinance was duly published in the *Medina Gazette* and at <http://publicnoticesohio.com/> on _____ and _____ which is for two consecutive weeks as required by section 731.21 of the Ohio Revised Code.

Tammy L. Guenther
Clerk of Council, City of Wadsworth

ORDINANCE NO. 20-003
Sponsored by Council Member Bruce Darlington

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SANITARY SEWER OVERFLOW REMEDIATION PLAN AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized and directed to enter into an agreement for professional engineering services for the Sanitary Sewer Overflow Remediation Plan. The payment obligation pursuant to said agreement shall not exceed \$470,000.

Section 2. That it is found and determined that all formal actions of this council concerning and relating to the passage of this ordinance were passed in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth in order to expedite the analysis and flow monitoring for the Sanitary Sewer Overflow Remediation Plan; WHEREFORE, this ordinance shall go into immediate effect provided that it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____
President of Council

Attest: _____
Clerk of Council

Approved: _____
Mayor

1st Rdg. _____ 2nd Rdg. _____
3rd Rdg. _____ Passed: yes _____ no _____
Vote: aye _____ nay _____ Immediate Effect: yes _____ no _____

CERTIFICATE OF PUBLICATION

I, Tammy L. Guenther, Clerk of Council of the City of Wadsworth, State of Ohio, do hereby certify that the forgoing ordinance was duly published in the *Medina Gazette* and at <http://www.publicnoticesohio.com/> on _____ and _____, which is for two consecutive weeks as required by section 731.21 of the Ohio Revised Code.

Tammy L. Guenther, Clerk of Council
City of Wadsworth

ORDINANCE NO. 20-004
Sponsored by Council Member David Williams

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS FOR, AND AWARD CONTRACTS FOR THE 2020 STREET IMPROVEMENT PROGRAM PROJECTS CONSISTING OF THE CONSTRUCTION OF IMPROVEMENTS OF CERTAIN CITY STREETS AND ALL APPURTENANCES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized and directed to advertise for, receive bids for, and award contracts for the 2020 Street Improvement Program Projects, which will include “**Contract 2020-270 Asphalt Resurfacing Project**”, “**Contract 2020-273 Crack Seal Project**”, “**Contract 2019-274 Concrete Slab/Joint Repair and Replacement Project**”, and “**Contract 2020-277 Concrete Diamond Grinding Project**” and all appurtenances in accordance with plans and specifications prescribed or to be prescribed by the Director of Public Service. The Total Engineer’s Estimate for the above projects is \$952,000. The street list is included as Attachment A. The Director of Public Service may utilize the Ohio Department of Transportation State Bid Pricing pursuant to Ohio Revised Code section 9.48 for “**Contract 2020-273 Crack Seal Project**”. Section 9.48 of the Ohio Revised Code permits a political subdivision to participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership and the services are available under ODOT Contracts for the identified commodity. The total price to be awarded pursuant to said contracts shall not exceed \$952,000. If it becomes necessary after the contract is entered into, to authorize change orders, such change orders may be authorized so long as the total financial obligation of the city pursuant to the contract including change orders does not exceed the awarded bid amount plus ten percent of the awarded bid amount.

Section 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in the City of Wadsworth in order to complete construction improvements to make it safer to operate vehicles as soon as reasonably feasible; WHEREFORE, this ordinance shall go into immediate effect.

Passed: _____
President of Council

Attest: _____
Clerk of Council

Approved: _____
Mayor

1st Rdg. _____
3rd Rdg. _____
Vote: aye _____ nay _____

2nd Rdg. _____
Passed: yes _____ no _____
Immediate Effect: yes _____ no _____

Attachment A

2020 Street Improvement Program

Program Summary

1. Asphalt Resurfacing & Repair	\$830,000	
2. Crack Seal Project	\$40,000	
3. Concrete Slab Replacement	\$50,000	
4. Concrete Diamond Grinding	\$20,000	
5. OPWC Grant Contributions (Seville Rd.)	<u>\$12,000</u>	<i>This will be a separate project.</i>

