

**MINUTES**  
**WADSWORTH CITY COUNCIL MEETING**  
**May 4, 2022**

*The regular meeting of Wadsworth City Council, Wednesday, May 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, Jon Yurchiak, David Williams.

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

**PRESS REPRESENTATIVES:** *Scott Kriska, The Medina Gazette*

**VISITORS SPEAKING:** *Mr. Slagter, 950 Main Avenue, Suite 1100, Cleveland, 44113*

**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:** *No minutes considered*

**VISITORS SPEAKING:** *Mr. Slagter* said he was there to present to several members of the Administration a public records request. He represented Stoney Hill Development. They had been in the process of trying to attain sewer service for their proposed development. He had copies of the request for Council but was also presenting the City. He wanted a record of his public records request to these members. They hoped to receive a quick response to the request. If there were particular questions, they could reach out to him.

Mr. Thurber said he would hand out copies of Mr. Slagter's written request to Council and the Administration.

Mr. Slagter thanked them.

There were no other visitors.

**CORRESPONDENCE:** *None*

**EXECUTIVE SESSION:** Mr. Thurber said there a need that evening to review a fact-finding report with the Human Resources Director and asked for a motion. **Mr. Copley** made a motion hold an executive session for the purpose of reviewing negotiations or bargaining sessions with city employees concerning their compensation or other terms and conditions of their employment. **Mr. Williams seconded.** The Clerk of Council called the roll. Hines, Darlington, Copley, Williams, Yurchiak, Rospert, Stugmyer. **City Council entered executive session at approximately 5:37 p.m.**

**The executive session was adjourned and the regular session of City Council resumed at approximately 5:43 p.m.**

**LEGISLATION:**

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

**RESOLUTION NO. 22-07 (1<sup>st</sup> RDG.): A RESOLUTION DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR PROVIDING AMBULANCE AND EMERGENCY MEDICAL SERVICE AND REQUESTING THAT THE COUNTY AUDITOR CERTIFY THE CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A TWO AND FIVE TENTH (2.5) MILLS RENEWAL LEVY**

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee April 19, 2022

Mr. Copley made a motion, which was seconded by Mr. Williams, to place Resolution No. 22-07 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Resolution 22-07 advanced to second reading for the meeting of May 17, 2022.**

**RESOLUTION NO. 22-08 (1<sup>st</sup> RDG.): A RESOLUTION DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR PROVIDING AMBULANCE AND EMERGENCY MEDICAL SERVICE AND REQUESTING THAT THE COUNTY AUDITOR CERTIFY THE CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A RENEWAL OF A TAX OF TWO AND FIVE TENTH (2.5) MILLS WITH AN INCREASE OF THREE TENTH MILLS (0.3) TO CONSTITUTE A TAX OF TWO AND EIGHT TENTH (2.8) MILLS**

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee April 19, 2022

Mr. Copley made a motion, which was seconded by Mr. Williams, to place Resolution No. 22-08 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Resolution 22-08 advanced to second reading for the meeting of May 17, 2022.**

**RESOLUTION NO. 22-09 (1<sup>st</sup> RDG.): A RESOLUTION DETERMINING THAT IT IS NECESSARY TO LEVY A TAX OUTSIDE THE TEN-MILL LIMITATION FOR PROVIDING AMBULANCE AND EMERGENCY MEDICAL SERVICE AND REQUESTING THAT THE COUNTY AUDITOR CERTIFY THE CURRENT TAX VALUATION OF THE CITY OF WADSWORTH AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY A RENEWAL OF A TAX OF TWO AND FIVE TENTH (2.5) MILLS WITH AN INCREASE OF FIVE TENTH MILLS (0.5) TO CONSTITUTE A TAX OF THREE (3) MILLS**

- Sponsored by Council Member Ralph Copley
- Forwarded by Public Safety Committee April 19, 2022

Mr. Copley asked that the Safety Director explain the resolutions. He had held off until the Clerk read all three so an explanation could be made for why three resolutions saying basically the same thing were needed.

**Mr. Hiscock** thanked Mr. Copley and said the reason that they went through this exercise every time they looked at a public safety levy was because of what was required by statute. This was the first step in process of a levy to determine tax valuation or the amount revenue that a particular millage amount would bring in. They had decided to find out what the current levy would general, which was represented in 22-07. Resolution 22-08 was a slight increase on the current amount, to 2.8 mills in total, and the third resolution, 22-09 would indicate the revenue generated from a 3 mill EMS Levy. That was essentially what they were asking. By passing any of the resolutions at a later date, they were not imposing a tax and he wanted to make

sure that their citizens knew that. They were merely asking the County Auditor's office to tell the City what those millage amounts would generate. The amounts would come back to them and the Public Safety Committee would discuss them to make a better determination about what the ballot language should say and what they should ask citizens for, come November's election.

Mr. Copley asked him to touch on the importance of having a renewal compared to a new levy.

