

MINUTES
WADSWORTH CITY COUNCIL MEETING
January 3, 2023

The regular meeting of Wadsworth City Council, Tuesday, January 3, 2023, at 5:30 p.m., was held in-person at City Council Chambers.

PRESIDING: Bob Thurber, *President of Council*

MEMBERS PRESENT: Ralph Copley, Bruce Darlington, Jeanne Hines, Dan Rospert, Tom Stugmyer, Jon Yurchiak, David Williams

OFFICIALS PRESENT: Mayor Robin Laubaugh, Public Service Director Robert Patrick, Assistant Public Service Director Mike Testa, Law Director Tom Morris, Clerk of Council Tammy Guenther, Human Resources Director Tara McCulloch (in the audience) and Assistant Director of Law Brad Proudfoot (in the audience).

VISITORS SPEAKING: *None*

PRESS REPRESENTATIVES: *Mason Savoia, The Medina Gazette*

Mr. Thurber called the meeting to order at approximately 5:30 p.m. He asked everyone to remain standing as he led the Pledge of Allegiance and gave the Invocation. The Clerk of Council called the roll.

MINUTES: Mr. Stugmyer made a motion, which was seconded by Mr. Yurchiak, to adopt the minutes of the **Regular Council meeting of December 20, 2022** and the **Special Council meetings of December 21 and December 22, 2022**. An all-in-favor vote was taken and majority Council members present voted in favor of the motion. Mr. Copley and Mr. Williams abstained from the vote because they were not at the meetings. **THE COUNCIL MINUTES OF DECEMBER 20, 21 and 22, 2022 WERE APPROVED.**

ANNUAL REPORT FROM THE DIRECTOR OF LAW: Mr. Morris stated that Wadsworth was a statutory city and statute tells them what they have to do. One of the things he had to do was to give them an annual report at the first regular meeting of January, which was that night. Mr. Morris had to talk about matters that he deemed proper to promote good government. He did not know exactly what that meant, but he took it to mean telling them what the Law Department did in 2022 and what they planned to do in 2023 with the new year.

The duties of the Law Director were also set forth in statute, said Mr. Morris. He explained that this was the “floor,” the minimum level of services that he had to provide to Council and the City. He hoped, however, to never just give that minimum.

Mr. Morris continued that the Law office had an obligation to prosecute the 600 or so misdemeanor cases pleading not guilty, which came in front of Judge McIlvaine. They had to prosecute those cases for the City of Wadsworth and the Townships in that jurisdiction. They did that very well and that was the floor or minimum that they had to do, but more was given than just the minimum.

Over the past year, they had given over 10 hours of classroom setting instruction to over 100 police officers in the City of Wadsworth, the Medina County Sheriff and other jurisdictions. Updates in traffic and criminal law were given. Mr. Morris spoke to Mrs. Hines (a teacher), saying she had his respect in his trying to keep the attention of a 100 officers for two hours, which wasn’t the easiest thing in the world.

Mr. Morris reported that they had worked with courts and police agencies to expand protections as they try to fill out “Marsy’s Law,” a constitutional amendment which guaranteed the rights of victims of crimes. As the Revised Code was filled out, they were working with them to make sure that the victims have their say was well. They had helped begin the process of establishing safeguards for the Court because the sticker that said “No Guns” might not be enough to protect not only the staff but the jurors and other people involved with the Municipal Court.

That was the criminal work that they did. But they also acted as general counsel for this \$110M corporation that was the City of Wadsworth, said Mr. Morris. Sometimes when preparing legislation, they were just cutting and pasting what other jurisdictions had done, to have the wisdom of what they had done and try to take ownership of it. But sometimes they had to come up with novel solutions to novel situations or problems in the City of Wadsworth. Mr. Morris said he gets to track where the “tent man” was by the law directors who called him and asked how Wadsworth did in five months what it took Wooster five years to do, and they tracked him as he moved through the state of Ohio.

Mr. Morris said he tried to give honest answers. Sometimes “no” was not the easiest thing to say, but he would tell them when it was the right thing to say. Mr. Morris said he tried to be available because sometimes the questions from police officers did not occur at two o’clock in the afternoon but occurred at two o’clock in the morning. Speaking to Council and the Administration, he said that they all worked as well and knew when doing City business, it was in after hours. Mr. Morris said he tried to be available to them. He tried to be “quickly” because he knew decisions held up lots of other decisions. He certainly never wanted the Law Department to be the bottleneck for the City of Wadsworth.

As many of them knew, this was the last State of the Law Department speech that he would be making. Mr. Morris said he had been a trial lawyer for 25 years. A court room was where he was most comfortable and where his skills were best utilized, he said. Mr. Morris noted that he had pulled petitions to run for the Judge of Wadsworth Municipal Court so hopefully by this time next year he would be across the hall in the court room. Judge McIlvaine was retiring as he could no longer run because of his age.

Mr. Morris stated that he did not plan on coasting out this final year. It was too important of a job. What he wanted to do was to have a smooth transition. To that end, his Assistant Law Director / Prosecutor Brad Proudfoot was there that evening, as well. Mr. Proudfoot had pulled petitions to run for Mr. Morris’ job as Law Director.

In order to have a successful attorney, client relationship – and that was what this was – Mr. Morris representing them in their capacity as Council, as Administration – they needed two things. One was, they needed someone who was going to give them competent legal advice and then there had to be trust that the advice was competent. Both aspects were needed. In the next year, he would be teaching Mr. Proudfoot everything he knew, everything that Mr. Brague taught Mr. Morris from his 46 years, as best as Mr. Morris could absorb, to Mr. Proudfoot so he could give them competent information. He would be there to earn their trust so that they believed it was competent information.

