

MINUTES
WADSWORTH CITY COUNCIL MEETING
APRIL 18, 2023

The regular meeting of Wadsworth City Council, Tuesday, April 18, 2023, at 5:30 p.m., was held in-person at City Council Chambers.

PRESIDING: Bob Thurber, *President of Council*

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

OFFICIALS PRESENT: Mayor Robin Laubaugh, Public Safety Director Matt Hiscock, Assistant Public Service Director Mike Testa, Planning Director Jeff Kaiser (departed after public hearing), Human Resources Director Tara McCulloch, Law Director Tom Morris, Auditor Catherine Fix, Clerk of Council Tammy Guenther

VISITORS SPEAKING: *Karen Lanson, 422 Red Rock*
Rachel Lenk, 128 Second Street
Gary Goodman, 513 High Street

PRESS REPRESENTATIVES: *Mason Savoia, The Medina Gazette*

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

MINUTES: Mr. Copley made a motion, which was seconded by Mr. Stugmyer, to adopt the **Regular Council meeting of April 4, 2023**. An all-in-favor vote was taken and majority Council members present voted in favor of the motion. **THE COUNCIL MINUTES OF April 4, 2023 WERE APPROVED.**

PUBLIC HEARING: ORDINANCE NO. 23-031: AN ORDINANCE TO REPEAL EXISTING SECTIONS 154.365 THROUGH 154.368 AND TO ENACT NEW SECTIONS 154.365 THROUGH 154.373 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH REPEAL THE EXISTING HIGH STREET ARTERIAL DISTRICT AND ESTABLISHING THE HIGH STREET TRANSITIONAL BUSINESS OVERLAY DISTRICT

Mr. Thurber said Council would hold a public hearing on Ordinance No. 23-031, which would establish the High Street Transitional Overlay District.

The Clerk read the ordinance title.

The Council President asked the Planning Director Jeff Kaiser to give a summary of the proposed change.

Mr. Kaiser asked if everyone had received the handout. He said they would go through that briefly.

Mr. Kaiser said, to summarize this ordinance, the purpose was to allow certain residential uses in properties that were located on High Street, mainly between Brouse and Hall Drive, to be redeveloped to certain low impact non-residential uses because they were close to the highway, close to other commercial zoning districts in that area. Mr. Kaiser said as an overlay provision, the property still kept their underlying zoning, which in most cases was R-1 or R-3 residential. Mr. Kaiser said if a non-residential use was approved and did not make it, it could be returned to a residential use.

Mr. Kaiser said the big question was why they were doing this. He said they had looked at this (maybe the third time around) and the real reason was they were trying to address problems. The first was that all of those lots were originally developed and platted as single-family lots but over time they had been purchased, bought up, consolidated and the residential uses that might have been there before were long gone. Mr. Kaiser said in fact, a lot of the lots were own by the Now Church. There were two vacant parcels between them that once had a house. South of that was a dental / orthodontics office. Across the street was the Masonic Hall and also another dental office. Mr. Kaiser said a lot of the uses had changed but the lots were not really all that big for any type of substantial commercial development, plus there were residential uses in close proximity to the east.

Mr. Kaiser said they had looked at different solutions (outlined in the summary). The first was to do nothing and let the market determine what happened. Second option was to rezone the properties for commercial uses. Mr. Kaiser did not think that was the best option, given the fact that there were residential uses nearby and the lots themselves, even if they were consolidated, there were not many of them that would make a site that would meet any of the City's commercial district standards. Mr. Kaiser said they would probably need to create a new commercial district. The third option was to create this overlay zone which allowed certain non-residential uses that had low impacts and did not change the underlying zoning. Mr. Kaiser said that was what this did. It did allow for certain low-impact uses, primary office and professional and personal service-type uses and helped convert some of those homes that may not be desirable for residential use in the future.

Mr. Kaiser referred to table 1 on page 2, he listed conditionally permitted uses already allowed under current zoning to take place in that area versus what was proposed by this ordinance and he thought everything proposed in the overlay district was a lot less impactful than those conditionally permitted uses.

Mr. Kaiser said it also had some built-in prohibitions against high-impact uses, uses that drove a lot of traffic, created noise; restaurants, drive-thru facilities, general retail were not allowed. It also included some restrictions on the number of employees, so they were to be small scale transitional uses. Mr. Kaiser said there were restrictions that limited the floor size of this area. Mr. Kaiser said it did not really require any rebuilding, per say. He thought the intent was to take the homes and structures that were there and repurpose them. Mr. Kaiser said, obviously, they did have at least one vacant site but the overlay provisions did actively discourage new construction but, if it was required, there were limitations to so the structure would not be any bigger than some of the single-family homes there now.

