

REVISED AGENDA

May 5, 2020

Wadsworth City Council

Regular Meeting of the Wadsworth City Council, Tuesday, May 5, 2020, at 5:00 p.m., to be held through means of electronic video conferencing to be seen LIVE on CityLink channels 17 & 329 and on Spectrum channel 1024. The meeting will also stream LIVE on www.WatchWCTV.com and can be watched anytime following the meeting at www.WatchWCTV.com:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call

5. Reading of Legislation:

RESOLUTION NO. 20-18 (1st RDG.): A RESOLUTION PURSUANT TO DIVISION (C) OF SECTION 709.023 OF THE OHIO REVISED CODE STATING WHAT SERVICES THE CITY OF WADSWORTH WILL PROVIDE AND AN APPROXIMATE DATE BY WHICH IT WILL PROVIDE THEM TO THE TERRITORY PROPOSED FOR ANNEXATION BY THE PETITION OF SALAMAR REAL ESTATE, LTD., RICHARD K LEWIS AND BETTY A. LEWIS, AS TRUSTEES, TROY A. CRISLIP AND MARY ANN CRISLIP FOR AN EXPEDITED TYPE 2 ANNEXATION OF 81.908 ACRES FROM THE TOWNSHIP OF WADSWORTH TO THE CITY OF WADSWORTH UPON ANNEXATION AND STATING THAT IF SAID TERRITORY IS ANNEXED AND BECOMES SUBJECT TO ZONING BY THE CITY OF WADSWORTH AND THE MUNICIPAL ZONING PERMITS USES IN THE SAID TERRITORY THAT THE CITY OF WADSWORTH DETERMINES ARE CLEARLY INCOMPATIBLE UNDER THE USES PERMITTED UNDER CURRENT TOWNSHIP ZONING REGULATIONS IN THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP FROM WHICH SAID TERRITORY WAS ANNEXED, THE LEGISLATIVE AUTHORITY OF THE CITY OF WADSWORTH WILL REQUIRE, IN THE ZONING ORDINANCE PERMITTING THE INCOMPATIBLE USES, THE OWNER OF THE SAID ANNEXED TERRITORY TO PROVIDE A BUFFER SEPARATING THE USE OF THE SAID ANNEXED TERRITORY AND THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP

- Sponsored by Council Member Thomas Stugmyer

6. Executive Session: *Consideration of the Compensation of City Employees and Officials*

Reading of Legislation-Continued:

ORDINANCE NO. 20-027 (1st RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR AND RECEIVE BIDS FOR THE PURCHASE OF ONE RESCUE-PUMPER FOR THE CITY FIRE DEPARTMENT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee April 21, 2020 with recommendation for three readings.

ORDINANCE NO. 20-028 (1st RDG.): AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED COMMUNITY REINVESTMENT AREA AGREEMENT WITH J&O PLASTICS INC. AND DECLARING AN EMERGENCY

- Sponsored by Council Member Thomas Stugmyer
- Discussed in Economic Development & Planning May 4, 2020

ORDINANCE NO. 20-025 (2nd RDG.): AN ORDINANCE AUTHORIZING THE EXISTENCE OF 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 CONTRACT WITH ADVANCED CONTROL SYSTEMS, INC. FOR THE PURCHASE OF SIX NTX-200 UPGRADES FOR THE EXISTING NTU-7550 RTUS WITHOUT FORMAL BIDDING AND ADVERTISING, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SUCH A CONTRACT WITHOUT FORMAL BIDDING AND ADVERTISING AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee April 21, 2020, with recommendation to suspend the three reading rule

