

MINUTES
WADSWORTH CITY COUNCIL MEETING
April 19, 2022

The regular meeting of Wadsworth City Council, Tuesday, April 19, 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, Jon Yurchiak, David Williams.

OFFICIALS PRESENT: Mayor Robin Laubaugh, Assistant Public Service Director Mike Testa, Public Safety Director Matt Hiscock, Planning Director Jeff Kaiser*, Economic Development Director Matt Springer, Auditor Catherine Fix, Law Director Tom Morris, Clerk of Council Tammy Guenther

PRESS REPRESENTATIVES: *Scott Kriska, The Medina Gazette*

VISTORS SPEAKING: *Mr. Tom Manning, 1271 High Street*

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. Copley** made a motion, which was seconded by **Mr. Stugmyer**, to adopt the minutes of the regular Council meeting of **April 5, 2022**. An all-in-favor vote was taken and all Council members present voted in favor of the motion. He stated that he was not at the meeting. **THE COUNCIL MEETING MINUTES OF April 5, 2022 WERE APPROVED.**

PUBLIC HEARING: AN ORDINANCE TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF CITY LOT 6463 FROM THE C-5 COMMERCIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT

Mr. Thurber stated that Council would hold a hearing on **Ordinance No. 22-022 to change the Zoning District Classification at 1269 High Street**. The Clerk please read the title of the ordinance. The Council President asked Planning Director Jeff Kaiser to the report on the proposed change in zoning.

Mr. Kaiser came forward and said that the purpose of the legislation was to change the zoning at 1269 High Street from C-5 back to R-3, residential. He distributed a handout with a zoning map of the area. The property in question was in red. On the back side of the page was an aerial gave an outline of where the property was located. Right now it had a single family home that he believed was unoccupied.

The Planning Director provided a brief history of the property. Prior to 2005, it was zoned R-3. It, along with the property to its east was then rezoned for C-5, commercial, with the intent that those two pieces would be combined and a commercial office property would be build. That did not happen because the property to its east was combined with the property to its east. They might have seen that project was already in to construction. It left a little piece hanging out there, which was probably not large enough as a stand-alone commercial office use. Mr. Kaiser said they had an applicant requesting a rezone to R-3. The intent, he believed, was for the application to purchase it and then be combined with the Big Sky Apartment

properties to do something in the future, whether for additional parking or the need for updated amenities, and possibly, another building or two. Obviously with the C-5 zoning, it did not have any value for them at that point. Looking at all of the facts, the Planning Commission recommended a rezone of that property to R-3, residential. Mr. Kaiser asked the Council members for any questions and there were none.

At that point, Mr. Thurber declared the Council hearing was open for public comment. He asked for anyone in the audience who would like to speak to please come forward and state their name and address.

Tom Manning of 1271 High Street came to the podium, saying he was the owner of Big Sky Apartments next door. He said the description was very accurate. The property was a sliver next to them that would be useful to them but probably not to anyone else. They would do amenities for tenants. They were looking at possibly putting a clubhouse, some greenspace, and it would alleviate some of their parking issues at Big Sky. They would like to get it changed. They did not own it yet. They were supposed to close that Friday on the deal. It was contingent upon getting the zoning change. Otherwise it would sit vacant for quite a long time. The house that was on it was falling apart and would need to be raised. There was an abandoned car in the driveway – things like that. They would clean all of it up and get it back to green space and the way it should be.

There were no other speakers.

Mr. Thurber noted that per Council Rule number 17, Council did not typically vote on the zoning legislation on the night of a public hearing, though at times did suspend that rule. He thought that Mr. Stugmyer might do that this evening.

Mr. Darlington made a motion to close the public hearing, which was second by Mr. Stugmyer. An all in favor vote was taken and all Council members present voted in favor of the motion. Mr. Thurber declared that the public hearing was closed.

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VISITORS SPEAKING: *None*

CORRESPONDENCE: Three items were reported by the Clerk:

-Two fiscal certificates from the City Auditor verifying funds as presented in Ordinance Nos. 22-038 and 22-039, which were both on the Council’s agenda that day for first reading.

