

MINUTES
WADSWORTH CITY COUNCIL MEETING
February 2, 2021

The regular meeting of Wadsworth City Council, Tuesday, February 2, 2021, at 5:00 p.m., was held through means of both electronic video conferencing and in-person attendance at City Council Chambers. It was broadcast live on City Link Channels 17 & 329 and on Spectrum Channel 1024 at the scheduled time, and was streamed live at WatchWCTV.com.

PRESIDING: Bob Thurber, *President of Council*

MEMBERS OF COUNCIL PRESENT: Ralph Copley, Bruce Darlington, Patty Haskins, Jeanne Hines, Tom Stugmyer, David Williams, Jon Yurchiak *

OFFICIALS PRESENT: Mayor Robin Laubaugh, Director of Public Service Robert Patrick, Director of Public Safety Matt Hiscock, Director of Law Director Tom Morris, Human Resources Director Tara McCulloch, Clerk of Council Tammy Guenther *

OTHERS PRESENT: *None*

Mr. Thurber called the meeting to order at approximately 5:00 p.m. **Mr. Thurber** led the Pledge of Allegiance and gave the Invocation. The Clerk of Council called the roll.

MINUTES: **Mr. Williams** made a motion, which was seconded by **Mr. Copley**, to adopt the minutes of the Council meetings of **January 19, 2021**. An all-in-favor vote was taken and all Council members present voted in favor of the motion. **THE COUNCIL MEETING MINUTES of January 19, 2021 WERE APPROVED.**

EXECUTIVE SESSION: Mr. Copley made a motion, which was seconded by Ms. Haskins, to hold an executive session for the purpose of the consideration of the compensation of city employees and officials. A roll call was taken. Ayes: Copley, Haskins, Yurchiak, Darlington, Stugmyer, Hines, Williams. Nays: none. **City Council entered executive session at approximately 5:03 p.m.**

Executive Session was adjourned and the regular meeting resumed at approximately, 5:08 p.m.

Mr. Thurber said they could continue with the legislation and indicated an ordinance would be added to the agenda that evening. Mr. Copley asked the Clerk for a number, which was assigned as 21-010.

LEGISLATION:

The following legislation was read for the first time and acted upon as follows:

ORDINANCE NO. 21-007 (1st 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

Mr. Copley stated that he would defer 21-007 to the Chairman of Public Ways. Mr. Williams thanked Mr. Copley for bringing it up in his committee. Public Ways spoke at great length about the ordinance last evening, he said. They'd like to amend, with Council's approval, of course, and discussion if any, the timeframe. They felt that 3:00 to 6:00 a.m. was not adequate. The parks closed at dusk and they'd like to have the no parking at dusk as well. There would be exceptions, such as if they had organized events like football and baseball, scouting, the use of the Trail House in the evenings, and a few other examples where it would not apply. It would give their officers another tool to use. Many home invasions were done when someone parked in a park and walked from there out into the neighborhoods to do crimes. That was some of the reasoning behind wanting to change the timeframe. They were of course open for discussion if anyone had something to add.

Mr. Darlington asked if they would put a definition as to what was public event and what was allowed. Mr. Williams thought it would be up to the Law Director to define. He thought it would be reasonable to expect an organized event as with a school or community organization. He wondered if the Law Department wanted to comment.

Mr. Morris explained that what he had done with the ordinance before them was to try to solve a different problem than the one that Mr. Williams was addressing. He said Mr. Williams was addressing a real problem, but Mr. Morris was solving a different one. The problem that the Law Director addressed in this ordinance was people abandoning vehicles or parking their vehicles overnight. In order to prevent the overnight parking within those hours, they had an officer that checked everything for that problem. He wasn't solving the problem the one that Mr. Williams addressed. It was a different issue. Mr. Morris said he would probably put that one under a different subsection of the code in order to address it.

Mr. Williams asked if it could be added to Ordinance 21-007. Mr. Morris said he wouldn't put it under the overnight parking ordinance, but rather under the ordinance area that dealt with parks being closed. He thought it might be section 76.11 where it could be addressed. That made more sense than the present ordinance in this section, to amend it. Mr. Morris said he could do it any way they would like, but this was what made sense to him. He asked for the opportunity to make those changes so it would be cleaner than doing it on the fly.

Mr. Copley suggested that they hold 21-007 so the Law Director could make changes and bring them both forward at the next meeting. That way they could make sure that both items were addressed. Mr. Morris said that one might be Ways and the other Safety, which might make more sense. Mr. Copley, Mr. Williams and Mr. Morris agreed.