Mr. Hiscock said that the renewal versus replacement versus increase language was an important dynamic in any levy. Renewal basically said that they would use the existing rate that they all paid as some basis, whether purely as a renewal or a renewal with an increase or some other factor. It was different than replacement language because a replacement levy essentially started a new language. It was also very important that under the renewal language, they existed under old state law, which allowed them to capture dollars that they would not otherwise be able to do since the state law changed. It was often referred to as the "state rollback amount" on renewal language. That was important and why they saw it in all three resolutions. They did not want to lose that for their taxpayers. It ended up allowing them to acquire a lesser millage amount because they had the state rollback amount.

Mr. Copley asked for any questions of Council members and there were none.

Mr. Copley made a motion, which was seconded by Mr. Yurchiak, to place Resolution No. 22-09 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Resolution 22-09 advanced to second reading for the meeting of May 17, 2022.**

**ORDINANCE NO. 22-045 (1<sup>st</sup> RDG.): AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT FUNDS FROM MEDINA COUNTY'S PY2020 CDBG ALLOCATION PROGRAM AND TO ENTER INTO AN AGREEMENT WITH THE COUNTY COMMISSIONERS IN ORDER TO IMPLEMENT THE GRANT AND DEFINE THE ROLES AND RESPONSIBILITIES OF THE CITY OF WADSWORTH AND MEDINA COUNTY AND DECLARING AN EMERGENCY**

- Sponsored by Council Member Thomas Stugmyer

Mr. Stugmyer said he could explain a bit about the ordinance and if he missed something, Mr. Patrick could weigh in on it. Before 2018, the City used to apply directly to the state for these funds and the legislation actually happened before the application. When the County took the process over in 2018, the County received the money and the City made the application with the County. At that point, after the application was made, then the ordinance would come to Council.

In 2020 the City did make the application and received \$150K in the grant, of which there were two different amounts that Mr. Stugmyer would explain. That ordinance was prepared but never presented to City Council. It was during the Covid shut down and for whatever reason, it fell through the cracks. The Council never received it. When the City Engineering Department went to do the sidewalk improvement program (it was part of the money), they realized the funds hadn't been received from the County. This was the reason for the ordinance now.

The amount listed in the ordinance was waiting for them in the amount of \$150K, with \$130K for sidewalk improvements. They would see legislation later in their agenda for that as well. The other \$20,000 was for the St. Vincent de Paul Society, which was a housing allowance to help people with costs associated with their homes during Covid times.

Mr. Stugmyer said it might seem odd that the physical 2020 year was cited, but it was correct because it came up in the fall of 2020 to the fall of 2022. Therefore, the funds needed to be spent by August of this year in order for the City to properly receive the grant.

Mr. Thurber said it sounded like the money that went to St. Vincent de Paul had already been allocated and spent, so why would Council vote on something that was already done. **Mr. Patrick** responded to the question. He said the money had already been spent by the County. The money that the City wanted to spend, the \$130K for a sidewalk project (Mr. Thurber interjected that he got that) at Lyman Street. Mr. Patrick continued that while he did not know if they needed to do this, he thought it would be appropriate for Council to accept the funds here before they actually spent them. The money that the City was spending would be coming up. The \$20,000 of the award was not spent by Wadsworth, but was spent by the County for Wadsworth residents. Mr. Thurber said he did not mind having the legislation, but it seemed that they did not really need to.

Mr. Stugmyer asked for other questions. Mr. Darlington understood that all the money to be received would be for the sidewalk program. Mr. Patrick clarified that it would be for a sidewalk *project*. Mr. Copley asked if it would be for South or North Lyman. Mr. Patrick said it was South Lyman, between Wright Drive and Broad Street. If they were familiar with the area, they knew of the lack of dedicated sidewalks and issues with pedestrians, mainly school children from CIS traversing that area. It was something that they had talked about for a long time and they found out that these funds could be utilized for a project such as that. It really needed to be more of an infrastructure project in this particular area. They thought it would be a good use of those funds, to actually get some dedicated sidewalks and clean up the western side of South Lyman Street. It was just the west side.

Mr. Stugmyer made a motion, which was seconded by Mr. Yurchiak, to suspend the three reading rule on Ordinance No. 22-045. A roll call vote was taken. Ayes: Rospert, Stugmyer, Hines, Darlington, Copley, Williams, Yurchiak. Nays: none. Mr. Stugmyer called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Stugmyer, Hines, Darlington, Copley, Williams, Yurchiak, Rospert. Nays: none.

**Ordinance No. 22-045 declared to have been adopted May 4, 2022.**

**ORDINANCE NO. 22-046 (1<sup>st</sup> RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE SOUTH LYMAN STREET SIDEWALK REPLACEMENT PROJECT AND DECLARING AN EMERGENCY**

- Sponsored by Council Member David Williams

Mr. Williams said the legislation was new and had not been discussed in Public Ways Committee. He made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-046 on second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 22-046 advanced to second reading for the meeting of May 17, 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:*

**RESOLUTION NO. 22-06 (2<sup>nd</sup> 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. Thurber asked the Public Service Director to talk about the legislation. Mr. Patrick said Mr. Testa would speak to it.