-An application from the Ohio Division of Liquor Control for a new liquor license from SPIRITS GRILLE LLC. d/b/a Spirits Bar & Grille @ 127 Watrusa Avenue.

Copies of the application were distributed to all of Council. If no Council member objected, the Clerk said she would return the application to the Division of Liquor Control by the end of the week.

Mr. Copley asked the Public Safety Director if he knew whether that person had operated a spirits enterprise. Mr. Hiscock said it was a little bit more of a report than normal with that particular application. He told Council that no record or history of that particular applicant involvement with the Division of Liquor Control offense and / or enforcement action on behalf of the Wadsworth Police Department. However, as many members of the Council and those in attendance that evening understood, there had been several enforcement actions taken at 127 Watrusa Avenue over the years. Therefore, they were not without report in regard to law

enforcement and alcohol related offenses at that address; but none of those had anything to do with this particular applicant on this new license. He was not recommending a hearing. Mr. Copley thanked him.

LEGISLATION:

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

RESOLUTION NO. 22-06 (1st RDG.): A RESOLUTION DOCUMENTING AND DECLARING THE USE AND EXPENDITURES OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS RECEIVED THROUGH THE AMERICAN RESCUE PLAN ACT BY THE CITY OF WADSWORTH; AND DECLARING AN EMERGENCY

- Sponsored by President of Council Bob Thurber

The Clerk read the ordinance and Mr. Copley followed with a question. From his understanding, the resolution was a reporting mechanism to the federal government of funds received to the tune of \$2.6M. Ms. Fix responded that yes, in order to minimize the reporting and to give the City more advantage in the flexibilities in reporting because it could be very detailed and challenging. This resolution simplified the reporting. Basically they were electing to take the \$10M revenue replacement option, which did not pertain to any of the spending. It was just a reporting election.

Mr. Copley said then, it was strictly for reporting. When he read the final rule, it also appeared to him that it also gave more flexibility in the spending of funds. Ms. Fix said it could, yes. This was basically the first step. She did not think they were prepared to talk about the spending portion that evening. Mr. Copley said his concern was that by approving it, they were giving to Administration a \$2.6M blank check, with flexibility of spending as long as they stayed under the \$50K threshold. He thought Council should know for what the money would be spent every step of the way, even if it was \$200.00. He believed Council should be aware.

Mayor Laubaugh said they would agree with that. She said it was not anything different from what was discussed in the budgetary process.

Mr. Copley said that there was nothing discussed in Safety about those funds. He felt that some of those funds should go more toward Safety, such as for hazardous duty pay for the firefighters, EMS and police officers who worked during the pandemic because that was what this funding was for. There were cities out there that were giving \$500.00 to their employees. Some gave \$5,000.00 to their employees. He thought there needed to be a lot more discussion on that matter. The material that was given in September and October of last year was very broad, like \$600K to replace the air conditioners at city hall. He saw comments on some of the social media platforms where the public wanted to know for what the money was used. It was “free” money.

Mayor Laubaugh stated that it was actually posted on the City website under the Covid, what had previously been discussed with Council. It was posed now. Getting back to this legislation, she would say that it was more on the reporting side.

Ms. Fix added that it did give more flexibility and Mr. Copley was right on the spending because they could spend it on any government services. But her understanding was that the Administration had not changed their plan for spending. Correct, said the Mayor.

Mr. Copley said that he just thought Council should be involved and not at the \$50K threshold, but at any level that any of this money was spent so they could answer to the citizens as to how \$2.6M of free money from the federal government was spent. Mr. Copley turned to other Council members for their comments.

Mr. Williams said it was not free money, but it was to them unearned money. He agreed that they had a responsibility to their citizens and he thought they should answer to them how they spent every penny.

Mayor Laubaugh said that was why it was brought up when it was originally presented once they recognized how much they would receive. They could revisit that, but the bottom line was that... Mr. Copley said he had voiced disagreement at that time that not enough was going to the Safety Forces; it had not been mentioned since.

Mr. Rospert agreed with Mr. Copley, and to his point, the Safety Forces were there for them. They were making the runs and putting lives on the line when there were other departments that were not functioning at full capacity. He thought they should get a portion of it.

