

AGENDA
June 21, 2023
Wadsworth City Council

Regular Meeting of the Wadsworth City Council, Wednesday, June 21, 2023, at 5:30 p.m., in-person in City Council Chambers:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call
5. City Council Meeting Minutes' Approval: *Regular meeting of June 6, 2023*
6. Visitors
7. Correspondence
8. READING OF LEGISLATION:

ORDINANCE NO. 23-060 (1st RDG.): AN ORDINANCE TO AMEND SECTION 93.45 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH WITH REGARDS TO THE NOTIFICATION PROCESS OF PROPERTY OWNERS IN VIOLATION AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Thomas Stugmyer
- Forwarded by Economic Development & Planning Committee June 12, 2023

ORDINANCE NO. 23-061 (1st RDG.): AN ORDINANCE GIVING CONSENT TO THE OHIO DIRECTOR OF TRANSPORTATION TO PERFORM A BRIDGE OVERLAY ON LEATHERMAN ROAD OVER INTERSTATE 0076 IN THE CITY OF WADSWORTH AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee June 12, 2023

ORDINANCE NO. 23-062 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DO ALL THINGS NECESSARY AND PROPER TO ACCOMPLISH THE PURCHASE OF A PARCEL NUMBERS 038-17A-31-003, 038-17A-35-005, 038-17A-35-004, 038-17A-35-006 LOCATED AT 1973 GREENWICH RD IN WADSWORTH TOWNSHIP AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber
- Discussed by City Council Executive Session June 6, 2022

ORDINANCE NO. 23-063 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DO ALL THINGS NECESSARY AND PROPER TO ACCOMPLISH THE PURCHASE OF A PARCEL NUMBERS 038-17A-28-003, 038-17A-31-002, 038-17A-32-002, 55.18 ACRES OF LAND LOCATED IN WADSWORTH TOWNSHIP AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber
- Discussed by City Council Executive Session June 6, 2022

ORDINANCE NO. 23-058 (2nd RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE COLLEGE STREET SANITARY SEWER EXTENSION PROJECT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Discussed in Committee of the Whole June 6, 2023

ORDINANCE NO. 23-059 (2nd RDG.): AN ORDINANCE FINDING THE EXISTENCE OF A REAL AND PRESENT EMERGENCY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE DEPARTMENT OF PUBLIC SAFETY NECESSITATING AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITHOUT FORMAL BIDDING AND ADVERTISING FOR THE SALE OF ONE 1995 KME FIREFOX PUMPER AND AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO SUCH A CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Ralph Copley
- Discussed in Committee of the Whole June 6, 2023

ORDINANCE NO. 23-055 (3rd RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) ANNUAL ROAD SALT BID IN ACCORDANCE WITH DIVISION (B) OF SECTION 5513.01 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee May 8, 2023

9. Other Business of the City Council or Administration Officials
10. Recess or Adjournment

ORDINANCE NO. 23-060
Sponsored by Council Member Thomas Stugmyer

AN ORDINANCE TO AMEND SECTION 93.45 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH WITH REGARDS TO THE NOTIFICATION PROCESS OF PROPERTY OWNERS IN VIOLATION AND TO DECLARE AN EMERGENCY

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

Section 1. That section 93.45 of the Codified Ordinances of the City of Wadsworth is hereby amended to read as follows:

§ 93.45 CUTTING OF WEEDS AND COLLECTION OF COSTS.

- A. No person entitled to the possession of land shall permit the presence of weeds or plant growth in excess of ten inches high or noxious weeds as defined in division (B) of this section, and growing on lands within the city and within 50 feet of an existing residential or commercial use or public right-of-way outside of buildings on said land, after seven day notice to desist from the Director of Public Service or his or her designee.
- B. WEEDS AND PLANT GROWTH shall be defined as all grasses, annual plants and vegetation, other than trees and shrubs, provided however, that this term shall not include cultivated flowers and gardens. Noxious weeds shall be defined as those weeds listed by the Ohio Director of Agriculture on the noxious weed list established pursuant to R.C. § 907.10.
- C. The Director of Public Service shall cause certificate of mail notice to be served on the owner, lessee, agent, tenant or other person having charge of such land at his last known address, notifying him or her that such weeds or other growth must be cut or destroyed within seven days after the mailing of the notice. In the event that the certificate of mail notice is returned undelivered, then notice may be given by publication once in a newspaper of general circulation or posted on the subject property.
- D. In the instance of unoccupied property or vacant land, the Director of Public Service, in lieu of a mailed notice, may post the property by affixing a notice to the building, or a notice may be affixed to a stake, tree or fence. This notice shall contain the date of posting and the location of the property and notification that the weeds or other growth must be cut or destroyed within seven days of the date of posting. If the owner or other person in charge of such lands fails to comply within seven days from the date of the notice, the Director of Public Service shall cause the weeds or plant growth or noxious weeds to be cut and destroyed and may employ or contract for the necessary labor to perform such work or cause it to be done by an appropriate city employee.
- E. Any notice to cut and/or destroy tall weeds and/or grasses shall be deemed notice for all subsequent violations at the subject property, subject to the following conditions:
 - 1. Upon service of a notice to cut and/or destroy tall weeds/grasses pursuant to subsection C of this section, the subject property shall be included upon a master mowing list of properties unless and until:

- (a) The owner and/or other person in control of or responsible for the subject property successfully appeals the notice pursuant to Section § 156.05 such that the notice is dismissed; or
 - (b) The owner and/or other person in control of or responsible for the subject property maintains the subject property in compliance with subsection B of this section for a period of one hundred twenty consecutive days during a growing season.
 - (c) Upon the satisfaction of subsection A of this section, the property shall be removed from the master mowing list.
- F. The prohibitions described in paragraphs A and B of this section do not apply to public parks, including, but not limited to, those parks owned and/or maintained by the City of Wadsworth.
- G. All expense incurred for cutting and destroying such weeds, plant growth or noxious weeds, together with an administrative charge of \$250, shall be billed to the owner of the land, if his or her address is known. If, after 30 days, such amount remains unpaid, the Director of Public Service shall certify the total amount of the expenses and administrative charge, the name of the owner of the land and a sufficient description of the premises to the Clerk of City Council to be certified to the County Auditor, to be entered on the tax duplicate, to be a lien on the land from the date of entry and to be collected as other taxes and assessments and returned to the city pursuant to R.C. § 715.261 or 731.54.
- H. Whoever violates division (A) of this section shall be guilty of a minor misdemeanor and each day of violation shall constitute a separate offense.
- I. The provisions of this section shall be in addition to any other remedies that may be available for the collection of costs incurred pursuant to this section.

Section 2. That existing section 93.45 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 in order to better maintain abandoned and vacant properties within 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 _____

ORDINANCE NO. 23-061
PID No. 105594 Project Name: D03 BH FY2024(A)
Sponsored by Council Member David Williams

**AN ORDINANCE GIVING CONSENT TO THE OHIO DIRECTOR OF
TRANSPORTATION TO PERFORM A BRIDGE OVERLAY ON LEATHERMAN
ROAD OVER INTERSTATE 0076 IN THE CITY OF WADSWORTH AND
DECLARING AN EMERGENCY**

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

Section 1. That this Council finds it to be in the public interest to consent and does give consent to the Ohio Director of Transportation (ODOT) to complete the above described project.

Section 2. That this Council agrees that the City of Wadsworth shall cooperate with the Ohio Director of Transportation (ODOT), to complete the above described project as follows:

1. The City gives consent for the above improvement.
2. **No funds are required from the City** except that the City agrees to assume and bear one hundred percent (100%) of the total cost for added construction items requested by the City and not necessary for the improvement as determined by the State and the Federal Highway Administration;

Section 3. That this Council agrees that the City of Wadsworth shall upon completion of said project, as follows:

1. Provide adequate maintenance for the described Project in accordance with all applicable state and federal law;
2. Provide ample financial provisions, as necessary, for the maintenance of the described project;
3. Maintain the right-of-way, keeping it free of obstructions; and hold said right-of- way inviolate for public highway purposes

Section 4. That this Council agrees that the City of Wadsworth shall be responsible for all utility within a corporation limit or in a private easement outside corporation limits, needing to be relocated due to this ODOT project, the City will be reimbursed for any relocation work; ODOT will perform the coordination, relocation and reimbursement which shall comply with current provisions of 23 CFR 645 and the ODOT Utilities Manual.

If other public and private utilities need to be relocated due to this ODOT project they will not be reimbursed for relocation; with exceptions due to an easement, etc.

Section 5. That the Director of Public Service is hereby authorized to enter into a contract with the Ohio Director of Transportation agreeing to the terms as set forth in this ordinance.

Section 6. 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 a highway project necessary to promote highway safety; 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. _____
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 <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. 23-062
Sponsored by President of Council Bob Thurber

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DO ALL THINGS NECESSARY AND PROPER TO ACCOMPLISH THE PURCHASE OF A PARCEL NUMBERS 038-17A-31-003, 038-17A-35-005, 038-17A-35-004, 038-17A-35-006 LOCATED AT 1973 GREENWICH RD IN WADSWORTH TOWNSHIP AND TO DECLARE 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 to do all things necessary and proper to accomplish the purchase of 58.49 acres from John Goodson. The purchase price shall not exceed \$900,000.00.

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 acquire land needed for municipal proposes; 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. _____
3rd Rdg. _____
Vote: aye _____ nay _____

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

CERTIFICATE OF PUBLICATION

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Tammy L. Guenther
Clerk of Council
City of Wadsworth

ORDINANCE NO. 23-063
Sponsored by President of Council Bob Thurber

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DO ALL THINGS NECESSARY AND PROPER TO ACCOMPLISH THE PURCHASE OF A PARCEL NUMBERS 038-17A-28-003, 038-17A-31-002, 038-17A-32-002, 55.18 ACRES OF LAND LOCATED IN WADSWORTH TOWNSHIP AND TO DECLARE 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 to do all things necessary and proper to accomplish the purchase of 55.18 acres from Dave Kaufman and Sarah Bennett. The purchase price shall not exceed \$551,800.00.

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 acquire land needed for municipal proposes; 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. _____
3rd Rdg. _____
Vote: aye _____ nay _____

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

CERTIFICATE OF PUBLICATION

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Tammy L. Guenther
Clerk of Council
City of Wadsworth