**Mr. Testa** stated that ARPA or the American Rescue Plan Act was the mechanism that the U.S. Treasury Department put together to expend funds related to this year's Covid relief program. They as a City received approximately \$2.5M and of that amount, they had until the end of 2024 to incur obligations to spend that money and to the end of 2026 to actually complete projects related to it. Previously, he believed they proposed a broad scope plan of how that \$2.5M would be spent. Recently at the last Council meeting, they talked about legislation that was entered that would in essence allow them to elect one of five categories, and in particular, the category just known as "lost revenue." By designating all \$2.5M for use under the lost revenue category, it gave them the greatest flexibility in terms of how it was spent. Two things happened there: they had the ability to spend the money on any government service, but also because of the classification of lost revenue, there were many fewer reporting responsibilities and requirements.

Mr. Copley said that he would still bring up the same question that he stated at the last Council meeting. He did not think they had done enough for their safety forces when it came to hazardous duty pay. He asked that this be reviewed in October of last year and no one from the Administration had mentioned it to him, or even considered it to Mr. Copley's knowledge. At this time he was not in favor of doing anything with this legislation.

Mr. Williams said he kind of agreed with Mr. Copley. He recently had met with one of their patrolmen, who had been off because of Covid complications. He was not so sure that they shouldn't do something more for their safety forces. To Mr. Williams, it was what this money was for. There were some other issues that he was sure they could spend it on, but he did not see them addressing that either.

Mr. Copley continued that he read several articles where other communities offered \$500.00 per person to \$5,000.00 per person, and they gave them a little plastic water bottle at Christmas-time. He thought they could do a lot better with their employees from what he was hearing.

Mr. Rospert agreed with both of them. These were the men and women who were on the front lines. They were in homes and taking care of people. And yes, their job was to put their lives on the line, but many other places got Covid pay. Folks were still dealing with it and they might lose an officer due to it. He thought they should show them by giving an increased bonus or hazard pay for a period of time. This was available money and he thought it should be used that way also.

Mr. Thurber said that they did need to get the money before they decided what to do with it though. Mr. Copley said they got it in two payments. He had done the research. Mr. Thurber was glad for it.

Mr. Copley made a motion, which was seconded by Mr. Williams, to place Resolution No. 22-06 on third reading. An all in favor vote was taken and all Council members present voted in favor of the motion.  
**Resolution 22-06 advanced to third reading for the meeting of May 17, 2022.**

Mr. Darlington had one more question on Resolution No. 22-06. What he understood from all of this: they had until 2024 to decide how to spend it. Mr. Copley and Mr. Thurber said they had plenty of time.

**ORDINANCE NO. 22-034 (2<sup>nd</sup> 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 made a motion, which was seconded by Mr. Stugmyer, to place Ordinance No. 22-034 on third reading. An all in favor vote was taken and all Council members present voted in favor of the motion, with the exception of Mr. Williams and Mr. Copley. Mr. Williams and Mr. Copley voted no. **Ordinance No. 22-034 advanced to third reading for the meeting of May 17, 2022.**

**ORDINANCE NO. 22-035 (2<sup>nd</sup> 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 said that he had the opportunity to get plenty of feedback from the community, as he was sure all of them had. He believed the letters when out to the people who were affected. He'd seen some of the areas with the mark on them to be changed, taken out and replaced. In doing so, they'd also missed some places close to them. To him, there were holes in this legislation that he thought needed discussion in Public Ways. If they or the Administration had feedback, he would like to hear it.

Mr. Copley noted that he had shared an email with Mr. Williams with regard to a property at Tolbert Street where homeowners received a certified letter from the City. He wondered if he had a chance to look at it. The sidewalk slab that was marked was not even on this property; it was his neighbor's property. The individual called the Engineering Department and they blew him off, saying they would go ahead and fix it then hash it out later. That was the wrong response to one of their citizens.

Mr. Patrick responded, saying he was not sure if that was actually the response. That was what he was told, said Mr. Copley. That was what he was told, said Mr. Patrick, but he was told something different, which happened quite a bit. He reported that it had been resolved. That resident would not have to pay for it because it was not on his property. There had been a number of calls from residents and Mr. Patrick would say that they had all been addressed. There were those where an individual said that upon their review, that slab had a utility pole next to it and it could have caused the issue. They agreed, said Mr. Patrick. There had been tree issues and other items. Obviously when they had a program that touched folks and the things they would either have to do themselves or for which they would have financial responsibility. It was the resident's responsibility to maintain and improve their sidewalks. For a small percentage of people who got letters, they got calls. They were taking a look at each one of them and resolving those in the best way possible.

Mr. Copley followed up that the individual's neighbor did then get a letter that he had to do the work on the sidewalk. Was that what Mr. Patrick was saying? Mr. Patrick said he knew that the gentleman who got the letter would not have to pay for that. He did not recall exactly if the neighbor got the letter. It would be resolved. He asked them to please keep in mind, and he forgot how many sidewalks and how many blocks of sidewalk in the area that they would take a look at, that one or two would be missed. He was sure of it. Mr. Copley said it wasn't missed; it just was not on his property. Errors did come up, said Mr. Patrick, but they were being resolved as they came in.

Mr. Copley thanked Mr. Patrick and said he appreciated it.