Mr. Thurber asked for other thoughts or questions. He asked Mr. Copley for a motion on the resolution.

Mr. Copley made a motion, which was seconded by Mr. Williams, to place Resolution No. 22-06 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Resolution No. 22-06 advanced to second reading for the meeting of May 4, 2022.**

ORDINANCE NO. 22-034 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING AND SMOKE AND DYE TESTING SERVICES FOR THE SANITARY SEWER OVERFLOW REMEDIATION PROGRAM AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee April 12, 2022

Mr. Darlington said the Public Service Committee was still discussing the item and made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-034 on second reading. An all in favor vote was taken and all Council members present, except Mr. Williams, voted in favor of the motion. Mr. Williams was opposed. **Ordinance No. 22-034 advanced to second reading for the meeting of May 4, 2022.**

ORDINANCE NO. 22-035 (1st RDG.): AN ORDINANCE DETERMINING TO PROCEED WITH REPAIRING, REPLACING OR CONSTRUCTING OF CERTAIN SIDEWALKS IN THE CITY OF WADSWORTH AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Discussed by Public Ways Committee April 11, 2022

Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-035 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 22-035 advanced to second reading for the meeting of May 4, 2022.**

ORDINANCE NO. 22-036 (1st RDG.): AN ORDINANCE TO MAKE A SUPPLEMENTAL APPROPRIATION OF \$233,364.00 IN VARIOUS FUNDS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND DECLARING AN EMERGENCY

- Sponsored by President of Council Bob Thurber
- Discussed by Public Ways Committee April 11, 2022

Mr. Williams asked for clarity on the ordinance from whoever could address it.

Mr. Testa said it was related to the item discussed in Public Ways Committee. They had asked Mr. Patrick to reach out to some of their state legislators to see if there was something they could do to obtain additional funding. This related to the overage costs or costs in excess of the grant on the Seville Road Roundabout, SR-57 project. After the grant, they as a City were responsible for the costs above that. Costs had been higher pretty much across the board on all of their projects. Mr. Patrick reached out both to their state senators as well as their representative to seek additional funding, but no funding was available. In essence the response they received was that the same problem was creeping up throughout the state because of supply chains. He requested passage that evening to basically authorize the additional funds related to the overage for which they as a City were responsible.

Mr. Williams stated that he was not comfortable with passing it that evening. He thought they needed more discussion. Their governor raised the gasoline tax by 10 cents a gallon as soon as he got into office and diesel fuel 20 cents a gallon. There were funds out there whether they wanted to come up with something or not. He did not think the additional \$233K should be borne by their citizens.

Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-036 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion.
Ordinance No. 22-036 advanced to second reading for the meeting of May 4, 2022.

ORDINANCE NO. 22-037 (1st RDG.): AN ORDINANCE TO AMEND FINAL RESOLUTION NO. 22-02 IN REGARD TO FEDERAL PROJECT NO. E 161173 AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams

Again, Mr. Williams asked for clarification from the Administration. Mr. Testa said it related to kind of the same situation. Basically it was the resolution that was passed for the funding of the project. Since that time and with the increase in costs, the funding allocation had changed. The funds in the allocations that they originally had in the resolution to fund the cost overage above the grant amount had been updated and changed. This was an amendment to that resolution to acknowledge those changes.

Mr. Williams said that in their Public Ways meeting the number was \$289K. He asked for an explanation of why it was \$233K. Ms. Fix said she could explain it if Mr. Testa concurred. She said the increase was \$289,170 on the invoice from ODOT. Apparently according to the City Engineer, there was about \$59K available in the budget that she was able to allocate to this project. Therefore, they only needed a supplemental for the \$233K. That was what the difference was. Mr. Williams thanked Ms. Fix.

Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-037 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion.
Ordinance No. 22-037 advanced to second reading for the meeting of May 4, 2022.

ORDINANCE NO. 22-038 (1st RDG.): AN ORDINANCE TO AUTHORIZE THE DRAWING OF A WARRANT IN AN AMOUNT NOT TO EXCEED \$289,170.00 FOR THE PAYMENT OF THE AMOUNT DUE UPON A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber

Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-038 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion.
Ordinance No. 22-038 advanced to second reading for the meeting of May 4, 2022.

