

MINUTES
WADSWORTH CITY COUNCIL MEETING
January 4, 2022

The regular meeting of Wadsworth City Council, Tuesday, January 4, 2022, 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, David Williams, John Yurchiak

OFFICIALS PRESENT: Mayor Robin Laubaugh, Director of Public Service Robert Patrick, Public Safety Director Matt Hiscock, Assistant Public Service Director Mike Testa, Law Director Tom Morris, Clerk of Council Tammy Guenther

PRESS REPRESENTATIVES: Caleb Hurley, *The Medina Gazette*

VISTORS SPEAKING: *None*

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.

Mr. Thurber said the first meeting in January marked the new 2022-2023 term for Council, which comes with a number of assignments and appointments. The first of these is to elect a Clerk of Council.

ELECTION OF THE CLERK OF COUNCIL: Mr. Thurber entertained a motion to elect a Clerk of Council for the new term. Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to elect Tammy Guenther as Clerk for the new term of Council. An all in favor vote was taken and all Council present voted in favor of the motion. **Ms. Guenther declared to have been elected for the 2022 – 2023 term.**

PRESIDENT’S COMMITTEE & COMMISSION ASSIGNMENTS: Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to accept the Committee and Commission assignments. An all in favor vote was taken and all Council present voted in favor of the motion. **Committee and Commission Assignments for the 2022 – 2023 term were approved.**

ELECTION OF PRESIDENT PRO TEM: Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to elect Bruce Darlington as President Pro Tem. An all in favor vote was taken and all Council present voted in favor of the motion. **Mr. Darlington declared to have been elected President Pro Tem for the 2022 – 2023.**

ELECTION OF VICE-PRESIDENT PRO TEM: Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to elect Ralph Copley as Vice-President Pro Tem. An all in favor vote was taken and all Council present voted in favor of the motion. **Mr. Copley declared to have been elected Vice-President Pro Tem for the 2022 – 2023.**

APPROVAL FOR THE RULES OF COUNCIL 2022-2023: Mr. Thurber asked for approval for the Rules of Council with proposed amendments as distributed to all Council Members, for the 2022-2023 term. Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to accept the proposed Rules of Council for the new term. An all in favor vote was taken and all Council present voted in favor of the motion. **Rules of Council 2022 – 2023 were adopted.**

MINUTES: Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to adopt the minutes of the Council meeting **December 21, 2021**. An all-in-favor vote was taken and all Council members present voted in favor of the motion. **THE COUNCIL MEETING MINUTES OF DECEMBER 21, 2021 WERE APPROVED.**

VISITORS SPEAKING: *None*

CORRESPONDENCE: *None*

LEGISLATION:

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

ORDINANCE NO. 22-001 (1st RDG.): AN ORDINANCE AUTHORIZING THE EXECUTION OF A HOUSING REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO, DEVELOPMENT SERVICES AGENCY AND DECLARING AN EMERGENCY

- Sponsored by Council Member Thomas Stugmyer
- Discussed by Economic Development & Planning Committee December 6, 2021

Mr. Stugmyer made a motion, which was seconded by Mr. Williams, to suspend the three reading rule on Ordinance No. 22-001. A roll call vote was taken. Ayes: Darlington, Hines, Stugmyer, Rospert, Copley, Williams, Yurchiak. Nays: none. Mr. Stugmyer called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Hines, Stugmyer, Rospert, Copley, Williams, Yurchiak, Darlington. Nays: none. **Ordinance No. 22-001 declared to have been adopted January 4, 2022.**

ORDINANCE NO. 22-002 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO NEGOTIATE AND ENTER INTO A CONSTRUCTION MANAGEMENT AGREEMENT FOR THE NEW FIRE STATION HEADQUARTERS FOR PRECONSTRUCTION SERVICES AND DECLARING AN EMERGENCY

- Sponsored by Council Member Ralph Copley
- Discussed by Public Safety Committee December 21, 2021

Mr. Copley made a motion, which was seconded by Mr. Williams, to suspend the three reading rule on Ordinance No. 22-002. A roll call vote was taken. Ayes: Stugmyer, Rospert, Copley, Williams, Yurchiak, Darlington, Hines. Nays: none. Mr. Copley called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Rospert, Copley, Williams, Yurchiak, Darlington, Hines, Stugmyer. Nays: none. **Ordinance No. 22-002 declared to have been adopted January 4, 2022.**

ORDINANCE NO. 22-003 (1st RDG.): AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH SOPREMA U.S.A. INC. AND DECLARING AN EMERGENCY

- Sponsored by Council Member Thomas Stugmyer
- Discussed by Economic Development & Planning Committee December 6, 2021

Mr. Stugmyer made a motion, which was seconded by Mr. Williams, to suspend the three reading rule on Ordinance No. 22-003. A roll call vote was taken. Ayes: Copley, Williams, Yurchiak, Darlington, Hines, Stugmyer, Rospert. Nays: none. Mr. Stugmyer called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Williams, Yurchiak, Darlington, Hines, Stugmyer, Rospert, Copley. Nays: none. **Ordinance No. 22-003 declared to have been adopted January 4, 2022.**

The following legislation was read for the second time, having been previously read at different meetings on different days, and acted upon as follows:

ORDINANCE NO. 21-121 (2nd RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR AND RECEIVE BIDS AND TO ENTER INTO A CONTRACT FOR PHASE 2 – SOUTHWEST PARKING LOT WITH CONCRETE PAVEMENT; INTERLOCKING PAVERS; LANDSCAPING; STORM SEWER; PRIVATE SIDEWALKS, DECKING, STEPS, PARKING AREAS, DRIVEWAYS, PATIOS, ADA ACCESSIBLE RAMPS, DOWNSPOUTS, LANDSCAPING; GRADING; SIDEWALK; CURBING; REPAIRS TO PHASE 1 – SOUTHWEST PARKING LOT; AND OTHER SURFACE IMPROVEMENTS AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams

Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 21-121 on third reading. An all in favor vote was taken and a majority Council voted in favor of the motion, with the exception of Mr. Williams, who was opposed. **Ordinance No. 21-121 advanced to third reading for the meeting of January 18, 2022.**

That concluded the legislation for the evening.

