

**MINUTES**  
**WADSWORTH CITY COUNCIL MEETING**  
**January 5, 2021**

*The regular meeting of Wadsworth City Council, Tuesday, January 5, 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](http://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, Auditor Catherine Fix, Director of Law Director Tom Morris, Economic Development Director Jim Gray, 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.

The Council President offered a few remarks before moving to the legislation. He recalled that they had not met in the council chambers since March, 2020. Mr. Thurber thanked the Administration and Staff for making this environment safe and undertaking all kinds of activity to make the meeting happen. He really did appreciate it. At this time, the Council was not only meeting in person, but some also joined on Zoom. The meeting was broadcast on WCTV. At this point, individuals were not coming in to make remarks. The Clerk of Council Tammy Guenther was happy to take those from people who contacted the City Council Office. She would forward comments to Council members. They could not have visitors in the meetings at that time.

**MINUTES:** **Mr. Williams** made a motion, which was seconded by **Mr. Copley**, to adopt the minutes of the Council meetings of **December 15, 2020**. An all-in-favor vote was taken and all Council members present voted in favor of the motion. **THE COUNCIL MEETING MINUTES of December 15, 2020 WERE APPROVED.**

**LEGISLATION:**

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

**ORDINANCE NO. 21-001 (1<sup>st</sup> RDG.): AN ORDINANCE TO MAKE A SUPPLEMENTAL APPROPRIATION OF \$143,370.75 IN THE 425 – GENERAL CAPITAL IMPROVEMENT FUND FOR PURPOSES OTHER THAN PERSONAL SERVICES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021 AND TO DECLARE AN EMERGENCY**

- Sponsored by President of Council Bob Thurber

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Minutes prepared by Clerk of Council Tammy Guenther*

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

- Regarding construction of a replacement culvert on State Street
- Most recently discussed by the Public Ways Committee on December 7, 2020

**Mr. Patrick** offered an explanation of the legislation, saying it was for the culvert project on State Street staging area owned by the City. The Council passed legislation in November after three readings to move forward with the advertisement, bid and award of the project. The estimated cost for the project was \$220,000. The bids came in December and fortunately they received a good number of bidders. The amount listed in the ordinance was the low bid. Going through the steps to get the bid awarded could not be done before the end of the year. The amount in the budget for last year was \$220,000, but it was not spent in 2020. The amount was not present in this year's budget, so Mr. Patrick requested a supplemental in the amount of the lowest bid, \$143,370 for this year so they could move ahead with the project. It would ultimately be a reduction in overall expenses of about \$80K. The (unexpended) money would raise the balance in the 425 fund by the \$80K.

Mr. Williams made a motion, which was seconded by Mr. Copley, to suspend the three reading rule on Ordinance No. 21-001. A roll call vote was taken. Ayes: Haskins, Williams, Yurchiak, Darlington, Hines, Stugmyer, Copley. Nays: none. Mr. Williams called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Williams, Yurchiak, Darlington, Hines, Stugmyer, Copley, Haskins. Nays: none. **Ordinance No. 21-001 declared to have been adopted January 5, 2021.**

**RESOLUTION NO. 21-01 (1<sup>st</sup> RDG.): A RESOLUTION REQUESTING ADVANCE PAYMENTS OF MONEY THAT MAY BE IN THE MEDINA COUNTY TREASURY TO THE ACCOUNT OF THE CITY OF WADSWORTH AS PROVIDED FOR IN SECTION 321.34 OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY**

- Sponsored by President of Council Bob Thurber

City Auditor **Ms. Fix** spoke to the legislation. It was an annual resolution for the City to allow them to receive funds from the county a little earlier than without the legislation. It was a formality.