ORDINANCE NO. 22-039 (1st RDG.): AN ORDINANCE TO AUTHORIZE THE DRAWING OF A WARRANT IN AN AMOUNT NOT TO EXCEED \$9,456.00 FOR THE PAYMENT OF THE AMOUNT DUE UPON A CONTRACT WITH AK CONSTRUCTION AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber

The Clerk read the ordinance title. Mr. Thurber offered some clarification, saying it was a unique piece of legislation. Typically, they partnered with Main Street and the City to contract with someone to plow the streets downtown and shovel the sidewalks. For the last four or five years it had been AK Construction. Last year, AK did not get paid timely; the year before that, timely; and the year before that, timely. Here they were again, and he was a little annoyed at himself because he called them in January to ask if they got paid. They said yes, they did. That was wonderful. Mr. Thurber did not check back. So here they were several months in and it seemed to him that there had to be a better way to do this, which was why he promised to talk about the legislation tonight. It just seemed like the program really worked well until it got to payment and they did not pay AK Construction very well, very often. He did not sneak up on the Auditor, but had asked Ms. Fix to help him unwind that a bit as to how it happened and why. She'd sent him something nice so he would read it.

Part of it was that first they needed a warrant. There was a part of it that was contractual for \$26K. Ms. Fix verified that that was the original contract amount. Mr. Thurber understood. He said they had a lot of snow that year early on. What happened once the contract amount was exceeded? Ms. Fix said there should have been an addendum to the contract. That did happen, but it did not happen until April sometime. Once that contract was approved by both parties, then a purchase order should have been in place to encumber the funds and that did not occur in February. So neither the contract nor the purchase order was in place. Mr. Thurber assumed that until maybe yesterday that things were not in place and didn't get signed. Ms. Fix said it was a little more complicated than that.

Mr. Testa spoke to the approval process. He thought what happened in this case, in the midst of things, as they continued to get snow, it was important to get the plows and the salt down as quickly as they could. So those services were authorized, but the dollar amount because of the snow that they'd had, exceeded the \$26K of the contract. The authorization for those services occurred before they had the contract addendum signed and before the purchase order went through the system, which were both required for payment. One of the things that they had done internally over the last week or so, was to reassign some of those items so more of the bird-dogging could occur. That would be allocated to Mr. Testa, who said he had a background in finance. Those were things that he was good at tracking. He believed going forward they would be solid and not have the timing issues. But in this particular case, it was a matter of lots of snow and the need to respond quickly, but also rules that prevent payment until the other pieces were put in place.

Mr. Copley asked what determined the \$26K up front purchase order. Why couldn't they take the average over the last three years and treat it as a maintenance contract as they did for a copy machine? He felt bad every year and having to look at a bill that was not being paid by their City, especially to a contractor from their City and that before his contract, the downtown was a mess. A person could not walk on the sidewalk safely. AK Construction had done a fantastic job at cleaning the downtown and making it safe for the residents, and now he had to come and ask for his money? That was bad business.

Again, Mr. Testa replied, Mr. Patrick had looked at it. He felt the same as Mr. Copley did and had directed Mr. Testa to take a more active role. He did not think they would experience this type of thing very often, in the future. In regard to the initial part of Mr. Copley's question, Mr. Testa did not know how the \$26K was chosen. He suspected that it was an estimate based on what they had done in the past. Hindsight was 20/20

but not wanting to over encumber and to use funds that might not come to fruition. He thought that it was an educated guess based on the historical spends. This year had just been unusually snowy with snow events that required a quick response.

That was why Mr. Copley suggested a three-year average for cost, which he said would give them a halfway decent number. To Mr. Testa's comment about not over encumbering, he fully agreed but they did it in a number of line items because there was money that came back every year. This was ludicrous.

Mr. Rospert said he came to the same conclusion in August where he had a similar experience in providing services and merchandise to the City. Nine months later he had to come and beg for his money. He just didn't think it was right. If he did not pay his electric bill, they would be putting on some late fees and offering to shut his electric off. He thought it was just ridiculous that they were doing this for a resident of their community that did not have to do the job. They could get somebody else, but he still did it and did not get paid – four years. Mr. Rospert said he was very embarrassed with the way this was done.

