

# REVISED AGENDA

*February 2, 2021*

Wadsworth City Council

Regular Meeting of the Wadsworth City Council, Tuesday, February 2, 2021, at 5:00 p.m., to be held through means of both in-person and electronic video conferencing, and broadcast live on CityLink channels 17 & 329 and on Spectrum channel 1024. The meeting will also stream live on [www.WatchWCTV.com](http://www.WatchWCTV.com) and can be watched there "on demand" at a later time.

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call
5. Approval of City Council Minutes: *January 19, 2021*
6. *Executive Session Anticipated*
7. READING OF LEGISLATION:

**ORDINANCE NO. 21-007 (1<sup>st</sup> RDG.): AN ORDINANCE TO AMEND SECTION 76.10 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO ADD CITY PARKS AND PARKING LOTS AND TO DECLARE AN EMERGENCY**

- Sponsored by Council Member Ralph Copley
- Referenced at Public Safety Committee December 15, 2020
- Discussed by Public Ways February 1, 2021

**ORDINANCE NO. 21-008 (1<sup>st</sup> RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS FOR, AND AWARD CONTRACTS FOR THE 2021 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 by Public Ways Committee February 1, 2021

**ORDINANCE NO. 21-009 (1<sup>st</sup> 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 WITHOUT FORMAL BIDDING AND ADVERTISING FOR THE PURCHASE OF ROAD SALT AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SUCH A CONTRACT AND DECLARING AN EMERGENCY**

- Sponsored by Council Member David Williams
- Discussed by Public Ways Committee February 1, 2021

**RESOLUTION NO. 21-02 (1<sup>st</sup> RDG.): A RESOLUTION EXPRESSING THE INTENT OF THE LEGISLATIVE AUTHORITY OF THE CITY OF WADSWORTH TO SELL PERSONAL PROPERTY INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS AND ROAD MACHINERY, EQUIPMENT, TOOLS OR SUPPLIES WHICH ARE NOT NEEDED FOR PUBLIC USE**

**OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED BY INTERNET AUCTION DURING THE CALENDAR YEAR 2021 ADOPTING PROVISIONS APPLICABLE TO SUCH SALE BY INTERNET AUCTION AND DECLARING AN EMERGENCY**

- Sponsored by President of Council Bob Thurber
- Annual Housekeeping Resolution

**RESOLUTION NO. 21-03 (1<sup>st</sup> RDG.): A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WADSWORTH TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF WADSWORTH, OHIO PURSUANT TO R.C. §709.192, FOR THE PURPOSE OF ENTERING AN ANNEXATION AGREEMENT AND MODIFYING THE PAYMENT PROVISIONS OF R.C. 709.19 RELATED TO THE ANNEXATION OF MEDINA COUNTY, OHIO PARCEL NO. 038-17B-20-033**

- Sponsored by Council Member Thomas Stugmyer
- Forwarded by Economic Development & Planning Committee February 1, 2021

8. Other Business

9. Recess or Adjournment

**ORDINANCE NO. 21-007**  
**Sponsored by Council Member Ralph Copley**

**AN ORDINANCE TO AMEND SECTION 76.10 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO ADD CITY PARKS AND PARKING LOTS AND TO DECLARE AN EMERGENCY**

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

**Section 1.** That section 76.10 of the Codified Ordinances of the City of Wadsworth is hereby amended to read as follows:

**§ 76.10 OVERNIGHT PARKING.**

No person shall park any vehicle on any street, alley, city parks or parking lots contained within the parks of the city between 3:00 a.m. and 6:00 a.m., except medical doctors or clergymen on emergency calls.

**Section 2.** That existing section 76.10 of the Codified Ordinances of the City of Wadsworth is hereby repealed.

**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; 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

1<sup>st</sup> Rdg. \_\_\_\_\_

2<sup>nd</sup> Rdg. \_\_\_\_\_

3<sup>rd</sup> 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. 21-008**  
**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 2021 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 2021 Street Improvement Program Projects, which will include “**Contract 2021-270 Asphalt Resurfacing Project**”, “**Contract 2021-273 Crack Seal Project**”, “**Contract 2021-274 Concrete Slab/Joint Repair and Replacement Project**”, and “**Contract 2021-277 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 \$690,000. 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 2021-273 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 \$690,000. 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

1<sup>st</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_  
Vote: aye \_\_\_\_\_ nay \_\_\_\_\_

2<sup>nd</sup> Rdg. \_\_\_\_\_  
Passed: yes \_\_\_\_\_ no \_\_\_\_\_  
Immediate Effect: yes \_\_\_\_\_ no \_\_\_\_\_

## Attachment A

### 2021 Street Improvement Program

#### Program Summary

1. Asphalt Resurfacing & Repair	\$600,000	
2. Crack Seal Project	\$40,000	
3. Concrete Slab Replacement	\$50,000	
4. Seville Rd. TIP Grant (City Share)	\$72,000	Separate Project
5. County Paving (Leatherman, Hartman, Reimer – City Share)	<u>\$87,000</u>	Separate Project
<b>Program Estimate</b>	<b>\$849,000</b>	