7. Recess or Adjournment

RESOLUTION NO. 20-18

Sponsored by Council Member Thomas Stugmyer

A RESOLUTION PURSUANT TO DIVISION (C) OF SECTION 709.023 OF THE OHIO REVISED CODE STATING WHAT SERVICES THE CITY OF WADSWORTH WILL PROVIDE AND AN APPROXIMATE DATE BY WHICH IT WILL PROVIDE THEM TO THE TERRITORY PROPOSED FOR ANNEXATION BY THE PETITION OF SALAMAR REAL ESTATE, LTD., RICHARD K LEWIS AND BETTY A. LEWIS, AS TRUSTEES, TROY A. CRISLIP AND MARY ANN CRISLIP FOR AN EXPEDITED TYPE 2 ANNEXATION OF 81.908 ACRES FROM THE TOWNSHIP OF WADSWORTH TO THE CITY OF WADSWORTH UPON ANNEXATION AND STATING THAT IF SAID TERRITORY IS ANNEXED AND BECOMES SUBJECT TO ZONING BY THE CITY OF WADSWORTH AND THE MUNICIPAL ZONING PERMITS USES IN THE SAID TERRITORY THAT THE CITY OF WADSWORTH DETERMINES ARE CLEARLY INCOMPATIBLE UNDER THE USES PERMITTED UNDER CURRENT TOWNSHIP ZONING REGULATIONS IN THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP FROM WHICH SAID TERRITORY WAS ANNEXED, THE LEGISLATIVE AUTHORITY OF THE CITY OF WADSWORTH WILL REQUIRE, IN THE ZONING ORDINANCE PERMITTING THE INCOMPATIBLE USES, THE OWNER OF THE SAID ANNEXED TERRITORY TO PROVIDE A BUFFER SEPARATING THE USE OF THE SAID ANNEXED TERRITORY AND THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP

WHEREAS, the clerk of the legislative authority of the City of Wadsworth has received a copy of a petition of Salamar Real Estate, Ltd., Richard K Lewis and Betty A. Lewis, as Trustees, Troy A. Crislip and Mary Ann Crislip for an expedited Type 2 Annexation of 81.908 acres from the Township of Wadsworth to the City of Wadsworth, and

WHEREAS, division (C) of section 709.023 of the Ohio Revised Code provides that within twenty days after the date such a petition is filed, the legislative authority of the municipal corporation to which annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation, and

WHEREAS, division (C) of section 709.023 of the Ohio Revised Code further provides that if the territory proposed for annexation is subject to zoning regulations adopted under either Chapter 303 or 519 of the Revised Code at the time the petition is filed, the legislative authority of the municipal corporation also shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that municipal zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the legislative authority of the municipal corporation will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township and that for purposes of said section 709.023 of the Revised

Code, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way and bicycle and pedestrian paths and sidewalks, and

WHEREAS, the petition for annexation of Salamar Real Estate, Ltd., Richard K Lewis and Betty A. Lewis, as Trustees, Troy A. Crislip and Mary Ann Crislip for an expedited Type 2 Annexation of 81.908 acres proposes for annexation of territory that is subject to Wadsworth Township zoning regulations adopted under Chapter 519 of the Revised Code; NOW THEREFORE

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

SECTION 1. That the services the City of Wadsworth will provide to the territory proposed for annexation by the petition of Salamar Real Estate, Ltd., Richard K Lewis and Betty A. Lewis, as Trustees, Troy A. Crislip and Mary Ann Crislip for an expedited Type 2 Annexation of 81.908 acres from the Township of Wadsworth to the City of Wadsworth are as follows:

Public Safety: The City of Wadsworth will provide police and fire protection and emergency medical services.

Water Service: The City of Wadsworth will provide water service subject to the following:

1. Water service currently exists to the south of this parcel on Reimer Road and to the north at Shepperton Drive in Tiberon Trace.
2. The property owner/developer will be required to run water from Reimer Road and loop it into the system at Shepperton Drive.
3. There is adequate water supply at the Wadsworth Water Treatment Plant.

It is understood that all water line extensions are the responsibility of the property owner/developer; and, upon receipt of all necessary permits and payments of all costs for connections thereto, such service shall become immediately available.

Electric Service: The City of Wadsworth will provide electric service subject to the following:

1. The City of Wadsworth has electric facilities currently available along the frontage of the property on Reimer Road. These existing electric facilities have the capacity to serve the electrical needs of the proposed annexed property for residential development.

The City of Wadsworth charges a fee for the electric facilities to be installed and those fees are the responsibility of the property owner/developer; and, upon receipt of all necessary permits and payments of all costs for connections thereto, such service shall become immediately available.

Telecommunications: The City of Wadsworth (CityLink) will provide telecommunications service subject to the following:

1. CityLink is available along Reimer Road.
2. There is no charge for CityLink to install facilities and serve the annexed property for residential development.