Mr. Kaiser thought the ordinance was limited in geographic scope. He thought it applied to approximately nine parcels, outlined in the ordinances themselves. Mr. Kaiser noted again that these

were areas very close to C-1, C-3 and C-4 districts just a little bit to the north and allowed some of those homes to transition into other uses, especially as the corridor developed, as it was probably not a desirable area for new residential construction.

Mr. Kaiser said he would not go into any of the particular details unless there were specific questions about specific parts of the ordinances themselves. Mr. Williams noted this was very well written but if someone wanted to build something or develop something but needed a variance, would they stick to this or go to Zoning / Board of Appeals to try to get a variance for something else. Mr. Kaiser said anyone could ask for a variance if they wanted to do something the code did not allow; it did not mean they were going to get it. Mr. Williams said he understood that. Mr. Kaiser said it typically depended on the type of variance. He said typically, the Board only granted what were known as area variances. For example, if one was supposed to have a 50' setback and could only put the house 48' from the property line, the Board could review and grant that variance; they could not grant what was known as a use variance. If the code allowed for a single-family home but one wanted to put an apartment, they could not do that. If one wanted to put in an office that was three stories with 12 employees, one was changing the intended use so that would not be granted. Mr. Williams confirmed that they would pretty much still with this ordinance and Mr. Kaiser said that was correct.

Mr. Kaiser asked for any other questions about the text.

Mr. Thurber declared the Council hearing open for public comment on section 23-031. He asked if anyone in the audience wanted to speak to this particular legislation. Seeing none, Mr. Thurber asked for any other comments from Council or the Administration.

Mr. Thurber declared the public hearing for Ordinance 23-031 closed.

Mr. Thurber said per Council rules #17, Council did not vote on zoning legislation on the night of public hearing, although sometimes they did suspend. They would not be doing that this evening.

Mr. Thurber moved back to their regular agenda.

VISITORS:

Mr. Thurber invited Ms. Lanson to speak.

Ms. Karen Lanson, 422 Redrock, introduced herself. She first wanted to thank Council. She noted they went into executive session the night the ordinance was passed and she had not had a chance to say thank you to each and every one on Council and she appreciated very much their support.

Ms. Lanson said a quick update on the ordinance was that it was not being enforced in the manner Council intended, or she intended; it easily could be, but sadly was not. Ms. Lanson said they had a whole new generation of animals feeding and destroying their property. She hoped it would be enforced, but it was not.

Ms. Lanson said this made her sad. She had lived here her whole life and had always been very proud to be from Wadsworth and told people she was from Wadsworth and raised her children here. She said over the last few months she had attended multiple meetings and what she had observed

had been very eye-opening and concerning. She was concerned that the Safety Director could pick and choose which laws and ordinances he chose to enforce. She thought that was dangerous. She said something needed to change.

Ms. Lanson said she was very disturbed as she watched all of the members of Council come to the meetings prepared, informed. They took time away from their families, time away from their lives to work for Wadsworth. If a councilmember asked a question of Administration, the answer they received was “I will have to get back to you on that” or “I don’t have those numbers with me” or “I’m not sure about that, I’ll get back to you.” She said he received the agenda the same as everyone else; if someone had been that unprepared for a meeting in her job, she would have been fired.

Ms. Lanson said she had a whole list of things she was going to talk about, but it did not matter. If anyone wanted to talk to her afterwards, she said she would be happy to tell them why she was not as proud of her town as she used to be.

Ms. Lanson said she knew Robin since she was 14 years old. She respected her, looked up at her in high school, as vice president when their children were together and when she was elected Mayor, but she was surrounded by people not helping her and making Wadsworth not the viable, safe City. Ms. Lanson said they needed change.

