

DRAFT MINUTES
WADSWORTH CITY COUNCIL MEETING
September 5, 2023

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

PRESIDING: Bob Thurber, *President of Council*

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

OFFICIALS PRESENT: Mayor Robin Laubaugh, Public Service Director Robert Patrick, Public Safety Director Matt Hiscock, Assistant Public Service Director Mike Testa, Law Director Tom Morris, Auditor Cathy Fix, Clerk of Council Julie Darlington

VISITORS SPEAKING: *Karen Lanson, 422 Red Rock Dr. Wadsworth Ohio, 44281*

PRESS REPRESENTATIVES: *None*

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

MINUTES: **Mr. Williams** made a motion, which was seconded by **Mr. Stugmyer** to adopt the **Regular Council meeting of August 15, 2023**. An all-in-favor vote was taken and majority Council members present voted in favor of the motion. **THE COUNCIL MINUTES OF August 15, 2023 WERE APPROVED.**

CORRESPONDENCE: *None*

OTHER:

Mr. Thurber asked **Mr. Tom Morris**, their law director, to speak about the questions regarding something new in the community.

Mr. Morris said the quadricycle, some of them may not understand what that is but have probably seen it, is that machine that is a pedal power machine that people are riding around in the community. He has been asked by the police as to what's the deal and to make sure that everything's above board. There are two aspects of it that they need to know about because they have control over both. One aspect is the open container. Under the Ohio Revised Code they are permitted, just as a limousine is, to have open containers in the back. A quadricycle is pacifically exempted for that purpose, unless they decide otherwise. If they were to decide, they don't want open containers in that type of vehicle, they do have that power specifically in the Ohio Revised Code. The second issue that they are looking at is one of how it is classified. He knew they have had that question before, particularly with Mr. Copley, "What is this vehicle classified as?" Once they get to that point, there are different rules for each. He asked if it was classified as a motor vehicle and if it is then there are certain rules. If there's an exception to that, then there'd be certain rules. There's issues as to whether or not it is classified as a bicycle, an electric bike, a low speed vehicle, an under speed vehicle or a utility vehicle. All of those things have specific definitions. That's what he is trying to sort through, to see what the officers would do with a vehicle that weighs 4000 pounds being pedaled across the High Street Bridge, that's going 20 miles an hour slower

than everybody else. If it's classified as an under speed vehicle, then they would have to have permission from them to do that, but if it's a low speed vehicle they would not. These are things he is sorting out through other law directors who have been dealing with this, trying to classify it, as well as the legal counsel for the Bureau of Motor Vehicles, so that if there is some direction, he can give it to the local business. Then they know about it and they're expecting it, if there are some other requirements. He said they do have some control over it and that's why he wanted them to be aware of it.

Mr. Thurber said very good and thanked Mr. Morris.

VISITORS:

Mr. Thurber asked if there were any citizens who would like to let them know what's on their mind, and asked them to come forward and state their name and address. He said they have two minutes.

Karen Lanson of 422 Red Rock Dr. introduced herself.

She said her name is Karen; she is not the skunk lady. She lives with her parents and next door to the skunk lady. She is not the skunk lady. She is here again because the ordinance that they had passed in Good Faith is not being enforced as to their intention and expectations. She said the night the legislation was introduced she expressed to Mr. Morris, and they have talked about it, that the ordinance needs to say enclosed bird feeders. Mr. Morris asked her if they were big trays that swing. She said yes. He said if they are not stationary, then they do not comply and are against the ordinance. Mr. Morris told her that it doesn't need to say enclosed because if it swings then it's not stationary, and the ordinance states stationary. She said that Mr. Nussbaum and Mr. Proudfoot have now decided that the ordinance doesn't work and in section "B" it says; from a stationary and off the ground hanging bird feeder. She passed around pictures that she had emailed to them last week. She said she couldn't take her mother out the back door for an appointment because there was a skunk in the yard at 10:15 in the morning. What she received back in part says; she needs to be able to prove that the nuts and seeds are being placed on the ground by a negligent party and not being knocked out of the feeder by an animal or the wind. That's what they talked about, that if it was swinging, they could be knocked out then that was against the ordinance. Now she is getting a different story that's why she is speaking again. Every time she tries to contact the City people that she is supposed to talk to about this, she is treated as a bother and a nuisance. She said it's hard for her to call and talk to someone that she knows doesn't want to talk to her. Her parents can't leave the house; there are skunks on her parent's porch and on her mother's wheelchair ramp. They can see the picture of that. She asked how she is supposed to get around her house. They still have spraying. Karen said that Debbie Conrey is there, and that her dogs in her own fenced in backyard are being sprayed. There is a man on her street on the other side of Debbie that has been sprayed twice while walking his dog on a leash. Mr. Thurber said she had 15 seconds left. She asked for them to give her some grace. Her and her neighbors were tired, they are tired of it and there tired of hearing how hard it is to enforce. She said if they worked at a job they don't go and tell their boss it's hard to do. If she told her boss it was hard to do, her boss would say figure it out or find the door. She raised two children and she taught kindergarten. They can enforce rules, there are ways to enforce rules, and if one more person tells her they have a skunk that wanders through the yard, she is going to scream. Karen said it is 3, 4, 5, 10 skunks in the same place every morning and every night because food is provided. She is begging them to please amend the ordinance to say enclosed bird feeders. They will still get a few seeds sprinkled but it wouldn't be the tons that are poured out. She would also like to ask for them to change the enforcement official. She feels that this is not Mr. Nussbaum's thing. She asked them to please find someone else who does this. She thanked them for listening and said if anyone has questions, she would be happy to talk to them.