Mr. Darlington said that he had the same sort of issue. He'd talked with Mr. Williams about it and realized it would be talked about in Public Ways. Mr. Williams asked his concern was. Mr. Darlington said one concern

was about utility poles causing problems. In this particular instance, he was called about a pole (it might have been on Tolbert) and Mr. Darlington went out and looked at it. It looked to him like it was not a hazard because it was almost behind the pole so that one would almost have to go out of their way to step on the raised part of the sidewalk. His question had to do with it not being raised that much. He looked at the ordinance and it did not specify how high the raise or settling had to be. He thought the ordinance ought to be modified so that it gave criteria as to what was a hazard and what should be replaced. It did not specifically allow for concrete grinding and they knew that it worked because he had so many comments on Summit Street after it was ground smooth. He thought the ordinance ought to be modified to talk more about what was a hazard and how it could be repaired.

The other item had to do with an appeal process. Now the appeal process was if a person felt strongly enough, they called City Hall to complain. Why, as with property taxes, was there not an appeal board? Why didn't they have an appeal board so when there was a concern, it could be appealed. Mr. Copley said that was the way it was with the alarm users, which Mr. Hiscock confirmed.

Mr. Williams said those were great points and they would address them. He asked the Law Director if he had not looked into something about a year ago. He thought it was something like two inches, but it was "up to." Mr. Morris said he had looked into it, but could not entirely remember. He recalled the two inch rule, which said by civil liability standards, it was defined as a hazard over two inches. So the primary liability would lie with the landowner. The question then became, if they knew about it, would there be secondary liability of that. It was not just what was in their ordinance, but also what was in statutory case law. He could certainly dig up that memo and get back Mr. Williams.

Mr. Williams said Public Ways would meet next Monday night and there were some issues that they needed to discuss on the legislation. They might have to amend something. They left a lot of discretion up to their Engineering Department as far as what needed to be done and what did not. Everybody was human and could make a mistake. He thought they needed some more clarity on it.

Mr. Patrick said that every resident received a nice, two-page document outlining the program. He thought a lot of the items that Mr. Darlington mentioned were outlined in that document, which was pretty thorough. It listed the height of issues – less than two inches. Three quarter of an inch was the limit of what needed replacement. There were many different items – if it was a crack, unevenness, many unevenness, etc. They had all of that in the program, but it was not all detailed in the legislation.

Mr. Darlington asked Mr. Patrick send a copy of that, and Mr. Patrick said he could sent it right now.

Again, Mr. Williams went back to the fact that they would discuss it in Public Ways and that much discretion was left to their Engineering Department. He thought they might need another process.

With no other questions or comments, Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-035 on third 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 third reading for the meeting of May 17, 2022.**

**ORDINANCE NO. 22-036 (2<sup>nd</sup> 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

The Clerk read the ordinance and Mr. Williams said that the next three ordinances had to do with the roundabout. He thought that everyone remembered how he felt at the last Council meeting about the state just telling them, “here’s the bill, pay it.” They had raised their gasoline tax and the diesel fuel tax and now they were asking for more money from them. He wanted the Administration to review each item of the next three ordinances, starting with who deemed it necessary to do the roundabout and why they were designing it that way. Then they could talk about the money.

*Ordinance No. 22-036*

Sure, said Mr. Patrick, as they had talked many times in Public Ways Committee and had presentations over probably the last five or six years. The Roundabout Project came from issues out at the signal at the intersection of Seville Road and SR-57. Many people had talked to him about the longstanding issues from when they were young people, many years ago, with the accidents and the amount of issues that had come from there throughout the years. There had been accidents through the years. They had gotten calls from people to say that they needed to do something and “take care of this.”

A study was conducted and through that process, it was determined that the best result for a fix to that intersection was to install a roundabout. There were a number of different options, but that was the best one. In turn, they took that study and sent to Columbus to give presentations in front of ODOT and the state, and applied for funding assistance for that. The City was awarded \$1.5M in safety funds for it, due to the safety issues at that location, with the best fix to be the roundabout.

Since then, Engineering commenced many discussions with the Ohio Department of Transportation. Early on they had discussions because of the cycle it took to put a project like this in place. It was a number of years – five years or so. So in looking ahead at the calendar, the City’s project was supposed to be constructed next year in 2025, he believed. However, ODOT was doing a project just south of the area on SR-57 that should have been last year. They would replace a bridge, essentially a culvert but still a bridge. A long term shut down of about three months was anticipated with impacts to the traveling public and businesses in that area. Therefore, Mr. Patrick said that they worked hard with them to try to align those projects in a way that was, they thought, very pragmatic and a good decision to have one closure there by putting the projects together.

They essentially moved the City’s project up and ODOT’s project back to make that alignment happen.

Mr. Patrick continued that they did have a few public meetings to talk about it through the process and the engineering and design. They were to have another public meeting coming up. They were waiting on these patches of legislation, which was holding up the contractor and ODOT from sitting down and getting everything signed, and determining the construction schedule. The construction schedule was originally supposed to be between June 1 and the end of October. The start date was being moved back due to this.