Mr. Rachel Lenk, 128 Second Street, introduced herself. She said she agreed that they needed change. She said she was sure the City of Wadsworth’s constituents were tired of reaching out to administration and other councilmembers and being ignored, which was why she was running for Mayor. She said she was tired of the same-old, same-old. She had been here enough that they could start paying her for it. Ms. Lenk said if they were not going to do anything, like she had said in her first speech, they would elect officials who would do something. Mr. Lenk said refusing to speak out against hate, refusing to talk to their constituents, refusing to respond to a simple email and saying “hey, thanks, I got your email, we’ll get back to you;” just common, quietest little courtesies or being prepared for meetings. Ms. Lenk said she did not come prepared this time; she wanted to see what it was like, trying to be in their shoes if she was going to take their job. She said she did not like it; she wanted to be prepared, she wanted to defend the constituents of Wadsworth. She wanted to be the person they could turn to and say something to and be heard, validated and taken seriously.

Ms. Lenk said if she was going to be ignored and Robin had said to her after the last meeting she was not going to say anything denouncing hate, she would do it herself. She said Council could retire if they wanted, take it easy and she would take over now. Ms. Lenk said she did not need her full time.

Mr. Gary Goodman, 543 High Street, introduced himself. He said he was at the last session and had talked about in different parts of the country, gay and trans people who had been attacked during pride protests by other activists, not by homophobes. Mr. Goodman said this week he wanted to bring up a different issue. He said for their information, there was an activist book online called *Beautiful Trouble*. He said it had some good information in it. He said it was used in a protest in India of Bhopal and Union Carbide. One of the things he talked about was the purpose of the protest as the target was the reaction of other people and the reaction of other people could be rolling over and surrender or the overreaction. Mr. Goodman said, in particular, if one could get Nazis to show

up at a parade and yell loudly and not actually do anything but make loud threats, the drama, the media coverage and everything was – according to *Beautiful Trouble* – perfect. Mr. Goodman said it also shifted power to the protestors for a number of things; social power, media power and boosted their social standing and the ability to tell other people to shut up and also the ability to go to government officials who had power in the community and issue demands that they must do what the “victims” demanded them to do and basically weaponized government against any of their opponents, moderator or otherwise. Mr. Goodman said it could be a great tool. If he was holding a protest like that, he would try to find if there was a “1-800-Rent a Nazi.”

Mr. Thurber said that was all the speakers. He thanked them for their thoughts and comments. Mr. Thurber closed the public comments.

CORRESPONDENCE: The Clerk noted one item, a Fiscal Certificate from the Auditor Catherine Fix in regard to Ordinance No. 23-050, to verify available funds for payment of a warrant.

EXECUTIVE SESSION: Mr. Thurber announced the need for an executive session.

MOTION: Mr. Williams made a motion to hold an executive session for a conference with the Director of Law concerning disputes involving this public body that were the subject of pending or imminent court action.

Mr. Thurber explained that meant that almost everybody, but Council and Officials would be asked to leave. Individuals could right back in when they were done. They would let them know when that was. It was usually not terribly long, he said. Members of the public began to depart from the room.

Mr. Stugmyer seconded the motion.

A roll call vote was taken. Ayes: Darlington, Hines, Rospert, Stugmyer, Williams, Yurchiak. Nays: none. **Council entered executive session at approximately 5:49 p.m.**

Council adjourned the executive session and resumed the regular Council meeting at approximately 6:05 p.m.

Mr. Thurber asked the Clerk to read the legislation.

LEGISLATION:

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

ORDINANCE NO. 23-048 (1st RDG.): AN ORDINANCE TO AMEND SECTION 35.36 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO ADD THE CLASSIFICATIONS OF BUILDING AND GROUNDS CREW LEADER AND EQUIPMENT OPERATOR I IN THE PARK MAINTENANCE DIVISION AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee April 10, 2023

Mr. Williams made a motion, which was seconded by Mr. Stugmyer, to suspend the three reading rule on Ordinance No. 23-048. A roll call vote was taken. Ayes: Yurchiak, Darlington, Stugmyer,

Williams, Hines, Rospert. Nays: none. Mr. Williams called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Darlington, Stugmyer, Williams, Hines, Rospert, Yurchiak. Nays: none. **Ordinance No. 23-048 declared to have been adopted April 18, 2023.**

ORDINANCE NO. 23-049 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A 2023 SINGLE AXLE SNOW & ICE CONTROL WITH 9 FOOT WITH FRS SALT/SAND SPREADER TRUCK EQUIPMENT PACKAGE FROM HENDERSON PRODUCTS, INC. THROUGH PARTICIPATION IN A SOURCEWELL CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee April 10, 2023

Mrs. Hines made a motion, which was seconded by Mr. Stugmyer, to place Ordinance No. 23-049 second reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 23-049 advanced to second reading for the meeting of May 3, 2023.**