Mr. Thurber understood that Mr. Testa was the new guy in the seat and it was unfair to him. However, it was the fourth time they had heard something similar. They were going to straighten out next year. He hoped that this was maybe something that Ways or Economic Development could follow up on. They could not keep on doing this. He knew that AK Construction started at 5:00 a.m. to get five guys together. He always took Mr. Thurber's calls at five in the morning. He drove up the street with a quarter million dollars of equipment, some of it bought specifically for this. They had hand shovels and specialized equipment. They did the job well. He puts gas in and paid insurance. He paid for the salt! As a small businessman, Mr. Thurber hated to be on the other end of not paying a guy. None of them had done business that way. It struck him that after four years, they had to do something strategically different. It was not okay to say that they were going to tweak it. He was asking City Council to make it their responsibility to see that they got in front of it for next year.

Mr. Copley said the most important thing right now was to get it paid. Mr. Williams' question was whether the \$9,456.00 represented payment in full and everything that was owed. Ms. Fix said it was just a portion of it. It was the part where they needed a warrant because no purchase order was in place. It was a partial payment. The warrant amount was not the full payment. Once they got the warrant, they would be able to issue full payment. They planned to do it tomorrow. Paid in full tomorrow, Mr. Williams confirmed. The answer from the Auditor was yes. They would have everything they needed to make that payment.

Mr. Thurber thanked Ms. Fix.

Mr. Darlington was curious why the Wadsworth City Schools were involved. It was mentioned in the ordinance in looking at the first "whereas" clause. Ms. Fix said that should have been corrected as it was from a prior warrant. It was communicated. It should say "AK Construction." The last warrant had been with the schools. Mr. Morris confirmed that it would need an amendment. He could provide a proper version if they wished. Mr. Thurber said they could amend the existing version. He appreciated Mr. Morris' offer and commended Mr. Darlington for a good catch!

Mr. Stugmyer made a motion to amend Ordinance No. 22-039 to take the school language out and include AK Construction in the ordinance. Mr. Copley seconded. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 22-039 was amended.** Mr. Stugmyer made a motion, which was seconded by Mr. Copley, to suspend the three reading rule on Amended Ordinance 22-039. A roll call vote was taken. Ayes: Hines, Rospert, Stugmyer, Copley, Yurchiak, Darlington, Williams. Nays: none.

Mr. Stugmyer called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Rospert, Stugmyer, Copley, Yurchiak, Darlington, Williams, Hines. Nays: none. **Amended Ordinance No. 22-039 declared to have been adopted.**

ORDINANCE NO. 22-040 (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 PURCHASE A DOUBLE AXLE PACKER TRUCK FROM BEST EQUIPMENT CO. OF OHIO THE PURCHASE OF AUTHORIZING WITHOUT FORMAL BIDDING AND ADVERTISING AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee April 12, 2022

The Clerk read the ordinance and Mr. Williams had a question for the Public Service Committee Chair. He asked Mr. Darlington about the timeframe, whether they had to order it or it was sitting. Mr. Darlington said it was sitting. Two were available and one had been sold, with one still available. He thought it was a complete unit with a packer and Mr. Testa confirmed that it was ready to go. Mr. Darlington said it was a bigger truck with a twin axle, but it would still go around the cul-de-sacs. It was a better unit, a higher grade than what they had currently. The amount was some \$60K over what they would budget because they were going for the single axle. This one was \$60K more, but the existing single axle, if they kept it, would cost \$60K in maintenance. By buying the truck now, they were getting that back. It was available for purchase by the end of the month, so they needed to suspend and call.

Mr. Stugmyer referred to the 2015 single axle would still be able to be used to pick up yard waste as well, so there was still extra use there. Mr. Testa requested passage that evening so they could acquire the vehicle that was still available.