That was what they would be looking at for 2023, said Mr. Morris. These were the broad strokes of what they did as the legal department. Individual cases that were in front of them were better talked about in executive session. That meant cases to be litigated or in the middle of litigation. He would invite going into executive session any time they wanted to talk about it so they were not caught flat footed from constituents, who wanted to know what was going on with a case and an individual did not know anything about that. Mr. Morris said he was certainly willing to go into executive session to fill them in on any legal case that was coming in front of the City of Wadsworth that he was aware of.

Mr. Morris concluded that was the State of the Law Department in 2022 and in the future with 2023. The Council President and members thanked the Law Director.

VISITORS: *None*

CORRESPONDENCE: The Clerk stated there was one piece of correspondence related to Ordinance No. 23-002, and that was a fiscal certificate from the City Auditor that verified available funds as presented in the ordinance.

LEGISLATION:

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

ORDINANCE NO. 23-001 (1st RDG.): AN ORDINANCE TO AMEND SECTION 35.41 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO CHANGE THE COMPENSATION RATE FOR THE VOLUNTEER FIRE SERVICE AND EMS SERVICE EMPLOYEES AND TO INCREASE THE AUTHORIZED STRENGTH OF FULL-TIME FIREFIGHTER/PARAMEDIC/INSPECTORS TO FIFTEEN (15) AND DECLARING AN EMERGENCY

- Sponsored by President of Council Bob Thurber
- Corrected Compensation Ordinance

Mr. Rospert made a motion, which was seconded by Mr. Williams, to suspend the three reading rule on Ordinance No. 23-001. A roll call vote was taken. Ayes: Williams, Yurchiak, Darlington, Copley, Stugmyer, Hines, Rospert. Nays: none. Mr. Rospert called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Yurchiak, Darlington, Stugmyer, Hines, Rospert, Williams. Nays: none. Mr. Copley abstained from the vote. **Ordinance No. 23-001 declared to have been adopted January 3, 2023.**

ORDINANCE NO. 23-002 (1st RDG.): AN ORDINANCE TO AUTHORIZE THE DRAWING OF A WARRANT IN AN AMOUNT NOT TO EXCEED \$22,554.00 FOR THE PAYMENT OF THE AMOUNT DUE UPON A CONTRACT WITH OHIO WATER DEVELOPMENT AUTHORITY AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber

Mr. Darlington made a motion, which was seconded by Mr. Williams, to suspend the three reading rule on Ordinance No. 23-002. A roll call vote was taken. Ayes: Copley, Stugmyer, Hines, Rospert, Williams, Yurchiak, Darlington. Nays: none. Mr. Darlington called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Stugmyer, Hines, Rospert, Williams, Yurchiak, Darlington, Copley. Nays: none. **Ordinance No. 23-002 declared to have been adopted January 3, 2023.**

ORDINANCE NO. 23-003 (1st RDG.): AN ORDINANCE TO AMEND SECTION 94.03 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO INCLUDE THE SERVING OF INTOXICATING LIQUOR OR BEER AT EVENTS SPECIFICALLY AUTHORIZED BY THE DIRECTOR OF PUBLIC SERVICE AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Thomas Stugmyer
- Discussed by Committee of the Whole January 3, 2023

Mr. Stugmyer made a motion, which was seconded by Mr. Williams, to move Ordinance No. 23-003 to second reading. An all in favor vote was taken and all Council members voted in favor of the motion. **Ordinance No. 23-003 advanced to second reading for the meeting of January 17, 2023.**

DINANCE NO. 23-004 (1st RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE WASTEWATER TREATMENT PLANT (WWTP) DIGESTER GAS PIPING PROJECT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee December 19, 2022
- Discussed by Committee of the Whole January 3, 2023

Mr. Darlington made a motion, which was seconded by Mr. Stugmyer, to suspend the three reading rule on Ordinance No. 23-004. A roll call vote was taken. Ayes: Hines, Rospert, Williams, Yurchiak, Darlington, Copley, Stugmyer. Nays: none. Mr. Darlington called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Rospert, Williams, Yurchiak, Darlington, Copley, Stugmyer, Hines. Nays: none. **Ordinance No. 23-004 declared to have been adopted January 3, 2023.**

ORDINANCE NO. 23-005 (1st RDG.): AN ORDINANCE TO MAKE A SUPPLEMENTAL APPROPRIATION OF \$300,000.00 IN THE 606 – SANITARY SEWER FUND FOR PURPOSES OTHER THAN PERSONAL SERVICES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee December 19, 2022
- Discussed by Committee of the Whole January 3, 2023

Mr. Darlington made a motion, which was seconded by Mr. Stugmyer, to suspend the three reading rule on Ordinance No. 23-005. A roll call vote was taken. Ayes: Williams, Yurchiak, Darlington, Copley, Stugmyer, Hines, Rospert. Nays: none. Mr. Darlington called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Yurchiak, Darlington, Copley, Stugmyer, Hines, Rospert, Williams. Nays: none. **Ordinance No. 23-005 declared to have been adopted January 3, 2023.**

That concluded the legislation for the evening.

OTHER BUSINESS: Mr. Thurber asked for any other thoughts and questions from Council.

Mr. Stugmyer mentioned that the coming Friday was First Friday for Main Street Wadsworth. A movie, “Frozen” would be playing at the OJ Work Auditorium starting at 6:30 p.m. that Friday evening. The tickets were free. Everyone needed a ticket and could get one by going to the businesses. Individuals could get packs of up to four tickets for one’s family, for free.

Mr. Thurber asked for comments from the Administration. There were no further comments.

ADJOURNMENT: The meeting was adjourned at approximately 5:55 p.m. following a motion by Mr. Williams and a second by Mr. Copley. All were in favor.

Clerk of Council

President of Council