Program Estimate	\$952,000	
-------------------------	------------------	--

Asphalt Resurfacing & Repair Streets

1. Sunset Blvd.– College to just east of Stratford
2. Bird St. – Bergey south to the park
3. Pine St. – Lyman to East
4. Santee Ct. – Main east to the end
5. Stevenson Dr. – Pardee to High
6. Virginia/Garfield – Grandview to Grandview
7. Brouse Dr. – High to just east of Eastview
8. N. Lyman – Akron Rd. to Broad
9. S. Lyman – Park to Water
10. Chestnut – Main to South Blvd.
11. Rainbow/Mill – Grandview to State St.

RE: 20-004

ORDINANCE NO. 20-005
Sponsored by Council Member David Williams

AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT OF COOPERATION WITH BOARD OF COMMISSIONERS OF THE COUNTY OF MEDINA FOR THE RESURFACING OF LEATHERMAN ROAD FROM I-76 TO REIMER ROAD, HARTMAN ROAD FROM BROAD STREET TO REIMER ROAD AND REIMER ROAD FROM HINKLE DRIVE TO MEDINA LINE ROAD IN WADSWORTH CITY, AND DECLARING AN EMERGENCY

WHEREAS, the City of Wadsworth recognizes the need for resurfacing of Leatherman Road from I-76 to Reimer Rd., Hartman Road from Broad St. to Reimer Rd. and Reimer Rd. from Hinkle Drive to Medina Line Rd. (hereinafter “the Project”), and;

WHEREAS, the Northeast Areawide Coordinating Agency (NOACA), by letter dated October 17, 2019, has agreed to provide NOACA controlled federal funding for 80% of eligible construction costs for the project; and

WHEREAS, the Medina County Commissioners Resolution No 19-0987 has authorized the Medina County Engineer to prepare an agreement of cooperation for the project between City of Wadsworth and County of Medina, as to the cost agreement of the non-federal share of project costs.

WHEREAS, the Medina County Engineer had prepared the agreement of cooperation attached hereto as “Exhibit A”; NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That it is declared to be in the public interest that the consent of the City of Wadsworth be and such consent is given to the Board of County Commissioners of Medina County to the resurfacing of Leatherman Road from I-76 to Reimer Rd., Hartman Road from Broad St. to Reimer Rd. and Reimer Rd. from Hinkle Drive to Medina Line Rd. in the City of Wadsworth, Medina County in accordance with plans, specifications, and estimates approved by the appropriate officials of the City of Wadsworth and Medina County.

Section 2. That the Mayor and the Director of Public Service are hereby authorized and directed to enter into an agreement of cooperation between the City of Wadsworth and the Board of County Commissioners of Medina County, attached hereto as Exhibit “A,” in the matter of the project.

Section 3. That the City of Wadsworth shall participate with the Board of County Commissioners of Medina County in the cost of the project in accordance with the agreement of cooperation in an amount not to exceed \$90,000.

Section 4. · That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth because of the need for expediting highway improvements to promote highway safety; Wherefore, this ordinance shall go into immediate effect provided it receives a two-thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved: _____

Mayor

1st Rdg. _____

2nd Rdg. _____

3rd Rdg. _____

Passed: yes _____ no _____

Vote: aye _____ nay _____

Immediate Effect: yes _____ no _____

CERTIFICATE OF PUBLICATION

I, Tammy L. Guenther, Clerk of Council of the City of Wadsworth, State of Ohio, do hereby certify that the forgoing ordinance was duly published in the *Medina Gazette* and at <http://www.publicnoticesohio.com/> on _____ and _____, which is for two consecutive weeks as required by section 731.21 of the Ohio Revised Code.