Sanitary Sewer Service: The City of Wadsworth will provide sanitary sewer service subject to the following:

1. This Area is currently served by Medina County Sanitary Engineer sewers, but per the recent Northeast Ohio Area Coordinating Agency (NOACA) agreement this area will be taken over by the City of Wadsworth sometime after July 1, 2021.
2. Although it appears there is capacity to the existing system, it will be the developer's responsibility to demonstrate how this area can be served by sanitary sewer and that there is downstream capacity in the gravity sewer and that there is capacity in downstream lift stations and forcemains.
3. There is treatment capacity at the Wadsworth Regional Wastewater Treatment plant.
4. There is no sanitary sewer along Reimer Road, east of Hinkle Drive.
5. The topography of this land flows to Tiberon Trace subdivision and therefore, will need to be tied into that system.
6. No new lift station will be allowed for this small area to drain to the south.

Solid Waste Collection: The City of Wadsworth will provide solid waste collection service.

General Services:

1. Street Department can provide annual maintenance including snow and ice control, sweeping to public roadways and leaf collection on the annexed properties.
2. Annual preventative maintenance as far as crack sealing, patching, etc. in the future as the roadways deteriorates.
3. Cost/Benefit analysis should be conducted for large roadway repairs such as resurfacing or full depth improvements if public streets are requested.

The approximate date when these services shall be provided shall be the date when the annexation becomes effective, provided that the water, electric and telecommunications services may require the installation of on-site and off-site infrastructure improvements subject to being financed by property developers, petitions for special assessments or other agreements.

SECTION 2. That if the territory proposed for annexation by the petition for annexation of Salamar Real Estate, Ltd., Richard K Lewis and Betty A. Lewis, as Trustees, Troy A. Crislip and Mary Ann Crislip for an expedited Type 2 Annexation of 81.908 acres is annexed and becomes

subject to zoning by the City of Wadsworth and that municipal zoning permits uses in the annexed territory that the City of Wadsworth determines are clearly incompatible with the uses permitted under current Wadsworth Township zoning regulations in the adjacent land remaining within Wadsworth Township, the legislative authority of the City of Wadsworth will require, in the zoning ordinance permitting the incompatible uses the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within Wadsworth Township. For purposes of this provision, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way and bicycle and pedestrian paths and sidewalks.

SECTION 3. That this Resolution shall be effective at the earliest time permitted by law.

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 _____

CERTIFICATE OF PUBLICATION

I, Tammy L. Guenther, Clerk of Council of the City of Wadsworth, State of Ohio, do hereby certify that the forgoing resolution was duly published in the *Medina Gazette* and <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 _____, 2020, by _____.

ORDINANCE NO. 20-027
Sponsored by Council Member Ralph Copley

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE FOR AND RECEIVE BIDS FOR THE PURCHASE OF ONE RESCUE-PUMPER FOR THE CITY FIRE DEPARTMENT 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 Safety is hereby authorized and directed to advertise for and receive bids for the purchase of one rescue-pumper for the City Fire Department.

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 the acquisition of a rescue-pumper in order to be better enabled to fight fires in the City of Wadsworth; 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. _____
3rd Rdg. _____
Vote: aye _____ nay _____

2nd 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

ORDINANCE NO. 20-028
Sponsored by Council Member Thomas Stugmyer

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED COMMUNITY REINVESTMENT AREA AGREEMENT WITH J&O PLASTICS INC. AND DECLARING AN EMERGENCY

WHEREAS, this Council by its Ordinance 15-052 adopted on June 22, 2015 authorized the Mayor to enter into a community reinvestment area agreement with Erie Island LLC related to improvements made at 261 Seville Road and said agreement was entered into on April 21, 2020 and

WHEREAS, this Council by its Ordinance 20-020 adopted on April 21, 2020 assigned the community reinvestment area agreement from Erie Island LLC to J&O Plastics Inc.; and

WHEREAS, this Council has reviewed the application for tax exemption and considered the total investment and job creation for the project, and has concluded that it is appropriate to enter into an amended community reinvestment areas agreement with J&O Plastics Inc. for the improvements at 261 Seville Road to the agreement previously entered and to permit a real property tax exemption of 50% for a term of nine years for the improvements to the parcels of real property at 261 Seville Road; NOW THEREFORE

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

Section 1. That the Mayor is hereby authorized to execute an Amended Community Reinvestment Area Agreement with J&O Plastics Inc. to permit a real property tax exemption of 50% for a term of nine years as to improvements to be made on real property located at 261 Seville Road.

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 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 promote economic development by authorizing execution of a tax exemption agreement prior to the start of construction; 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