Mr. Thurber explained to the audience and those at home listening, why they were not engaging with Karen that evening. They don't deliberate that evening, but will later and talk about it. They will figure out what they should do and let her know. They will have dialogue together. He asked if anyone else would like to come forward and add anything to that. He said if not, he would assume she agrees.

Mr. Thurber asked the Clerk to read the legislation.

LEGISLATION:

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

ORDINANCE NO. 23-083 (2nd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE A NEW 13 YARD PAC-MAC RLM SERIES REAR LOADER INCLUDING ALL STANDARD SPECIFICATIONS AND OPTIONS AS INCLUDED IN THE QUOTE FROM BELL EQUIPMENT COMPANY THROUGH PARTICIPATION IN A SOURCEWELL CONTRACT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Forwarded by Public Service Committee August 21, 2023

Mr. Darlington made a motion, which was seconded by Mr. Williams, to move Ordinance No. 23-083 to third reading. All in favor vote was taken and all Council members voted in favor of the motion **Ordinance No. 23-083 was advanced to third reading for the meeting of September 19, 2023.**

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

ORDINANCE NO. 23-085 (1st RDG) AN ORDINANCE TO MAKE A SUPPLEMENTAL APPROPRIATION OF \$32,000.00 IN THE 602 – STORMWATER FUND FOR PURPOSES OTHER THAN PERSONAL SERVICES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Discussed at Committee of The Whole September 5, 2023

Mr. Darlington made a motion which was seconded by Mr. Stugmyer to suspend the three reading rule on Ordinance No. 23-085. A roll call vote was taken. Ayes: Hines, Williams, Rospert, Copley, Yurchiak, Darlington, Stugmyer. Nays: None. Mr. Darlington called the question. Mr. Thurber called for a vote. Ayes: Williams, Rospert, Copley, Yurchiak, Darlington, Stugmyer, Hines. Nays: none. **Resolution No. 23-085 declared to have been adopted September 5, 2023.**

ORDINANCE NO. 23-086 (1st RDG) AN ORDINANCE TO MAKE A SUPPLEMENTAL APPROPRIATION OF \$4,000.00 IN THE 238 – LAW ENFORCEMENT TRUST FUND FOR PURPOSES OTHER THAN PERSONAL SERVICES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023 AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Ralph Copley
- Discussed at Public Safety August 16, 2023

Mr. Copley made a motion which was seconded by Mr. Williams to suspend the three reading rule on Ordinance No. 23-086. A roll call vote was taken. Ayes: Williams, Rospert, Copley, Yurchiak, Darlington, Stugmyer, Hines. Mr. Copley called the question. Mr. Thurber called for a vote. Ayes: Rospert, Copley, Yurchiak, Darlington, Stugmyer, Hines, Williams. Nays: none. **Resolution No. 23-086 declared to have been adopted September 5, 2023.**

ORDINANCE NO. 23-087 (1st RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PROVIDE WATER SERVICE TO THE PROPERTY LOCATED AT 8730 HARTMAN ROAD (PARCEL 038-17B-21-016) IN WADSWORTH TOWNSHIP AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Discussed at Public Service August 21, 2023

Mr. Darlington made a motion, which was seconded by Ms. Hines, to move Ordinance No. 23-087 to second reading. All in favor vote was taken and all Council members voted in favor of the motion **Ordinance No. 23-087 was advanced to second reading for the meeting of September 19, 2023.**

ORDINANCE NO. 23-088 (1st RDG) AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE WOLF AVE. IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Discussed at Public Service July 17, 2023

Mr. Darlington made a motion, which was seconded by Mr. Copley, to move Ordinance No. 23-088 to second reading. All in favor vote was taken and all Council members voted in favor of the motion **Ordinance No. 23-088 was advanced to second reading for the meeting of September 19, 2023.**