Tammy L. Guenther
Clerk of Council
City of Wadsworth
Clerk of Council

EXHIBIT "A"

Between: The Board of County Commissioners of Medina County and the City of Wadsworth

For: The resurfacing of Leatherman Road (CR-260) from I-76 to Reimer Road, Hartman Road (CR-127) from Broad Street to Reimer Road and Reimer Road (CR-123) from Hinkle Drive to Medina Line Road in Wadsworth City and Medina County

This agreement entered into at Medina, Ohio this ____ day of _____, 20____, by and between the County of Medina, Ohio by its Board of County Commissioners, Party of the First Part and hereinafter referred to as the COUNTY and the City of Wadsworth by its Mayor and Director of Public Service, having been duly authorized to enter into said agreement by Ordinance No. _____ Adopted by the Council of Wadsworth City on the _____ day of _____, 20____, Party of the Second Part and hereinafter referred to as the CITY.

WITNESSETH:

WHEREAS, the COUNTY has recognized the need for and proposes the resurfacing of Leatherman Road (CR-260) from I-76 to Reimer Road, Hartman Road (CR-127) from Broad Street to Reimer Road and Reimer Road (CR-123) from Hinkle Drive to Medina Line Road in Wadsworth City and Medina County (hereinafter called the PROJECT), and

WHEREAS, the Medina County Commissioners Resolution No 19-0987 has authorized the Medina County Engineer to prepare necessary agreement of cooperation for the PROJECT between COUNTY and CITY, and

WHEREAS, the Northeast Areawide Coordinating Agency (NOACA), by letter dated October 17, 2019, has agreed to provide NOACA controlled federal funding for 80% of eligible construction costs for the PROJECT; and

WHEREAS, a portion of the PROJECT is within the CITY, and

NOW THEREFORE, in consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is mutually agreed between the parties hereto as follows:

A. CONSENT

1. The CITY hereby gives consent to the COUNTY to construct the portion of the PROJECT that is within the CITY.

- The CITY shall have the opportunity to review and approve the construction plans, estimates of cost and specifications prior to the Medina County Engineer advertising for bids for the PROJECT.

B. FUNDING

- The CITY shall contribute zero percent (0%) to the cost to prepare of construction plans and specifications and zero (0%) of the cost of construction inspection.
- The 20% non-federal share of the PROJECT construction cost shall be shared between the Medina County Engineer and the CITY BASED upon the percentage of the lane miles for each road that lie within each jurisdiction per the following table:

Road	Total Lane Miles	County Lane Miles (%)	Wadsworth Lane Miles (%)
Leatherman	2.72	2.34 (86%)	0.38 (14%)
Hartman	4.34	2.31 (53%)	2.03 (47%)
Reimer	3.76	3.49 (93%)	0.27 (07%)

C. ESTIMATED COSTS AND PAYMENT

- That the following cost summary is provided for budgetary purposes only. Final costs shall be based upon the actual construction costs. The NOACA federal share is the maximum amount NOACA has allocated. Any cost over the NOACA maximum federal share will be split between the Medina County Engineer and Wadsworth at the line mile percentages in the table above.

Road	Estimated Construction Cost	NOACA Federal Share at 80% (max)	Medina County Share	Wadsworth Share
Leatherman	\$473,429	\$378,743	\$81,430	\$13,256
Hartman	\$687,500	\$550,000	\$72,875	\$64,625
Reimer	\$637,500	\$510,000	\$118,575	\$8,925
Totals:	\$1,798,429	\$1,438,743	\$272,880	\$86,806

- That the CITY agrees to pay the CITY'S share of the PROJECT to the Treasurer of Medina County upon receipt of an invoice from the Medina County Engineer when the PROJECT has been completed. .

D. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the CITY that is necessary for PROJECT shall be made available therefore.

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures the day and year mentioned above.