ODOT put the project out to bid this spring. It was an ODOT-led project with both of those projects combined together. If they recalled, they had legislation like they always did. The legislation did state that the engineer estimates were that, and the feeling was that it would be enough. However, any overages would be the responsibility of the City for this project. They did agree to that as they normally did.

The project came in over bid, which was not unusual. In talking with the ODOT District Director, it had been happening quite a bit with the large projects over the last number of months, due to all the reasons that they always heard about in the news and every day. They were all having to deal with it. The project came in at five percent over budget, overall. They had a limit for which a project could be awarded – up to seven percent. As they knew, the City had a 10 percent limit based on their codes. They were moving forward to get it done, as they knew. Their experience with previous projects such as the SR-94 Widening Project was that as time went by, the project got more expensive.

Mr. Patrick said they had been working with them. There were items that came up since then, such as the waterline component of the project, with materials of supplies. They spent of time discussing it with ODOT, to come up with a solution to make sure that component was taken care of as well. He thought they'd gotten that part taken care.

ODOT was waiting from them to pass legislation to pay the overages. The overages were the portion of the City's Roundabout Project, which came in over the bid. ODOT went through and the City went through to itemize the different components. They broke them out based on the funding that was in the budget for the different components of the project. They allocated the different overages based on each component of the project. That was what was in front of them here (Ordinance No. 22-036).

Mr. Patrick acknowledged that there was a request for additional funding from the state. They would of course love for that to happen. He did talk with a number of people. The state came back to say there was not any additional funding for this project from the state. A lot of the areas were the responsibility of the City. He did learn some more about the gas tax and the amount of funding that the state did receive, which had been reduced from what they thought. It had been allocated into many different buckets and not only the transportation sector. Almost half of the funding for the project was coming from ODOT. They did want to see the project move ahead and be completed on schedule. They wanted to see it completed as inexpensively and at the less cost as possible, and Mr. Patrick thought that was what this was.

*Ordinance No. 22-037*

Mr. Williams asked for an explanation on Ordinance No. 22-037. What was that component?

Mr. Patrick recapped that 22-036 was for the amounts from each of the departments. Ordinance 22-037 was the actual project legislation, on which the Law Director might be able to speak as well. The City's original legislation stated the total dollar amounts and the different funds that it would come through and this was a revision to that.

*Ordinance No. 22-038*

The last item, 22-038, was a warrant for the total overage amount of \$289,170. That was the invoice that the City received from the state of Ohio for the City's portion of the project that went over the engineer's estimate and the amount that the City had previously submitted. ODOT had the estimate for the project and told the City that they needed to come up with their portion of the project, to make sure they were in agreement and wanted to do this project. They City had done that. As the bids came over five percent and not knowing how much or if those bids were going to come over five percent, ODOT then sent the bill for that. The process was, if the City got a bill for something and did not have a purchase order in place and the amount was over the \$3,000 limit, then they had to come to Council for a warrant. There was no way to have any type of purchase order in place, not know if there would be any overages or what those would be. This was the third piece of legislation.

Mr. Williams asked for an explanation of the two different numbers -- \$233K and \$289K. Mr. Patrick believed that was for additional amounts that were not allocated in the budget for the project. A portion with the \$233K was already budgeted higher than what the project came in, but the full amount was the \$289K. He was saying that the City budgeted amounts in many different areas and one of those areas had sufficient, additional budget so they did not need a supplemental for the full \$289K.

Mr. Copley thought he read that an additional \$20,000 was to be taken from the Street Improvement Fund -- from the 471 account. Mr. Williams thought it was \$104K. Mr. Patrick thought it was actually a little more

than that. Mr. Copley thought \$20,000 and Mr. Williams said \$24,000, but there was another item that said \$104K that they had in Public Ways. Mr. Patrick would look it up.

Mr. Copley had a quick question regarding the ordinance that had been passed about two months ago for the Roundabout Project was \$1.5M. He recalled a not to exceed number in it. Did the state not pay any attention to that? Mr. Patrick said that the legislation passed with that language from ODOT, states that the City was guaranteeing their portion of the project. Mr. Copley thought they always had “not to exceed” a certain amount of dollars. Yes, said Mr. Patrick, on the City’s side. If they did have the not to exceed amount, it meant they had to come back to Council for any overages like they were doing now. It also stated that if there were any additional overages, the City would have to pay their share, which was why ODOT came back to them. The project came in over budget and they would have to pay for that. Just like if the City did a paving project, for example, that was on the border of the City and the Township had responsibility for their portion of the road. The City got legislation and the Township got legislation. They went out to bid and if the amount came in over, the City would go back to them to pay for that. They City would not pay for their portion of the overage, just like ODOT was not going to pay for the City’s portion of the overage.

But they had control over that, Mr. Williams said. With this, the City had no control. It was just the state saying “This is what you owe, pay us.”

Getting back, Mr. Williams had an additional problem. He asked who they talked to in the legislature, because they actually represented them and said that they could not do that. Mr. Patrick said that based on Mr. Williams’ request, he called their Ohio House Representative Sharon Ray and spoke with her. He also called and left a message with their State Senator Mark Romanchuk, but did not have the privilege to talk with him. Mr. Patrick also talked with their ODOT District 3 Director. Mr. Williams asked when Mr. Patrick had left a message with Senator Romanchuk. April 14 was Mr. Patrick’s answer. Mr. Williams said that he talked with the senator on Friday and he said that he did not know anything about this project.