Mr. Darlington made a motion, which was seconded by Mr. Stugmyer, to suspend the three reading rule on Ordinance 22-040. A roll call vote was taken. Ayes: Stugmyer, Copley, Yurchiak, Darlington, Williams, Hines, Rospert. Nays: none. Mr. Darlington called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Copley, Yurchiak, Darlington, Williams, Hines, Rospert, Stugmyer. Nays: none. **Ordinance No. 22-040 declared to have been adopted.**

ORDINANCE NO. 22-041 (1st RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR AND RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF A FORTY TWO FOOT WORKING HEIGHT ARTICULATING-TELESCOPING AERIAL BASKET TRUCK AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee April 12, 2022

The Clerk read the ordinance. Mr. Darlington said it was a vehicle for the Electric Department to replace an existing aerial truck. He did not recall if it was on the lot or not. Mr. Testa said the issue with this particular truck was that the manufacturer had come back to tack on a surcharge. Apparently they were doing it to all of their customers, saying they did not have to pay the surcharge but they would be taken out of the order book. From their standpoint, he thought what was happening was that materials, particularly steel, had gone up. So there was enough demand and few enough trucks that that they could in essence raise the prices on those with the surcharges. Somebody was going to buy it. With this legislation and the reason it was amended was to

build into the price, a higher amount not to exceed, in case the manufacturer did something like this again. Right now, the net cost to the City, because of the way they originally put the specs together was minor at less than \$1,000. But there was also a reasonable lead time on these trucks. They were likely looking at the fall or late third quarter as the earliest to the truck. The issue faced with this was that the dealers – Valley, the truck dealer, for example – only got so many spots from the manufacturers. The dealers then only had so many spots to hold it open for customers. When a purchase order came in, that customer was getting the truck. It was in their best interest to get their purchase order in to make sure they got one of the couple spots and the vehicle was at least in the queue. He recommended was to pass the ordinance that evening.

Mr. Williams had a question and observed that was on the chassis. He asked about the body and whether it was the same thing. Mr. Testa said no; his understanding was that the surcharge only applied to the chassis. Mr. Williams observed that was the next ordinance, but for this one the price was locked in. Mr. Darlington saw that Mr. Testa had been discussing 22-042 and Mr. Testa said yes.

For the bucket truck, Mr. Testa believed they had discussed this. It replaced a 2006 model. They had budgeted \$155K for it. They also recommended that it was passed that evening because the earlier they went out to bid the better the chances to get a vehicle more quickly.

Mr. Darlington said the only truck that was available was the packer truck. That was correct, said Mr. Testa.

With no other questions on Ordinance No. 22-041, Mr. Darlington made a motion, which was seconded by Mr. Williams, to suspend the three reading rule. A roll call vote was taken. Ayes: Yurchiak, Darlington, Williams, Hines, Rospert, Stugmyer, Copley. Nays: none. Mr. Darlington called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Darlington, Williams, Hines, Rospert, Stugmyer, Copley, Yurchiak. Nays: none. **Ordinance No. 22-041 declared to have been adopted.**

ORDINANCE NO. 22-042 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2023 FREIGHTLINER M2 106 CONVENTIONAL CHASSIS THROUGH PARTICIPATION IN AN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee April 12, 2022
- Updated copy distributed

Mr. Darlington made a motion, which was seconded by Mr. Stugmyer, to suspend the three reading rule on Ordinance No. 22-042. A roll call vote was taken. Ayes: Hines, Rospert, Stugmyer, Copley, Yurchiak, Darlington, Williams. Nays: none. Mr. Darlington called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Rospert, Stugmyer, Copley, Yurchiak, Darlington, Williams, Hines. Nays: none. **Ordinance No. 22-042 declared to have been adopted.**

ORDINANCE NO. 22-043 (1st RDG.): AN ORDINANCE TO MAKE AN APPROPRIATION OF \$1,507,742.00 IN THE FIRE EQUIPMENT RESERVE FUND 437 FOR PURPOSES OTHER THAN PERSONAL

- Sponsored by President of Council Bob Thurber
- Revised April 19, 2022

Mr. Copley asked that Auditor Fix provide an explanation. Ms. Fix said there was a \$12K portion of the ordinance for the County Auditor's fee to collect and distribute to the City the fire levy. It was not budgeted in

the 2022 budget. That was the first part. The remaining \$1,495,742 was needed because initially they thought they would use the bond proceeds for the purchase of a fire truck. The Council gave them the authority to sell bonds and those funds were deemed appropriated when the bonds were sold. However, they needed an appropriation now prior to the bond sale, to sign the contract, which was needed tomorrow, for the purchase of this fire truck. Therefore, they would post the supplemental, which gave them the budget, and enter a purchase order. She could sign the fiscal officer's certificate and the Safety Director could sign the contract for the fire apparatus, tomorrow.