ORDINANCE NO. 23-050 (1st RDG.): AN ORDINANCE TO AUTHORIZE THE DRAWING OF A WARRANT IN AN AMOUNT NOT TO EXCEED \$4,515.13 FOR THE PAYMENT OF THE AMOUNT DUE UPON A CONTRACT WITH BUSINESS INFORMATION SYSTEMS, INC. AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber
- Discussed in Committee of the Whole April 18, 2023

Mr. Yurchiak made a motion, which was seconded by Mr. Rospert, to suspend the three reading rule on Ordinance No. 23-050. A roll call vote was taken. Ayes: Stugmyer, Williams, Hines, Rospert, Yurchiak, Darlington. Nays: none. Mr. Yurciak called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Williams, Hines, Rospert, Yurchiak, Darlington, Stugmyer,. Nays: none. **Ordinance No. 23-050 declared to have been adopted April 18, 2023.**

ORDINANCE NO. 23-051 (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 SAFETY NECESSITATING AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITHOUT FORMAL BIDDING AND ADVERTISING FOR THE PURCHASE OF ONE 2024 FORD E-450 LIFE LINE CUSTOM SUPERLINER AMBULANCE FROM PFUND SUPERIOR SALES COMPANY, INCORPORATED AND AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO SUCH A CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member John Yurchiak
- Discussed in Committee of the Whole April 18, 2023

Mr. Yurchiak made a motion, which was seconded by Mr. Rospert, to suspend the three reading rule on Ordinance No. 23-051. A roll call vote was taken. Ayes: Hines, Rospert, Yurchiak, Darlington, Stugmyer, Williams. Nays: none. Mr. Yurciak called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Rospert, Yurchiak, Darlington, Stugmyer, Williams, Hines. Nays: none. **Ordinance No. 23-051 declared to have been adopted April 18, 2023.**

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. 23-045 (2nd RDG.): AN ORDINANCE TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF DUAL JURISDICTION LOTS 10232 AND 10233 FROM THE EXISTING WADSWORTH TOWNSHIP R-2 RESIDENTIAL ZONING CLASSIFICATION TO THE CITY OF WADSWORTH R-1 RESIDENTIAL ZONING DISTRICT CLASSIFICATION AND TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF DUAL JURISDICTION LOTS 10234 AND 10235 FROM THE EXISTING WADSWORTH TOWNSHIP R-2 RESIDENTIAL ZONING CLASSIFICATION TO THE CITY OF WADSWORTH LDR (LOW DENSITY RESIDENTIAL) ZONING DISTRICT CLASSIFICATION AND DECLARING AN EMERGENCY

Public Hearing Set for May 16, 2023 @ 5:30 p.m., in City Council Chambers

- Sponsored by Council Member Thomas Stugmyer
- Discussed in Committee of the Whole April 4, 2023

Mr. Stugmyer made a motion, which was seconded by Mr. Williams, to place Ordinance No. 23-045 on third reading. An all in favor vote was taken and all Council members present voted in favor of the motion. **Ordinance No. 23-045 advanced to third reading for the meeting of May 3, 2023.**

ORDINANCE NO. 23-047 (2nd RDG.): AN ORDINANCE FINDING THE EXISTENCE OF A REAL AND PRESENT EMERGENCY IN CONNECTION WITH THE OPERATION AND MAINTENANCE OF THE DEPARTMENT OF PUBLIC SAFETY NECESSITATING AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITHOUT FORMAL BIDDING AND ADVERTISING FOR THE SALE OF ONE 1992 PIERCE ARROW 100' QUINT 1500/1250 AERIAL AND AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO SUCH A CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Ralph Copley
- Discussed in Committee of the Whole April 4, 2023

Mr. Yurchiak made a motion, which was seconded by Mr. Rospert, to suspend the three reading rule on Ordinance No. 23-047. A roll call vote was taken. Ayes: Yurchiak, Darlington, Stugmyer, Williams, Hines, Rospert. Nays: none. Mr. Yurciak called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Darlington, Stugmyer, Williams, Hines, Rospert, Yurchiak. Nays: none. **Ordinance No. 23-047 declared to have been adopted April 18, 2023.**