Mr. Williams said that just six months ago, the Street Improvement Program and the 471 account, had been asked for \$104,748 to go into this roundabout. Clearly the traffic count, the state’s portion, was a lot higher traffic county than what the City’s portion was. They were basically telling them, “too bad.” Both sides of SR-57 with City streets were in perfect condition. They had all been paved in the last four or five years. He did not think it was in good judgment to use the street improvement program for a state project. Mr. Patrick responded that they were replacing sidewalk in the City of Wadsworth and the street improvement program money was for the improvement of pavement. But it was a brand new project, said Mr. Williams. It was not an improvement. Those streets were fine. Mr. Patrick said that the pavement would be changed and moved as part of the roundabout. New pavement would have to be put down. Mr. Williams said that he disagreed.

Mr. Rospert said that the roundabout came about before he was on Council. If he understood, it was the City’s idea and the City went to the state. The state did not say that the SR-57 comes through and they were mandating that the City put in the roundabout. Was that correct? Mr. Patrick said that was correct. Mr. Rospert said that he had some safety concerns. He knew it was a tough intersection. They had Ohio Western Reserve six miles away. There were funeral homes coming from all over. They came down SR-57 and went up Seville Road to go to that cemetery, coming from the south. They came from the west. Mr. Rospert had a concern about a single lane roundabout; he thought they would cause a bigger problem. That cemetery was gearing up to do 36 burials a day. There were 24 right now. It was something that he thought they needed to consider. It was a dangerous spot for that. It was just one thing. He went through there all the time. He drove through a lot of roundabouts and it got ugly with those situations and he wanted that safety to be part of it too. Mr. Rospert knew that many people thought the roundabout was the safest way to go, but to sit in his car with a procession of 25 cars going through roundabout. He just went through one in Copley and it was an absolute

disaster with people trying to cut in. He said it was a huge intersection for that (activity). He thought it was something to be considered as well.

Mr. Stugmyer asked about any protocols such as with blocking off the town square sometimes. Could it be blocked off to allow the procession to go through? Mr. Rospert said that their Police Department did do that for them, yes, when they were available. But he had just gone through Copley, and if there was any gap in the procession at all, the cars shot straight in. It was worse in a roundabout than in any other intersection. He had done it and it was a dangerous situation. He brought it up because he had a lot of personal experience at that intersection. That was where everyone came into, to get into that cemetery. He thought they were setting themselves up for some real dangerous situations.

Mr. Patrick said he would love to sit down and review some of those previous discussions and presentations with him, and he would invite Mr. Rospert to the public meeting when they had it. The engineering firm would be there to give a presentation and to give some more background and history. He could send the links from the previous presentations that addressed many of the issues. The roundabout was by far the safest method and solution out there. They looked at other solutions of additional lanes, additional turning lanes, or those types of methods. The issues out there that were present and had been present were due to the high speeds of SR-57, the signal, driver behavior and not wanting to wait, blind spots and those types of things. The roundabout minimizes high speed traffic so everything was slower going through. So even if there were accidents, they were at a slower speed and were more fender bender types than high speed collisions with the big injuries. They had had the big injuries in the past. But he would like to sit down and look at that more so.

They had certain individuals that had trucks of a certain width, said Mr. Patrick. So they actually expanded it. Even though ODOT specs said “this width,” they wanted to make it wider because there was additional truck traffic there, with larger trucks and they wanted to make sure they were accommodated. They listened to people who stepped forward with those items. Through the multi-engineering process, they went through those types of things. He was not sure that funeral processions were something that was taken into consideration, but could not say that it wasn’t. It was a good question for their engineering firm.

Mr. Rospert said he just knew that the intersection as getting busier and busier and it was coming from all over. He thought it was something to be cautious about.

Mr. Williams asked for other questions from Council or comments. There were none at that point.

Mr. Williams said he had been asked to suspend the three reading rule, which was seconded by Mr. Yurchiak, on Ordinance No. 22-036. A roll call vote was taken. Ayes: Hines, Darlington, Yurchiak, Stugmyer. Nays: Copley, Williams, Rospert. **Motion to suspend the three reading rule failed.**

Mr. Williams made a motion to place Ordinance No. 22-036 on third reading.

Mr. Thurber recognized Mr. Patrick, who wanted to make a comment. Mr. Patrick wanted to note that in his multiple conversations with ODOT, which maybe he did not make clear, any delays to this obligation that they had to pay these amounts were at this point delaying the project. It could ultimately delay the project from finishing on time, which could relate – and they never knew what could happen – to the end of the construction season and weather or other issue that could cause issues for the project to not be done. It could cause greater financial delays that could impact additional dollars to the City. He asked that they consider passing those so they could move forward under the obligations that they had already committed themselves to, and allow the project to move forward.