OTHER BUSINESS: Mr. Thurber welcomed their newest member of Council, Mr. Rospert, and thanked him. Mr. Rospert was a Council At-Large member and it was good to have him. Mr. Thurber also joked that people should feel free to call Mr. Rospert day or night.

Mr. Thurber also thanked Ms. Guenther. Coming up for a new year, there were all kinds of things she had to do, a lot of paperwork, and she did it with grace.

He asked for any other business from Council members or the Administration.

Law Director Report

Mr. Morris thanked the Council President for allowing him to complete his statutory duty. Once a year, he was required, at the first meeting in January, as the City Law Director to deliver an annual report of the Law Department. By statute, he had to tell them three things.

The first item to report was “the business of the office,” which included two, distinct activities in the Law Department. They were general counsel for the \$100M corporation that was the City of Wadsworth. They drafted and reviewed contracts and legislation; dealt with land sales, acquisitions; and dealt with uniquely public law that included open records and open meetings. They provided legal advice to all departments and help with all civil litigation, from basically negotiating contracts for the purchase of salt to telling pushy lawyers to pound salt. That was what they did in the Law Department.

Typically, the Law Department of a \$100M corporation consisted of a small army of lawyers at their beck and call. They had two lawyers – himself and Brad Proudfoot, who was Mr. Morris’ assistance, along with two paralegals, Jessica Chamberlin and Brenda Fisher. They certainly could not do what

they did without their competence. They certainly appreciated that, Mr. Morris said.

The second duty in the Law Department office was to prosecute cases in the Wadsworth Municipal Court. About 600 times a year, somebody went in front of Judge McIlvaine to say they were not guilty of the charge they were charged with, at which time, the case came to him and Mr. Proudfoot to either negotiate some type of plea or to take it to trial. They did try many cases. There were 12 jury trials in 2021, which was a lot, and considering Covid had limited their jury pools on occasion.

They also had five to 10 times a week that they had trials with Judge McIlvaine, which could be as simple as a speeding case to as serious as domestic violence.

The Law Department gave seminars and legal updates to the Wadsworth Police Department. They helped train as much as they could and were available as much as needed, which meant 24/7.

They had north of a 95% conviction rate, which was most impressive but not most important. The most important thing they did was to provide justice not only through the State of Ohio, but for the victims of crimes and also protecting the rights of the defendants because they were citizens of Wadsworth too.

The second thing that Mr. Morris must report to Council by statute was monies collected by the office. This had always been a zero number; however, they changed this year. For some smaller jurisdictions in the area, such as the Village of Westfield, Gloria Glens, and even (believe it or not) the Westfield Insurance Company, and the bank thereof, had its only police force, the Wadsworth Law Department would prosecute them for a small, nominal fee. It went to the general fund. While not a big number, it was around \$750.00 that the department did last year. Mr. Morris' plan was to put it against any requests for court orders to re-pay for psycho-diagnostic if someone plead guilty by reason of insanity. He knew that got under the skin of some Council members in the past. He hoped to never ask them for any money again. They would try to take it from that fund. That was the plan.

The third thing that he must advise was "any matter that he deemed proper to promote good government and the welfare of the City." Mr. Morris was not exactly sure what that meant, but he would share them an example of how all of the different roles of the Law Department came together in one case.

There was a man over the year who was camping in the right-of-way, about two feet from the curb. The Administration, Council and City Employees expressed concern to him about how safe this was, how sanitary it was, especially when the snow came. The snow plow driver was concerned about the man's safety. They conducted the legal research and found that the code lacked a remedy for protecting this man from himself and the decisions he was making. So, they drafted an ordinance. It was the first of its kind, partially based on a court of appeals case out of Colorado. They made it illegal to camp in the public right-of-way if it was done by choice, but not by necessity. In other words, they did not make the status of being homeless, illegal; but made it illegal to choose to camp in the public right-of-way when one had available options.

They were litigated as to the constitutionality of this ordinance in Wadsworth Municipal Court. In federal court, they were also sued. They resolved both of those cases successfully. There was a jury trial for this individual, in which he was convicted in a few minutes.

In one case, they had to advise City officials, research code, draft novel legislation, defend the City in federal court and local court, and ultimately, try a case to verdict in municipal court. That was what they did – everything from soup to nuts. They tried to do it with speed so that they got the answer, they tried to do it accurately, and they tried to be available when the Council needed them to be.

Mr. Morris said he would submit that as his report for the 2021 Law Department.

The Council thanked the Law Director.

There were no further comments

ADJOURNMENT: Mr. Williams made a motion to adjourn, which was seconded by Mr. Stugmyer. All were in favor. **The meeting was adjourned at approximately 5:45 p.m.**

Clerk of Council

President of Council