Before they went away from this discussion, Ms. Haskins had a comment. She referred to section 76.10 and said she might be wrong, but when she first read: "no person shall park on any vehicle on any street, alley, city park, or parking lots contained within the parks of the city," she thought it sounded like they could not park in those places. She thought it sounded a bit ambiguous. She might be wrong and if she was that was fine, leave it as-is. She would think that a separate sentence saying

that parking vehicles would not be allowed in parking lots within the parks of the City between 3:00 a.m. and 6:00 a.m., as well. It was just a thought and she asked that it please be looked at.

Mr. Hiscock made a note, which could be taken up at Safety Committee, that parks were actually open one hour before sunrise and one hour after sunset, currently, and in accordance with another section, 94.01. That was the enforcement arm that the Police Department used in terms of individuals within the parks.

Mr. Copley asked Mr. Patrick if sanctioned events had to be approved by the City. Mr. Patrick said that was correct. Regarding the timeframe, one could say one hour before sunrise and after sunset, or as permitted by the Department of Public Service. He thought language like that would encompass events. In the Ways Committee on the previous evening they talked about Memorial Park, for instance, which was allowed for parking use by those attending football games. There were permitted uses for the volleyball and softball games under the lights. There were other areas with similar activities. There were rentals, such as with the Trolley House once things got back to normal. He thought they would like to incorporate some type of language that would allow sanctioned or permitted uses.

Mr. Copley said that he still believed it would be best to push the matter back to the two Committees, Ways and Safety. Mr. Thurber asked for a motion to either table or move it to a second reading.

Mr. Copley made a motion, which was seconded by Mr. Darlington, to table Ordinance No. 21-007. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 21-007 was tabled February 2, 2021.**

Mr. Thurber thanked all of them for their good thoughts.

ORDINANCE NO. 21-008 (1st 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

Mr. Williams addressed the Council, saying the program was something they did every year. They tried to get it out for bid as early as possible. The money was there and the outcome was usually better the earlier they got it out for bid. He would asked that they suspend the three reading rule that evening to give the opportunity to get the program out there.

Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to suspend the three reading rule on Ordinance No. 21-008.

Mr. Copley had a question before they went further. He wanted to know if there was a list of streets. Mr. Williams said it was discussed last night and there was a list. Mr. Patrick noted that it was in their packets and offered to go over it. There were three, main sections for the asphalt resurfacing, the crack seal, concrete repair, and the diamond grinding, though they did not have any diamond grinding that year. For the asphalt resurfacing, which was the largest portion of the program, and slated for this year was Crestwood Avenue, north of Akron Road; Eastview, off of Crestview; Falk Avenue from Highland to Donner; Reams Court; First Street, Oakwood Avenue; Johnson Road, from Main 2,800 feet east to the corporation limit; and Leatherman Road, a portion from College Street to I-76. Mr. Patrick added that the portion from I-76 to Reimer Road would actually been done this year by the County through TIF (Tax Increment Financing) funding through NOACA (Northeast Ohio Area Coordinating Agency). It was part of the \$2 million they received over a five year period. It included Reimer Road and Hartman Road would also been done this year. They City would have small portions of those projects. Kyle Street and Seville Road for the portion of State Street to Plum. If they went in the opposite direction from State Street to SR-94, he believed they already took action on that portion through the TID (Transportation Improvement District) funding from the state. That would be a project through NOACA for that.

What they realized, Mr. Patrick continued, there wasn't a program to go anywhere west of State Road, so they would go from State to Plum and from Plum to SR-57, which would be incorporated next year in the round-a-bout project. After this, then all of Seville Road to the western corporation limit would be done. The portion to the east of SR-57 was done a couple years ago.

Mr. Patrick said they had alternate streets that they would include in their bid package. If prices came in lower as in the past, they could incorporate the alternates or they could take the savings and bank those for discussion in Ways Committee

Mr. Williams recalled his motion and the second from Mr. Darlington. The Clerk proceed with the roll call on the motion to suspend the three reading rule. A roll call vote was taken. Ayes: Copley, Haskins, Yurchiak, Darlington, Stugmyer, Hines, Williams. Nays: none. Mr. Williams called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Haskins, Yurchiak, Darlington, Stugmyer, Hines, Williams, Copley. Nays: none. **Ordinance No. 21-008 declared to have been adopted February 2, 2021.**

ORDINANCE NO. 21-009 (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 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

Mr. Williams asked Mr. Patrick if he would like to explain the ordinance to the Council. Mr. Patrick said it was discussed in Ways Committee the day before. They'd reached out to their supplier, Cargill, to determine a price for additional salt. The City had about 500 tons remaining in their sheds from the winter and wanted to add a bit more to make sure they go through February and March. Cargill came back with a price thought to be pretty reasonable. The City asked for a quote on 600 tons, which they felt would get