#### Asphalt Resurfacing & Repair Streets

1. Crestwood Ave. (north of Akron Rd.)
2. Eastview Ave.
3. Falk Ave. (Highland - Dohner)
4. Reams Ct.
5. First St.
6. Oakwood Ave.
7. Johnson Rd. (Main to ≈2,800 ft east)
8. Leatherman (College to I-76)
9. Kyle St.
10. Seville Rd. (State-Plum)

**ORDINANCE NO. 21-009**  
**Sponsored by Council Member David Williams**

**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 WITHOUT FORMAL BIDDING AND ADVERTISING FOR THE PURCHASE OF ROAD SALT AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SUCH A CONTRACT AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO, TWO-THIRDS OF THE MEMBERS CONCURRING**

**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 road salt from Cargill Inc.

**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 without formal bidding and advertising to purchase 1,200 tons of road salt from Cargill Inc. at \$66.00 per ton for a total amount not to exceed \$79,200.

**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 acquire needed road salt as soon as possible; WHEREFORE, this ordinance shall go into immediate effect.

Passed: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_  
Mayor

1<sup>st</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_  
Vote: aye \_\_\_\_\_ nay \_\_\_\_\_

2<sup>nd</sup> Rdg. \_\_\_\_\_  
Passed: yes \_\_\_\_\_ no \_\_\_\_\_  
Immediate Effect: yes \_\_\_\_\_ no \_\_\_\_\_

**RESOLUTION NO. 21-02**  
**Sponsored by Council Member Bob Thurber**

**A RESOLUTION EXPRESSING THE INTENT OF THE LEGISLATIVE AUTHORITY OF THE CITY OF WADSWORTH TO SELL PERSONAL PROPERTY INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS AND ROAD MACHINERY, EQUIPMENT, TOOLS OR SUPPLIES WHICH ARE NOT NEEDED FOR PUBLIC USE OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH THEY WERE ACQUIRED BY INTERNET AUCTION DURING THE CALENDAR YEAR 2021 ADOPTING PROVISIONS APPLICABLE TO SUCH SALE BY INTERNET AUCTION AND DECLARING AN EMERGENCY**

**WHEREAS**, section 721.15(D) of the Ohio Revised Code makes provision for the legislative authority of an Ohio municipal corporation to adopt a resolution regarding the sale of city owned personal property by internet auction; **NOW THEREFORE**

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

**Section 1.** That this Council hereby expresses its intent to sell personal property, including motor vehicles acquired for the use of municipal officers and departments and road machinery, equipment, tools or supplies which are not needed for public use or are obsolete or unfit for the use for which they were acquired by internet auction during the calendar year 2021.

**Section 2.** The auctions shall be conducted on eBay, GovDeals, Craigslist, eBid, Bonanzle, iOffer, ePier, Gov.Planet, Public Surplus or a similar internet auction site. The number of days for bidding on the property shall be ten days or more, including Saturdays, Sundays and legal holidays. No property sold in the internet auctions shall be delivered to the buyer until payment in full is received and the city's representative may deduct its standard broker assisted fees. This Council or its representative may establish a minimum price that will be accepted for specific items and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment and sales tax. This type of information shall be provided on the internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the representative. This Council will by subsequent resolution authorize the sale of specific items of property and designate and authorize a contract with a representative to conduct the internet auction as to particular items.

**Section 3.** Notice of the intent of this legislative authority to sell unneeded, obsolete or unfit municipal property by internet auction shall be published twice after the adoption of this resolution in a newspaper of general circulation in the City of Wadsworth. The notice shall include a summary of the information provided in this resolution. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice shall be posted continually throughout the calendar year 2021 in a conspicuous place in the office of the city auditor and of the city council and the notice shall be posted continually throughout the calendar year 2021 at the City of Wadsworth web site on the internet.

**Section 4.** That this resolution 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 avoid the burden of keeping property no longer needed for municipal purposes and to obtain additional funds for use in providing public services; WHEREFORE, this resolution 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

1<sup>st</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_  
Vote: aye \_\_\_\_\_ nay \_\_\_\_\_

2<sup>nd</sup> Rdg. \_\_\_\_\_  
Passed: yes \_\_\_\_\_ no \_\_\_\_\_  
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



**RESOLUTION NO. 21-03**  
**Sponsored by Council Member Thomas Stugmyer**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF WADSWORTH TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF WADSWORTH, OHIO PURSUANT TO R.C. §709.192, FOR THE PURPOSE OF ENTERING AN ANNEXATION AGREEMENT AND MODIFYING THE PAYMENT PROVISIONS OF R.C. 709.19 RELATED TO THE ANNEXATION OF MEDINA COUNTY, OHIO PARCEL NO. 038-17B-20-033**

**WHEREAS**, the City of Wadsworth, Ohio (the "City") intends to provide for the annexation to the City of Medina County, Ohio Parcel No. 038-17B-20-033 (the "Property") from the Township of Wadsworth, Ohio (the "Township"); and