ORDINANCE NO. 23-089 (1st RDG) AN ORDINANCE TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF CITY LOT 10243 FROM WADSWORTH TOWNSHIP I-1 LIGHT INDUSTRIAL CLASSIFICATION TO I-1 LIGHT INDUSTRIAL DISTRICT CLASSIFICATION OF THE CITY OF WADSWORTH AND DECLARING AN EMERGENCY

- Sponsored by Council Member Tom Stugmyer
- Discussed at Planning Commission August 14, 2023

Mr. Stugmyer made a motion which was seconded by Mr. Williams to suspend the three reading rule on Ordinance No. 23-086. A roll call vote was taken. Ayes: Rospert, Copley, Yurchiak, Darlington, Stugmyer, Hines, Williams. Mr. Stugmyer called the question. Mr. Thurber called for a vote. Ayes: Copley, Rospert, Williams, Hines, Yurchiak, Darlington, Stugmyer. Nays: none. **Resolution No. 23-089 declared to have been adopted September 5, 2023.**

ORDINANCE NO. 23-090 (1st RDG) AN ORDINANCE AUTHORIZING THE SUBMISSION OF A PETITION TO THE BOARD OF COUNTY COMMISSIONERS OF MEDINA COUNTY, OHIO REQUESTING A CHANGE IN THE BOUNDARY LINES OF PARDEE TOWNSHIP TO MAKE SAID BOUNDARY LINES IDENTICAL WITH THE CURRENT CORPORATE LIMITS OF THE CITY OF WADSWORTH AND DECLARING AN EMERGENCY

- Sponsored by Council Member Tom Stugmyer
- Discussed at Committee of The Whole September 5, 2023

Mr. Stugmyer made a motion which was seconded by Mr. Williams to suspend the three reading rule on Ordinance No. 23-090. A roll call vote was taken. Ayes: Yurchiak, Darlington, Stugmyer, Hines, Williams, Rospert, Copley. Mr. Stugmyer called the question. Mr. Thurber called for a vote. Ayes: Darlington, Stugmyer, Williams, Hines, Rospert, Copley, Yurchiak. Nays: none. **Resolution No. 23-090 declared to have been adopted September 5, 2023.**

ORDINANCE NO. 23-091 (1st RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE THE 2023-2028 FIXED VOLUME ENERGY SUPPLY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. (“AMP”) AND DECLARING AN EMERGENCY

- Sponsored by Council Member Bruce Darlington
- Discussed at Public Service August 21, 2023

Mr. Darlington made a motion which was seconded by Mr. Williams to suspend the three reading rule on Ordinance No. 23-091. A roll call vote was taken. Ayes: Copley, Yurchiak, Darlington, Stugmyer, Rospert, Williams, Hines. Mr. Darlington called the question. Mr. Thurber called for a vote. Ayes: Rospert, Williams, Hines, Copley, Yurchiak, Darlington, Stugmyer. Nays: none. **Resolution No. 23-091 declared to have been adopted September 5, 2023.**

ORDINANCE NO. 23-092 (1st RDG) AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE MEMORIAL AND DURLING PARK ATHLETIC COURT IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY

- Sponsored by Council Member Dave Williams
- Discussed at Public Ways

Mr. Williams made a motion which was seconded by Mr. Copley to suspend the three reading rule on Ordinance No. 23-092. A roll call vote was taken. Ayes: Rospert, Copley, Yurchiak, Darlington, Stugmyer, Hines, Williams. Mr. Williams called the question. Mr. Thurber called for a vote. Ayes: Stugmyer, Darlington, Yurchiak, Copley, Rospert, Williams, Hines. Nays: none. **Resolution No. 23-092 declared to have been adopted September 5, 2023.**

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

OTHER BUSINESS:

Mr. Thurber acknowledged **Mr. Williams**

Mr. Williams said tonight they had discussed in the Committee of The Whole and a lot of talk has been in the community about a DORA, or a Designated Outdoor Refreshment Area. They decided they are going to move that forward to the appropriate committees. He said if the community would like to give their opinion to them, they can reach out to them individually or could call the Council office at 330-335-2759. He said thank you.

Mr. Thurber asked if anyone else had any thoughts or questions. No one did. He thanked Mr. Hiscock, for leading a contingent of people through the new fire station last week. It was excellent and the first time he had a chance to see it. It was extraordinary and wanted to thank him for that and also appreciated it. He said it was wonderful to see a project like that on time and on budget. That is always good for a guy like him to see. He thanked him for that. Mr. Thurber knew that everybody else had already seen it once or twice, but he thought it was really nice. He asked if there was anything else. There was not.

ADJOURNMENT: Mr. Thurber made that motion, which was seconded. The meeting was adjourned at approximately 6:20 p.m.

Clerk of Council

President of Council