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Minutes prepared by Clerk of Council Tammy Guenther*

**Ms. Haskins, Ms. Guenther and Ms. McCulloch attended the meeting via Zoom. Other Council members and Officials who attended the meeting were in person at the Council Chambers.*

them through without a problem. The price was \$67.00 a ton. Mr. Patrick reminded them that their contract through ODOT for this winter season was \$76.00 per ton. Two years ago, the price was \$94.00 a ton, and a few years ago when a shortage occurred, there were prices up to \$120.00 a ton. The City did not have to pay that much and were able to get some of the lower prices. Three years ago, prices were in the normal range of about \$58.00 a ton. They talked in the Ways Committee about whether the price would be lowered with a higher amount of salt. To get enough supply to fill the salt barn, and thinking about the spring, they went back with a request for a price on 1,200 tons, for which Cargill offered at \$66.00. He and the chairman talked that day and thought it was probably a good idea to lock the price in. Mr. Patrick thought it would be good and effective until the end of April. At that time, the ODOT contract went out to bid and they would see what the new bids were for the next year. Obviously, they didn't know what they would be with the ebb and flows over the last couple of years. They did not know what the bids would be this year. He said it might be a good idea to lock in an amount now. The money was budgeted and more was budgeted to look at supply at the end of the season and to fill up both barns so they started the next year with a full load and enough to utilize for that season.

The ordinance was for 1,200 tons at \$66.00 a ton. Mr. Williams asked if there were any questions from Council and there were none. He thanked Mr. Patrick and asked for a suspension given the time constraints to provide an answer within the next 10 days.

Mr. Williams made a motion, which was seconded by Mr. Copley, to suspend the three reading rule on Ordinance No. 21-009. A roll call vote was taken. Ayes: Yurchiak, Darlington, Stugmyer, Hines, Williams, Copley, Haskins. Nays: none. Mr. Williams called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Darlington, Stugmyer, Hines, Williams, Copley, Haskins, Yurchiak. Nays: none. **Ordinance No. 21-009 declared to have been adopted February 2, 2021.**

The Clerk noted that the new ordinance discussed in executive session would be read next.

ORDINANCE NO. 21-010 (1st RDG.): AN ORDINANCE TO AMEND SECTIONS 35.44 AND 35.46 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO INCREASE THE COMPENSATION FOR THE CLERK OF THE MUNICIPAL COURT AND FOR THE CHIEF PROBATION OFFICER, AND FOR THE PROBATION ASSISTANT AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber
- Discussed in Executive Session February 2, 2021

Mr. Copley said since the ordinance dealt with payroll, he wanted to move the ordinance to second reading. Mr. Williams seconded. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 20-010 advanced to second reading for the meeting of February 16, 2020**

RESOLUTION NO. 21-02 (1st 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

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Minutes prepared by Clerk of Council Tammy Guenther*

**Ms. Haskins, Ms. Guenther and Ms. McCulloch attended the meeting via Zoom. Other Council members and Officials who attended the meeting were in person at the Council Chambers.*

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

Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to suspend the three reading rule on Resolution No. 21-02. A roll call vote was taken. Ayes: Stugmyer, Hines, Williams, Copley, Haskins, Yurchiak, Darlington. Nays: none. Mr. Williams called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Hines, Williams, Copley, Haskins, Yurchiak, Darlington, Stugmyer. Nays: none. **Resolution No. 21-02 declared to have been adopted February 2, 2021.**

RESOLUTION NO. 21-03 (1st 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

Mr. Stugmyer stated that the matter had been discussed at Economic Development Committee last evening in depth. That was the first presentation. He asked that Mr. Patrick explain the resolution to the rest of Council so they were familiar with the process that they would go through.

Mr. Patrick explained the resolution was for an Expedited Type I Annexation. There were five different types of annexations that the state passed in 2001. Most all of the City’s annexations had been the Type II version since that timeframe. It was one of the new ones put in place. The City did have a municipal annexation two years ago on Rittman Road for the solar facility. A Type I Expedited Annexation was very similar to the Regular Type I Annexation, which was the old way before 2001. That meant that the complete parcel or land went from one jurisdiction to the other. In this case, it went from Wadsworth Township to the City of Wadsworth. The other, Type II Expedited, for instance, had dual jurisdiction classification for the taxes. The City split the tax revenue and also voting rights.

The reason this was a Type I Expedited had to do with the development on SR-261 next to Leeds Gate. It was a property that the applicant was purchasing to combine with a current property already in the City. They really could not have a property that was dual jurisdiction that was in the City and then making sub-lots out of that. This property was going to be put into basically four sub-lots, one acre parcels. As one entered into Leeds Gate, there would be four, one acre parcels for residential home construction.