Mr. Williams made a motion, which was seconded by Mr. Copley, to suspend the three reading rule on Resolution No. 21-01. A roll call vote was taken. Ayes: Yurchiak, Darlington, Hines, Stugmyer, Copley, Haskins, Williams. Nays: none. Mr. Williams called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Darlington, Hines, Stugmyer, Copley, Haskins, Williams, Yurchiak. Nays: none. **Resolution No. 21-01 declared to have been adopted January 5, 2021.**

*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. 20-124 (2<sup>nd</sup> RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND AWARD TO MANAGE THE OPERATIONS OF THE WADSWORTH MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY**

- Sponsored by Council Member David Williams

Mr. Williams made a motion, which was seconded by **Mr. Darlington**, to suspend the three reading rule on Ordinance No. 20-124. A roll call vote was taken. Ayes: Hines, Stugmyer, Copley, Haskins, Williams, Yurchiak, Darlington. Nays: none. Mr. Williams called the question. Mr. Thurber called for

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a vote. A roll call vote was taken. Ayes: Stugmyer, Copley, Haskins, Williams, Yurchiak, Darlington, Hines. Nays: none. **Ordinance No. 20-124 declared to have been adopted January 5, 2021.**

**RESOLUTION NO. 20-29 (2<sup>nd</sup> RDG.): A RESOLUTION PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, MECHANICAL RESUSCITATORS, UNDERWATER RESCUE AND RECOVERY EQUIPMENT, OR OTHER FIRE EQUIPMENT AND APPLIANCES, BUILDINGS AND SITES THEREFOR OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, FOR THE ESTABLISHMENT AND MAINTENANCE OF FIRE-ALARM COMMUNICATIONS OR FOR THE PAYMENT OF OTHER RELATED SERVICES AS AUTHORIZED BY SECTION 5705.19(I) OF THE OHIO REVISED CODE AND REQUESTING THE COUNTY AUDITOR OF MEDINA COUNTY, OHIO TO CERTIFY TO THE COUNCIL OF THE CITY OF WADSWORTH THE TOTAL CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY AN ADDITIONAL CONTINUING LEVY OF 1.5 MILLS FOR EACH ONE DOLLAR OF VALUATION TO BE PLACED ON THE BALLOT AT THE MAY 4, 2021 ELECTION, THE TERRITORY WHERE THE TAX IS TO BE LEVIED SHALL BE THE ENTIRE TERRITORY OF THE CITY OF WADSWORTH, MEDINA COUNTY, OHIO AND THE CITY HAS TERRITORY IN MEDINA COUNTY AND IN NO OTHER COUNTY AND DECLARING AN EMERGENCY**

- Sponsored by Council Member Ralph Copley

**Mr. Morris** said the resolution was related to the levy. Council considered the legislation last meeting, knowing it would be amended. He understood that Council wanted to limit it to five years and not (have) the continuing levy, as well as withdrawing the portion that would allow the levy to be used for salaries. They had been waiting to see what the county allowed and what language should be used. Mr. Hiscock received the language yesterday and today Mr. Morris amended it. He provided paper copies of it to Council members to show what the amendment would look like. The Law Director did not want spring it on them, but they could look at it or roll the amendment it out and either vote on it or move it to third reading. He understood that Mr. Copley would make the amendment and Mr. Morris wanted them to hear what he had done and why it was late coming to them. They were waiting for the language. He would be happy to answer any questions. There were no questions. Mr. Copley thanked the Law Director.

Mr. Copley made a motion, which was seconded by Mr. Williams, to amend section one of Resolution No. 20-29 to read as follows: **A RESOLUTION PURSUANT TO SECTION 5705.03 OF THE OHIO REVISED CODE DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, MECHANICAL RESUSCITATORS, UNDERWATER RESCUE AND RECOVERY EQUIPMENT, OR OTHER FIRE EQUIPMENT AND APPLIANCES, BUILDINGS AND SITES THEREFOR OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, FOR THE ESTABLISHMENT AND MAINTENANCE OF LINES OF FIRE-ALARM COMMUNICATIONS OR FOR THE PAYMENT OF OTHER RELATED SERVICES AS AUTHORIZED BY SECTION 5705.19(I) OF THE OHIO REVISED CODE AT THE RATE OF 1.5 MILLS FOR EACH ONE DOLLAR OF VALUATION SET FORTH IN THE COUNTY AUDITOR'S CERTIFICATION, TO BE IN EFFECT FOR A PERIOD OF FIVE (5) YEARS, TO**