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. 23-036 (3rd RDG.): AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR IMPROVING THE PHASE 2 – SOUTHWEST PARKING LOT WITH CONCRETE PAVEMENT; INTERLOCKING PAVERS; LANDSCAPING; STORM SEWER; PRIVATE SIDEWALKS, DECKING, STEPS, PARKING AREAS, DRIVEWAYS, PATIOS, ADA ACCESSIBLE RAMPS, DOWNSPOUTS, AND LANDSCAPING; GRADING; SIDEWALK; CURBING; REPAIRS TO THE PHASE 1 – SOUTHWEST

PARKING LOT; AND OTHER SURFACE IMPROVEMENTS IN THE CITY OF WADSWORTH AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee March 13, 2023

Mr. Yurchiak called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Stugmyer, Williams, Hines, Rospert, Yurchiak, Darlington. Nays: none. **Ordinance No. 23-036 declared to have been adopted April 18, 2023.**

ORDINANCE NO. 23-041 (3rd RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A NEW WIRELESS PORTABLE LIFT SYSTEM FROM MOHAWK LIFTS LLC, THROUGH PARTICIPATION IN A SOURCEWELL CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee March 20, 2023

Mr. Darlington called the question. Mr. Thurber called for a vote. A roll call vote was taken. Ayes: Williams, Hines, Rospert, Yurchiak, Darlington, Stugmyer. Nays: none. **Ordinance No. 23-041 declared to have been adopted April 18, 2023.**

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

ORDINANCE NO. 23-031 (4th RDG.): AN ORDINANCE TO REPEAL EXISTING SECTIONS 154.365 THROUGH 154.368 AND TO ENACT NEW SECTIONS 154.365 THROUGH 154.373 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH REPEAL THE EXISTING HIGH STREET ARTERIAL DISTRICT AND ESTABLISHING THE HIGH STREET TRANSITIONAL BUSINESS OVERLAY DISTRICT

Public Hearing Held April 18, 2023 @ 5:30 p.m., in City Council Chambers

- Sponsored by Council Member Thomas Stugmyer
- Discussed in Economic Development & Planning Committee January 9 and February 13, 2023
- Approved by the Planning Commission February 13, 2023

Mr. Stugmyer made a motion, which was seconded by Mr. Rospert, to place Ordinance No. 23-031 on fifth reading. An all in favor vote has taken and all members present voted in favor of the motion. **Ordinance No. 23-031 advanced to fifth reading for the meeting of May 3, 2023.**

Mr. Thurber said that concluded the legislation for the evening.

OTHER BUSINESS:

Mr. Thurber asked if City Council had any other thoughts or questions. Mr. Thurber said he had one.

Mayor Laubaugh also indicated that she had a comment, but was unable to hear if Mr. Thurber had asked for comments from the Administration. Mr. Thurber said yes, please.

Mayor Laubaugh wanted to address quickly the young lady who had spoken that evening. Sadly, she'd gone, but the Mayor hoped that she would hear her comment back. The Mayor said she did

have the opportunity to speak with her at the Council meeting before and she had mentioned it, but wanted to reiterate publicly. Mayor Laubaugh told her that that they certainly did not condone or agree with or encourage a hate of any manner. They certainly did not want that and that was not Wadsworth. In fact, she said that they should be encouraging the initiative that the schools brought out that the City collaborated with and that was the Be Kind Wadsworth initiative. Those were the things that they should be focusing on: being kind to one another, encouraging communication and coordination, and being able to work together.

The Mayor said they certainly did not condone or agree with hate in any manner. She wanted to make sure to state that. She had a conversation before but wanted to express it publicly as well. Mayor Laubaugh said they all had expressed that last time. Mr. Thurber responded that he did not think that anyone had any doubt about that, adding “rest easy.”

Mr. Thurber had one other quick thing. If they went out and looked at the old First Merit Bank building, they would see speakers across the top. Mr. Thurber said that Mr. Stugmyer had spent hundreds of hours engineering the aluminum frames with speakers that went up there. Main Street Wadsworth paid for them, but Mr. Stugmyer paid in blood, sweat and tears, three stories up, to put those up. It was good work. They were up and running. They sounded good and would be used for events, such as probably the Fourth of July Parade coming up. He thanked Mr. Stugmyer. Lots of effort, said Mr. Thurber, and they appreciated it.

With no other thoughts, Mr. Thurber said they were adjourned. There was no objection.

ADJOURNMENT: The meeting was adjourned at approximately 6:19 p.m.

Clerk of Council

President of Council