**WHEREAS**, Section 709.19 of the Ohio Revised Code provides that in the event of such annexation, certain payments are required to be made from the City to the Township related to the Property, unless alternative payment provisions are agreed to by the parties pursuant to Section 709.192 of the Ohio Revised Code; and

**WHEREAS**, the City desires to enter into such an agreement with the Township, for the purpose of modifying the payment requirements set forth in Section 709.19 of the Ohio Revised Code, to reflect that the City shall owe payments to the Township related to the annexation of the Property as set forth in the Annexation Agreement Between the City of Wadsworth and the Township of Wadsworth Regarding Annexation of Parcel # 038-17B-20-033" (the Agreement"), a copy of which is attached hereto as Exhibit A. NOW, THEREFORE

**BE IT RESOLVED**, by the Council of the City of Wadsworth, County of Medina, State of Ohio as follows:

**SECTION 1.** That the Mayor is hereby authorized and directed to approve and execute the Agreement attached hereto as Exhibit A on behalf of the Council of the City of Wadsworth.

**SECTION 2.** That it is hereby found and determined that all formal actions of the Council concerning and related to the adoption of this Resolution were taken in an open meeting of the Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this resolution 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 avoid the additional expense of an Annexation hearing, and to allow sound financial planning for the future by the City of Wadsworth; WHEREFORE, this resolution shall go into immediate effect.

Passed: \_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved: \_\_\_\_\_  
Mayor

1<sup>st</sup> Rdg. \_\_\_\_\_ 2<sup>nd</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_ Passed: yes \_\_\_\_\_ no \_\_\_\_\_  
Vote: aye \_\_\_\_\_ nay \_\_\_\_\_ Immediate Effect: yes \_\_\_\_\_ no \_\_\_\_\_

CERTIFICATE OF PUBLICATION

I, Tammy 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

RECORD OF DELIVERY

A certified copy of this legislation was delivered to the office of the Medina County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_  
Clerk of Council  
City of Wadsworth

EXHIBIT A

**Annexation Agreement Between the City of Wadsworth and the Township of Wadsworth  
Regarding Annexation of Parcel # 038-17B-20-033**

This Annexation Agreement (the "Agreement") is made on this \_\_\_\_ day of February 2021, by and between the City of Wadsworth, a Municipal Corporation (the "City"), whose mailing address is 120 Maple Street, Wadsworth, Ohio 44281 and the Board of Township Trustees of the Township of Wadsworth (the "Township") whose mailing address is P.O. Box 614, Wadsworth, Ohio 44282.

WHEREAS, the City and the Township desire to establish an Annexation Agreement as permitted under section 709.192 of the Ohio Revised Code, and any other applicable provisions of the Ohio Revised Code, related to the annexation of Medina County Parcel # 038-17B-20-033 (the "Property") from the Township to the City.

WHEREAS, the legislative authorities of the Township and City have each authorized the execution of this Agreement through the adoption of Wadsworth Township Resolution No. \_\_\_\_\_ and by City of Wadsworth Resolution No. 21-\_\_\_\_, respectively. Copies of said Resolutions are attached hereto as Composite Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth in this Agreement, the Township and the City agree and bind themselves and their respective officers, officials, agents, boards, commissions, employees, assigns and successors as follows:

1. The Property to be annexed pursuant to this Agreement consists of Medina County, Ohio Parcel # 038-17B-20-033, now located in the Township of Wadsworth.
2. The Property to be annexed pursuant to this Agreement shall be excluded from the Township by changing and enlarging the boundaries of the City to include the Property to be annexed.
3. Subsequent to annexation, the City shall owe payments to the Township as contemplated by § 709.19 of the Ohio Revised Code with respect to the Property to be annexed upon the following schedule and rate:
  - A. Upon final approval of the annexation by the Medina County Commissioners and final approval by the City, the City shall pay the Township \$21,090.40 which represents an upfront payment, estimating future property values of the anticipated lots, that the Township could have otherwise received over a 12 year period under the §709.19(D) framework to compensate the Township for lost tax revenue.

EXHIBIT A

4. Upon and after the annexation of the Property, the City shall be responsible for providing any appropriate services to the property. This may include fire protection, police protection, public road maintenance and repair, electric, water, sewer, and cable. The Township shall not be responsible for providing any services to the Property after annexation.
5. This agreement applies only to Medina County Parcel # 038-17B-20-033 and does not affect any other land nor does it establish any precedent as to any other property.

IN WITNESS WHEREOF, the Township and the City have caused this Agreement to be duly executed by their duly authorized officers as of the \_\_\_\_\_ day of February 2021.

City of Wadsworth

By: \_\_\_\_\_  
Mayor Robin L. Laubaugh

WADSWORTH TOWNSHIP

By: \_\_\_\_\_  
Trustee

By: \_\_\_\_\_  
Trustee

By: \_\_\_\_\_  
Trustee