How they got to an Expedited Annexations was that both jurisdictions agreed for the annexation to occur. That allowed it to be expedited, in which public hearings would be foregone or the typical long process that an annexation would go through. The annexation agreement (also sent out to them, said Mr. Patrick) was drafted and came down to a financial consideration. The City worked with the Township. There was no formula for how the agreement went, but the two parties had to agree to it. The question was how to come up with how the agreement should be.

The City took the framework of a Type I Annexation on the compensation factors. In that scenario, over the course of a 12 year run-out, for the land annexed to the City, the City would pay to the

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Township, a portion of collected property tax. Over 12 years, and from the first three years, it started at 80%; the next three, it went down a percentage; and in the last it went down to 27.5%. It was done on an annual basis.

The City took a look at what an average tax collection would be based on current values for homes that were in the allotment right next door. These were based on values stated to the City, which were anticipated as \$500,000 to \$750,000 homes. They took that tax value at the portion that the City received, using the same formula in a Type I (Regular) to come up with a value. Instead of doing it on an annual basis in calculating, they determined to put it together into a package for a one-time, upfront payment. Mr. Patrick said they were assuming that all of them would be built this year and the taxes would move forward. That calculation amounted to \$21,090, which was the amount he believed, was in the annexation agreement. They thought that was fair to move forward and sat down with the Wadsworth Trustees individually and they agreed. Since then, the agreement was sent to the County Prosecutor, who served as attorney for the Township. He believed they'd reviewed it and did not see any issues with it.

With everyone in agreement, once each jurisdiction passed a resolution – both the City and the Township had to formally pass it – then the annexation agreement could be signed. The applicant would then take the agreement and put it in their petition for annexation, which was submitted to the County Commissioners. The County Commissioners would not go through the typical process where they came to the City with a timeframe since both parties had agreed to it. They would just move forward with it.

That was a summary. Mr. Patrick hoped it made sense and asked for any questions.

Mr. Darlington said normally with some of the annexations where property tax was involved, they had to get approval of the school district. He asked if that was included in this type of annexation agreement. Mr. Patrick said that typically, for instance with a Type II Expedited, there was a resolution on services that was done. It showed what services that the City could provide. At that point, the school district could also weigh-in, if that school district was taking that land based on what the development would be. The school district received a large portion of the property taxes, which because it was in Wadsworth Township was already in the school district, were already receiving that amount. So their amount shouldn't really change. When they got into CRAs (Community Reinvestment Agreements) they talked about portions of property taxes that would be abated. Then there were certain levels in which the school district got involved and had to agree. That would be a place where they would get involved.

Mr. Patrick added that the Township Trustees stated that they would do a special meeting if needed to get a resolution passed so the applicant could move forward.

Ms. Haskins confirmed that there was no public hearing on this type of annexation. Mr. Patrick said that was correct. There wasn't one because of the expedited process and because of the agreement that was in front of them. There was not a need. This land was bordered on three sides by current City properties, he said.

Mr. Thurber thanked Mr. Patrick and also wanted to say thank you to the Township. He thought these were good, fair negotiations on both sides. He really appreciated seeing that. Mr. Thurber turned it over to Mr. Stugmyer.

Mr. Stugmyer also thanked Mr. Patrick for the explanation.

Mr. Stugmyer made a motion, which was seconded by Mr. Williams, to place Resolution No. 21-03 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Resolution No. 21-03 advanced to second reading for the meeting of February 16, 2021.**

That concluded the legislation for the meeting.

OTHER BUSINESS: Mr. Thurber asked the Administration or Council for any thoughts or questions.

Mr. Darlington stated that he wanted to call attention to the 50th Anniversary of the found of AMP (American Public Power) and the City's former Public Service Director and City Engineer Bill Lyren Sr., who was very instrumental in getting Wadsworth into AMP. There was an interview that was very interesting with Mr. Lyren on the AMP webpage and newsletter for this week. One thing that was interesting that Mr. Darlington learned: when they were negotiating, First Energy was negotiating to build the nuclear power plants, which they were now trying to shut down, Mr. Lyren got concessions for Wadsworth from them to have reduced power from First Energy. That was the start of the City's lower electric costs in Wadsworth. Mr. Darlington asked them all to thank Bill Lyren when they saw him because he was responsible for that.

Mr. Thurber observed that they'd had phenomenal leadership in Wadsworth for many decades. They could really be thankful for all the Lyrens.

There were no other comments.

ADJOURNMENT: Mr. Williams made a motion to adjourn, which was seconded by Mr. Copley. All were in favor. **The meeting was adjourned at approximately 5:33 p.m.**

Clerk of Council

President of Council