BOARD OF COUNTY
COMMISSIONERS
Medina County, Ohio

Approved as to form and legality:
S. Forrest Thompson
Medina County Prosecutor

Patricia G. Geissman

William Hutson

Brian Richter
Assistant County Prosecutor

Colleen M. Swedyk

Date: _____

Date: _____

City of Wadsworth

By: Mayor Robin L. Laubaugh

Date: _____

By: Robert Patrick, Director of Public Service

Date: _____

Certificate of Fiscal Officer

It is hereby certified that the amount of money required to meet the obligation of the attached Agreement with the Board of County Commissioners and the City of Wadsworth for the resurfacing PROJECT of Leatherman Road (CR-260) from I-76 to Reimer Road, Hartman Road (CR-127) from Broad Street to Reimer Road and Reimer Road (CR-123) from Hinkle Drive to Medina Line Road in Wadsworth City and Medina County, in the fiscal year 2020, has been lawfully appropriated for such purpose, and is in the Treasury of the City or is in the process of collection to the credit of an appropriate fund free from any previous encumbrance.

Catherine C. Fix, Auditor
City of Wadsworth, Ohio

Date Signed: _____

ORDINANCE NO. 20-006
Sponsored by Council Member Bruce Darlington

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 308 MINI HYDRAULIC EXCAVATOR WITH EQUIPMENT FROM OHIO CAT THROUGH PARTICIPATION IN AN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACT AND DECLARING AN EMERGENCY

Whereas, section 125.04 of the Ohio Revised Code permits a political subdivision to participate in purchase contracts of the Ohio Department of Administrative Services and this Council by its Ordinance 11-110 has provided for the City of Wadsworth to participate in said state contracts, and

Whereas, the Director of Public Service has determined that a New CATERPILLAR Model 308 Mini Hydraulic Excavator with equipment and for purchase from Ohio CAT through participation in an Ohio Department of Administrative Services contract and that it is in the best interest of the City of Wadsworth to purchase said excavator and equipment through participation in the said Ohio Department of Administrative Services contract, and

Whereas, pursuant to sections 737.03 and 735.05 of the Ohio Revised Code, authorization of this Council is required for the Director of Public Service to make an expenditure exceeding fifty thousand dollars; **NOW THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized to purchase New CATERPILLAR Model 308 Mini Hydraulic Excavator with equipment from Ohio CAT at a total price exceeding fifty thousand dollars through participation in an Ohio Department of Administrative Services contract pursuant to section 125.04 of the Ohio Revised Code and Ordinance 11-110 of the City of Wadsworth. The total price to be paid for excavator and equipment shall not exceed \$174,165.00.

Section 2. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth in order to provide needed equipment for the department of public service; WHEREFORE, this ordinance shall go into immediate effect provided it receives a two-thirds vote of all members of City Council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 20-007
Sponsored by Council Member Bruce Darlington

AN ORDINANCE FINDING THE EXISTENCE OF A REAL AND PRESENT EMERGENCY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE DEPARTMENT OF PUBLIC SERVICE NECESSITATING AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH BAYPOINTE TECHNOLOGY FOR THE PURCHASE OF ONE NIMBLE SAN CENTRAL STORAGE DEVICE WITHOUT FORMAL BIDDING AND ADVERTISING, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SUCH A CONTRACT AND DECLARING AN EMERGENCY

WHEREAS, the Department of Public Service needs a replacement Nimble SAN central storage devices and, due to the City's investment in employee training and equipment, it is essential that the equipment be of the same type and style as the existing device currently being used by the Department of Public Service, and

WHEREAS, due to the need for additional data replication for business continuity and hourly replication of data in the Information Technology Department which is considered a computer service under section 9.35 of the Ohio Revised Code; **NOW THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That this Council, pursuant to section 735.051 of the Ohio Revised Code, hereby finds the existence of a real and present emergency in connection with the operation and maintenance of the Department of Public Service necessitating authorizing the Director of Public Service to enter into a contract without formal bidding and advertising for the purchase of one and installation of two new Nimble SAN central storage devices and accessory parts without formal bidding and advertising. The payment obligation pursuant to this contract shall not exceed \$72,000.

Section 2. That based upon the aforesaid real and present emergency, this Council hereby authorizes the Director of Public Service to enter into a contract with Hewlett Packard Enterprise (HPE) for the purchase of one and installation of two new Nimble SAN central storage devices and accessory parts without formal bidding and advertising.