Mr. Copley seconded Mr. Williams's motion. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 22-036 advanced to third reading for the meeting of May 17, 2022.**

**ORDINANCE NO. 22-037 (2<sup>nd</sup> 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

Mr. Williams made a motion to suspend the three reading rule, which was seconded by Mr. Stugmyer, on Ordinance No. 22-037. A roll call vote was taken. Ayes: Yurchiak, Rospert, Stugmyer, Hines, Darlington. Nays: Copley, Williams. **Motion to suspend the three reading rule failed.**

Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-037 on third 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 third reading for the meeting of May 17, 2022.**

**ORDINANCE NO. 22-038 (2<sup>nd</sup> 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 to suspend the three reading rule, which was seconded by Mr. Stugmyer, on Ordinance No. 22-038. A roll call vote was taken. Ayes: Stugmyer, Darlington, Yurchiak. Nays: Rospert, Hines, Copley, Williams. **Motion to suspend the three reading rule failed.**

Mr. Williams made a motion, which was seconded by Mr. Copley, to place Ordinance No. 22-038 on third 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 third reading for the meeting of May 17, 2022.**

*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. 22-030 (3<sup>rd</sup> 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

The Clerk noted that Exhibit A was distributed to all Council members and she read the ordinance.

Mr. Williams asked for any question from Council and stated that he had one for Mr. Patrick. He asked if everything was done that needing doing in order to move forward. Mr. Patrick yes. He added that that the Medina County Park District did present to their board and they voted to move forward with the agreement and to take over maintenance responsibilities as soon the agreement was executed. Mr. Williams understood they would take possession as soon as the documents were signed. That was correct. It would be scheduled tomorrow.

Mr. Thurber noted that the City Council and especially the Administration had worked on this for well over a year. He thought it was a great thing that was happening. Mr. Williams added that the best thing was that the citizens were extremely excited about it. He could not wait to see what the County would do with their Holmesbrook Park.

Mr. Williams called the question on Ordinance No. 22-030. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Stugmyer, Hines, Darlington, Copley, Williams, Yurchiak, Rospert. **Ordinance No. 22-030 declared to have been adopted May 4, 2022.**

That concluded the legislation for the evening.

### **OTHER BUSINESS:**

#### *Redistricting*

Mr. Morris said that every 10 years pursuant to the Constitution there was a national census. The national census was a little later than normal because of Covid. They had the numbers that had been published for the City of Wadsworth, which shifted the burden to the City to make a finding that all wards were substantially equal in population and that was by ordinance. The courts had interpreted to mean that a 10 percent deviation from the ideal ward size.

To put real numbers on it, the City of Wadsworth had grown by about 2,500 people in the last 10 years. Right now, there were about 24,000 people. With four wards, that meant that each one should be targeted at about 6,000 people. All the wards they had were within about 10 percent of that 6,000, with the exception of one, which was Ward 1. Sixty-five percent of the City's growth in the last 10 years had been in Ward 1. It grew by almost 1,600 people with the Tiberon development and the other condos in that area. Ward 1 was 20 percent over their target value. That meant, by statute, they needed to rebalance it.

How did they do that? They did it by redrawing the wards boundaries. They could do it a couple of different ways. Mr. Morris had suggested one way and he put that outline in the Council's files. It would move 553 people down to Ward 2. This left Tiberon still in Ward 1, but the areas south of Tiberon between Tiberon and Ward 2 could move over to Ward 2. Upon doing that, everything would be within 10 percent.

Mr. Morris recognized, however, that this would affect their constituencies so it was important to them. He got that. It was not a legal decision. It was a political decision and he did not mean that in a pejorative way. They would have to make right by their voters. There were many possible solutions to this. He had picked the easiest one. Sometimes the easiest one was the right one and sometimes it wasn't. That was a decision that Council would ultimately have to make. If they wanted a committee or work session on it or if they wanted to use his suggestion, all of those were on the table for them. He would keep a couple of things in mind when they did that. If growth continued as it had, next time they did this in 10 years, they would not be dividing by four; they would be dividing by six. Once the City's population exceeded 25,000 people, it would expand the wards by operation of law from a four ward city to a six ward city. They might want to keep that in mind when they thought of how they were carving it up.

As far as when this needed to be done, it needed to be done 150 days before a primary. The primary was yesterday, so they had a year to complete. They had a couple of months to think about it. Mr. Morris said to let him know how and when they wanted to do and he would prepare the legislation, which was the ordinance to carve out the wards. It would be sent to the Medina Board of Elections and they would redistrict the a's, b's and c's, which was their obligation. That would perhaps change for whom people would be voting.

Mr. Copley asked if Mr. Morris had looked in the population in Ward 1a. Mr. Morris explained that the City Engineering Department was nice enough to create a program where a block on the map could be touched to show exactly how many people in that specific block and he could find out for him. He did look at Tiberon to see how many people were in there and it was 1,000. Mr. Copley said he thought it would be cleaner if they looked at 1a instead of going north of I-76. It was directly adjacent to 2b. Mr. Morris said at that point they were crossing over SR-94 and 94 wasn't (*the following word could not be heard*). Like he had said, there were a million ways to do it. He could find out exactly how much 1a was in and slide it over to Ward 2 and tack it on with 2b. It could be the easiest way of doing it. Ward 2 was their smallest ward and Ward 1 was by far the largest.