Then, said Mr. Copley, when the bonds were sold, the money would come back to the 437 account. Ms. Fix said they would actually sell the bonds before they had to pay for this fire truck. It was really just appropriating the budget so she could sign the fiscal officer's certificate for the contract. Mr. Copley described it basically as a pass-through. Ms. Fix said it was a temporary solution for her to be able to sign the fiscal officer's certificate.

There were no further questions.

Mr. Copley made a motion, which was seconded by Mr. Williams, to suspend the three reading rule on Ordinance No. 22-043. A roll call vote was taken. Ayes: Stugmyer, Copley, Yurchiak, Darlington, Williams, Hines, Rospert. Nays: none. Mr. Copley called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Copley, Yurchiak, Darlington, Williams, Hines, Rospert, Stugmyer. Nays: none. **Ordinance No. 22-043 declared to have been adopted.**

ORDINANCE NO. 22-044 (1st 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
- Discussed by Public Ways Committee April 11, 2022

Mr. Williams made a motion, which was seconded by Mrs. Hines, to place Ordinance No. 22-044 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 22-044 advanced to second reading for the meeting of May 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. 22-030 (2nd RDG.): AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT BETWEEN THE CITY OF WADSWORTH AND THE MEDINA COUNTY PARK DISTRICT TO LEASE 58.3 ACRES OF LAND ALSO KNOWN AS HOLMESBROOK PARK AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee March 14, 2022

Mr. Williams asked if the ordinance was complete. He understood there was an Exhibit A and it was missing. Mr. Testa responded that at the park district's request they were putting together and map that showed the borders of the property. It was an exhibit to the agreement. Mr. Williams understood they needed to wait for it. Mr. Testa agreed that it would go to third reading.

Mr. Williams made a motion, which was seconded by Mrs. Hines, to place Ordinance No. 22-030 on third

reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 22-030 advanced to third reading for the meeting of May 4, 2022.**

At that point, Mr. Testa apologized for interrupting and referred to **Ordinance No. 22-044** on the salt purchase. He understood it was moved to the next reading. Their request would be to pass that this evening because the application that needed filing to purchase the salt would have to be filed by the end of this calendar month. Mr. Williams asked the price for the contract. Mr. Testa looked it up. Mr. Yurchiak asked if it was a bid and Mr. Williams thought it was a state contract. That was correct, said Mr. Testa, noting that prices were more favorable than under CUE purchase agreements. Mr. Williams thought they could go ahead and pass it.

Mr. Williams asked for a point of order from the Law Director. They had already moved the ordinance to second reading. Mr. Morris said to read it again and go ahead and vote on it.

ORDINANCE NO. 22-044 (2nd 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
- Discussed by Public Ways Committee April 11, 2022

The Clerk read the ordinance again.

Mr. Williams made a motion, which was seconded by Mr. Copley, to suspend the three reading rule on Ordinance No. 22-044. A roll call vote was taken. Ayes: Yurchiak, Darlington, Williams, Hines, Rospert, Stugmyer, Copley. Nays: none. Mr. Williams called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Darlington, Williams, Hines, Rospert, Stugmyer, Copley, Yurchiak. Nays: none. **Ordinance No. 22-044 declared to have been adopted.**

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

ORDINANCE NO. 22-022 (3rd RDG.): AN ORDINANCE TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF CITY LOT 6463 FROM THE C-5 COMMERCIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT

Without Council Objection, Public Hearing was set for April 19, 2022, at 5:30 p.m., in Council Chambers

- Sponsored by Council Member Thomas Stugmyer
- Forwarded by Economic Development & Planning Committee March 14, 2022