Section 3. That this Council finds and determines that all formal actions of this Council or of any of its committees concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and of any of its committees and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth in order to provide for the acquisition of purchase and installation of one new Nimble SAN central storage device and accessory parts without undue delay; **WHEREFORE**, this ordinance shall go into immediate effect.

ORDINANCE NO. 20-008
Sponsored by Council Member Bruce Darlington

AN ORDINANCE TO APPROVE THE EXECUTION OF AN EFFICIENCY SMART SCHEDULE WITH AMERICAN MUNICIPAL POWER INC. AND TO DECLARE AN EMERGENCY

WHEREAS, the City of Wadsworth, Ohio (“Municipality”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, American Municipal Power, Inc. (“AMP” and formerly known as AMP-Ohio) is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members (“Members”), such Members, including Municipality, being, as of the date hereof, political subdivisions that operate, or whose members operate, municipal electric utility systems in Delaware, Ohio, Kentucky, Michigan, Pennsylvania, Virginia, Indiana, Maryland and West Virginia; and

WHEREAS, AMP and Municipality have entered into a Master Services Agreement, AMP Contract No. C-9-2005-4347, pursuant to which AMP provides certain services to Municipality as set forth in various schedules to the Master Services Agreement (the “Schedules”); and

WHEREAS, AMP and the Vermont Energy Investment Corporation (“VEIC”) entered into an agreement effective June 4, 2010 (the “Initial Agreement”) for the implementation of an energy efficiency program for AMP known as Efficiency Smart (“ES”, and originally known as Efficiency Smart Power Plant); and

WHEREAS, AMP and Municipality entered into a Gorsuch Participating Subscribing Member Utility Schedule for Efficiency Smart Power Plant (the “Initial Schedule”) for services to be provided in connection with the Initial Agreement; and

WHEREAS, the term of the Current Agreement expired December 31, 2019 and AMP and VEIC will enter into a new ES agreement (“ES Agreement”) for AMP to pay VEIC to continue to provide a comprehensive program of energy efficiency services (“ES Services”) designed to lower the total need for higher cost electric generation facilities or purchased power and thereby reduce Municipality’s customers’ bills, to be offered to AMP Members; and

WHEREAS, the Municipality desires to continue to receive ES Services; and

WHEREAS, AMP has provided the Municipality with a copy of the ES Agreement; and

WHEREAS, AMP and Municipality desire to enter into a Schedule (“ES Schedule”), under the MSA, which provides that AMP will obtain and sell to Municipality, and Municipality will agree to take and pay for, a share of the ES Services which AMP has contracted to acquire in the ES Agreement; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, OHIO:

SECTION 1: That the ES Schedule between Municipality and AMP, substantially in the form attached hereto including Appendices thereto, are approved, and the Director of Public Service of Municipality is hereby authorized to execute and deliver the ES Schedule, with such changes as the Director of Public Service may approve as neither inconsistent with this Ordinance nor

materially detrimental to the Municipality, his or her execution of the ES Schedule to be conclusive evidence of such approval. Any changes to the ES Schedule upon execution from the form attached to this ordinance shall be reported to the City Council by the Director of Public Service.

SECTION 2. That the Director of Public Service is hereby authorized to take any action necessary for Municipality to fulfill its obligations under the ES Schedule.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in the City of Wadsworth in order to continue to implement a necessary energy efficiency program; WHEREFORE, this ordinance shall go into immediate effect provided it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved: _____

Mayor

1st Rdg. _____

2nd Rdg. _____

3rd Rdg. _____

Passed: yes _____ no _____

Vote: aye _____ nay _____

Immediate Effect: yes _____ no _____

CERTIFICATE OF PUBLICATION

I, Tammy L. Guenther, Clerk of Council of the City of Wadsworth, State of Ohio, do hereby certify that the forgoing ordinance was duly published in the *Medina Gazette* and at <http://publicnoticesohio.com/> on _____ and _____ which is for two consecutive weeks as required by section 731.21 of the Ohio Revised Code.

Tammy L. Guenther
Clerk of Council
City of Wadsworth