**BE PLACED ON THE BALLOT AT THE MAY 4, 2021 ELECTION, THE TERRITORY WHERE THE TAX IS TO BE LEVIED SHALL BE THE ENTIRE TERRITORY OF THE CITY OF WADSWORTH, MEDINA COUNTY, OHIO AND THE CITY HAS TERRITORY IN MEDINA COUNTY AND IN NO OTHER COUNTY AND DECLARING AN EMERGENCY.** An all in favor vote was taken and all Council members present voted in favor of the motion. **Resolution No. 20-29 was amended.** Mr. Copley made a motion, which was seconded by Mr. Darlington, to place Amended Resolution No. 20-29 on third reading. **Amended Resolution No. 20-29 advanced to third reading for the meeting of January 19, 2020.**

*That concluded the legislation for the meeting.*

**OTHER BUSINESS:** *Report from the Law Department:* Mr. Thurber invited Mr. Morris to come to the podium in order to give the state of the Law Department report.

Mr. Morris stated that he had a statutory obligation to give Council a report at the first regular meeting in January. By statute, he advised them of monies collected in the prior year. In 46 years, they'd not collected any money in the Law Department, but they did in that year prosecute a case for Westfield Center and the Westfield Insurance Company. For whatever reason, they had their own police department, which Mr. Morris did not know about, but they had something to prosecute. They did it for a nominal fee as a courtesy to the Court, which he believed was \$300 for both of the cases. The Law Department must also report on items that promoted good government, he said. When he did his first report last year, he'd only been the Law Director for about a week. He thought they'd have a pretty good routine by this time, 2021. Unfortunately, 2020 had been anything but routine as they dealt with the fallout from the coronavirus pandemic.

Mr. Morris continued the Law Office had two functions. The first function was to prosecute cases. Because the Court was open and crime did not quarantine, he and his staff were unable to work from home for the most part. They had been dealing with cases the entire time, modifying procedures, and frankly, dealing with things that they had not ever dealt with before. While the lockdown of the bars reduced their numbers for DUIs, drinking at home had increased the incidence of domestic violence. While the jail had set restrictions on the arrests that could be made, there were statutory obligations that required arrest and they had to deal with those competing interests. They'd had concerns with the jurors, with their safety, understandably, but they had speedy trial rights with defendants with which they had to comply. All told, they had 10 jury trials, which Mr. Morris was sure was more than any other court in the state that he was aware of.

In his office, Mr. Morris said he served as legal advisor for the City. Typically, he could solve most questions with a trip down memory lane using Norman Brague's filing system in the basement. He looked to see when a situation had happened before. There were no reference points for the kinds of questions he got over declarations emergency or limitations thereof, for *force majeure* clauses. They were dealing with issues not seen in Wadsworth since F.W. Boyer was the mayor. That was 1918 – he had to look it up. They did all of it without hiring outside counsel. They did it in-house because he was blessed with a wonderful staff. Paralegals Brenda Fisher and Jessica Chamberlin had been with the City for 31 and 25 years, respectively. Brad Proudfoot had taken over Mr. Morris' duties as Assistant Law Director and had done an outstanding job dealing with some challenging issues.

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With 2020 on the books, Mr. Morris said he was proud of the quality and the level of work they did under conditions that were sometimes trying. He hoped that the lessons learned with the pandemic would never again need to be used in their lifetimes.

Mr. Thurber thanked the Law Director and agreed that they had a wonderful staff and did a wonderful job in these very interesting times.

The Council President asked if there was anything else from City Council or the Administration. He invited them to come to the podium as needed.

**Mayor Laubaugh** wished everyone "Happy New Year."

The Council President asked if there was anything else from City Council or the Administration. He invited them to come to the podium as needed. There were no further 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 5:20 p.m.**

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Clerk of Council

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President of Council