As the Council President explained, they did not typically vote on a zoning ordinance on the night of a public hearing. However, they had seen the ordinance and discussed in Economic Development and Planning Committees, as well as the Planning Commission. Based on that and the timeframe the applicant was working with, Mr. Stugmyer made a motion, which was seconded by Mr. Copley, to suspend Council Rule No. 17, allowing them to vote Ordinance No. 22-022 that evening. An all in favor vote was taken and all Council members present voted in favor of the motion. **Council Rule No. 17 was suspended.**

Mr. Stugmyer called the question on Ordinance No. 22-022. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Darlington, Williams, Hines, Rospert, Stugmyer, Copley, Yurchiak. Nays: none. **Ordinance No. 22-022 declared to have been adopted April 19, 2022.**

ORDINANCE NO. 22-024 (3rd RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A FIRST RESPONSE AND DIRECTCAST UNIT FROM HENDERSON PRODUCTS, INC. THROUGH PARTICIPATION IN A SOURCEWELL, FORMERLY NATIONAL JOINT POWER ALLIANCE (NJPA), CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee March 14, 2022
- Amendment Requested

Mr. Williams called the question on Ordinance No. 22-024. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Williams, Hines, Rospert, Stugmyer, Copley, Yurchiak, Darlington. Nays: none. **Ordinance No. 22-024 declared to have been adopted April 19, 2022.**

ORDINANCE NO. 22-025 (3rd RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE RAINBOW AND MILL STREET CULVERT REPLACEMENT PROJECT AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee March 14, 2022

Mr. Williams called the question on Ordinance No. 22-025. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Hines, Rospert, Stugmyer, Copley, Yurchiak, Darlington, Williams. Nays: none. **Ordinance No. 22-025 declared to have been adopted April 19, 2022.**

RESOLUTION NO. 22-04 (3rd RDG.): A RESOLUTION DECLARING THE NECESSITY OF REPAIRING, REPLACING OR CONSTRUCTING CERTAIN SIDEWALKS IN THE CITY OF WADSWORTH, REQUIRING THAT ABUTTING PROPERTY OWNERS REPAIR, REPLACE OR CONSTRUCT SAME AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Discussed by Public Ways Committee March 14, 2022

Mr. Williams called the question on Resolution No. 22-04. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Rospert, Stugmyer, Copley, Yurchiak, Darlington, Williams, Hines. Nays: none. **Resolution No. 22-04 declared to have been adopted April 19, 2022.**

That concluded the legislation for the evening.

OTHER BUSINESS:

Mr. Thurber noted a couple of housekeeping items to conclude the meeting.

Mr. Copley made a motion to appoint a temporary clerk and hereby appoint Beth Lucas as temporary Deputy Council Clerk for the time period of April 20 to May 3, 2022. Mr. Yurchiak seconded. An all in favor vote was taken and all Council members present voted in favor of the motion. Motion Passed.

Mr. Thurber said that Ms. Guenther rarely took a day off but it was good to have a backup.

The Council President thanked Mr. Testa and Ms. Fix for doing some heavy lifting. He appreciated their extra help that evening.

Mr. Stugmyer announced the Main Street Live Magic Performance at OJ Work Auditorium on the coming Friday evening at 7:00 p.m. There would be a magician and a mentalist and it was a great family show. Tickets were available online or on the night of the event.

Mayor Laubaugh had one comment. She said the City had received some very positive news in the past week. They received an upgrade in their general obligation bond rating through Standard and Poor's. The City of Wadsworth was not AA+, which was remarkable. It was a great accomplishment for a community of their size, and particularly during this time of Covid and post-Covid. She thanked the individuals at the Administrative table: Catherine Fix, who led the team who did a tremendous amount; the Service and Safety sides for collecting all the information and getting it together. It was a lot to be proud of.

Mr. Copley thanked them. Mr. Thurber added that Ms. Fix department received consistently high marks every year. They really did appreciate them. The Mayor said also it was a wonderful benefit to the City because, obviously, it allowed them to have a lower interest rate when they issued bonds and that sort of thing. It would be very beneficial.

ADJOURNMENT: Mr. Williams made a motion to adjourn, which was seconded by Mr. Copley. All were in favor. **The meeting was adjourned at approximately 5:55 p.m.**

Clerk of Council

President of Council