Mr. Williams asked if it needed to be a contiguous border. Mr. Morris replied that they had to touch and make sense. Normally they would want to do it by streets to be written down in an ordinance so it made sense. There could not be a little section Ward 3 over by Tiberon, for example.

Mr. Thurber appreciated the information from the Law Director. Maybe they would schedule a work session to talk through it. They had plenty of time.

#### *Recognition for Roy Boyer*

Mr. Thurber made a note that Mr. Roy Boyer passed away. He was a special guy with Wadsworth Towing who was very quiet. Mr. Thurber described him as an ordinary citizen but an extraordinary guy because he was a servant. "You could not get him to brag about a thing in his life," the Council President said, adding that if he did anything they were going to know about it! But that was not Roy. He was just a quiet guy and Mr. Copley and Mr. Hiscock could speak to what he did for the safety forces. He assisted Mr. Stugmyer with Downtown Wadsworth, putting up the porta pots and never wanted a pat on the back or anything. He was a great guy and only 58 years old.

Mrs. Hines stated that she wanted to touch on that as well. She said he didn't just help their community, but helped their neighboring communities too. He was just a good man. She extended her sympathies to his family and thanked the City's safety forces in participating in that funeral.

Mr. Rospert said that had tow trucks from 37 different companies participate. Rittman attended, Rittman Police, Wadsworth and so on. It was an incredible day and Roy was an incredible person.

Mr. Stugmyer added that it wasn't just with the safety forces. Mr. Thurber mentioned downtown and one time they had a Santa Claus sled that didn't show up for their parade. Mr. Boyer called to see if it was true. He fixed his truck up and came down there for them. He was at the "Touch a Truck" events with a slide for the kids. It wasn't just on the job that he was a special person; it was just his entire life.

Mr. Copley said that was the way he worked. That was Roy. Many times there was no charge. Absolutely, said Mr. Thurber.

Mr. Thurber asked if there was anything from the Administration.

#### *SR-57 Roundabout Project*

Mr. Patrick offered a comment, to reiterate on the Roundabout Project. Council was delaying the project and he wanted to make sure that was known. It could relate into additional charges to the City after the project was closed out. If there were any questions, he would be glad to answer those for anyone who wanted to give him a call or set up a time. He would talk to all of them about maybe doing something to

maybe get it going again before the next Council meeting.

He asked them to please understand that they had a contractual obligation to pay these amounts. It was not a matter of if they wanted to do it or not. They were way passed the eleventh or twelfth hour, he would say. Nobody liked to have additional overages, especially Mr. Patrick. They always tried to negotiate to best of the City's ability to take this seriously. A lot of folks had worked tirelessly with a lot of time in the project to make sure it was successful.

Again, Mr. Patrick encouraged them to ask any questions. He wanted to make sure they had all the information that they needed. Please understand, he said, the ramifications.

Mr. Copley asked for a copy of the study that was done, which Mr. Patrick had referenced. He had not seen it. Mr. Patrick said that there had been many studies that had taken place over many years. Mr. Copley thought he had mentioned one in the last five or six years. He had been on Council for nine years and did not recall seeing a study. Mr. Patrick said it might have been given and he might have forgotten or the study might not have been shared. But again, they'd had many discussions and public meetings. They had been talking about it in the budget. Mr. Copley said he would just like to see the study if he didn't mind. Mr. Patrick said absolutely.

Mrs. Hines wondered if Mr. Patrick could call Mr. Romanchuk again to see about additional funding. Mr. Patrick said he would be glad to do that. Mrs. Hines said it was worth a shot.

#### *City-Wide Parks Clean-Up*

Mr. Williams noted that the Parks Committee had held a City-wide parks clean-up on April 23. He was sure he would not have enough time to properly thank all of the volunteers, but he did thank them all. They had over 60 people sign-up and show up. The Parks Committee planned and supervised the clean-up of 11 parks, filling over 100 commercial size bags of trash were taken out. He understood that they filled three dump trucks, which was pretty impressive. They had corporate sponsors and he wanted to thank them. Pepsi Co. paid for the T-shirts and A-1 Sports printed them. Pepsi also paid for water. Jay's Auto Sales heard about it and they paid for lunch. Mr. Williams could not thank them enough.

The Parks Committee also coordinated with Russ Mackiewicz and Debbie Bard, who did a City-wide clean-up. Everyone knew the pockets of the town where all the trash collected. They were out with groups to pick up trash. He had no idea how many bags they collected, but knew it was a bunch.

Mr. Williams thanked the City for providing them with trash bags and gloves. Everybody had a great time and felt good about cleaning the parks in the City and could not wait to do it again. It was a great thing. Thanks to everybody, he concluded.

It was a good job, said Mr. Thurber, who entertained a motion to adjourn with no other business.

**ADJOURNMENT:** Mr. Copley made a motion to adjourn, which was seconded by Mr. Rospert. All were in favor. **The meeting was adjourned at approximately 6:35 p.m.**

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Clerk of Council

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President of Council