

DRAFT MINUTES
WADSWORTH CITY COUNCIL MEETING

Meeting held remotely through Videoconferencing per HR 197

May 7, 2020

Special meeting of Wadsworth City Council, Thursday, May 7, 2020, at 3:30 p.m., was held through means of electronic video conferencing due to the “Stay at Home” Order limiting public gatherings. City Hall was not open to the public for this meeting. The meeting was broadcast live on CityLink Channels 17 & 329; live on Spectrum Channel 1024; and streamed live on www.WatchWCTV.com. The recorded meeting can also be viewed at www.WatchWCTV.com.

PRESIDING:

Bruce Darlington, *President Pro Tem of Council*

MEMBERS OF COUNCIL PRESENT:

Ralph Copley, Patty Haskins, Jeanne Hines, Tom Stugmyer, David Williams, Jon Yurchiak

OFFICIALS PRESENT:

Mayor Robin Laubaugh, Director of Public Service Robert Patrick, Director of Public Safety Matt Hiscock, Auditor Catherine Fix, Economic Development Director Jim Gray, Planning Director Jeff Kaiser, Director of Law Director Tom Morris, Clerk of Council Tammy Guenther

OTHERS PRESENT:

*Attorney Michael Thompson, Henderson, Covington, Messenger, Newman & Thomas, Co., LPA, Youngstown
Agent for petitioner of proposed 81.9108 acre annexation*

Mr. Darlington called the meeting to order at approximately 3:30 p.m. The Clerk of Council called the roll. Mr. Darlington explained that after Ms. Guenther read the legislation, they would open it for discussion before they had the vote.

LEGISLATION:

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

RESOLUTION NO. 20-18 (2nd RDG.): A RESOLUTION PURSUANT TO DIVISION (C) OF SECTION 709.023 OF THE OHIO REVISED CODE STATING WHAT SERVICES THE CITY OF WADSWORTH WILL PROVIDE AND AN APPROXIMATE DATE BY WHICH IT WILL PROVIDE THEM TO THE TERRITORY PROPOSED FOR ANNEXATION BY THE PETITION OF SALAMAR REAL ESTATE, LTD., RICHARD K LEWIS AND BETTY A. LEWIS, AS TRUSTEES, TROY A. CRISLIP AND MARY ANN CRISLIP FOR AN EXPEDITED TYPE 2 ANNEXATION OF 81.908 ACRES FROM THE TOWNSHIP OF WADSWORTH TO THE CITY OF WADSWORTH UPON ANNEXATION AND STATING THAT IF SAID TERRITORY IS ANNEXED AND BECOMES SUBJECT TO ZONING BY THE CITY OF WADSWORTH AND THE MUNICIPAL ZONING PERMITS USES IN THE SAID TERRITORY THAT THE CITY OF WADSWORTH DETERMINES ARE CLEARLY INCOMPATIBLE UNDER THE USES PERMITTED UNDER CURRENT TOWNSHIP ZONING REGULATIONS IN THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP FROM WHICH SAID TERRITORY WAS ANNEXED, THE LEGISLATIVE AUTHORITY OF THE CITY OF WADSWORTH WILL REQUIRE, IN THE ZONING ORDINANCE PERMITTING THE INCOMPATIBLE USES, THE OWNER OF THE SAID ANNEXED TERRITORY TO

PROVIDE A BUFFER SEPARATING THE USE OF THE SAID ANNEXED TERRITORY AND THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP

- Sponsored by Council Member Thomas Stugmyer

Ms. Guenther read the title of the resolution and Mr. Darlington asked for questions from Council.

Mr. Morris mentioned one issue he wanted to verify with Mr. Thompson regarding the actual acreage, which he understood to be 81.9108 acres. **Mr. Thompson** said that was correct. He had double-checked it with the engineers that afternoon at the request of Wadsworth Paralegal, Ms. Fisher. Mr. Darlington understood that they needed to amend the resolution. Mr. Morris said it would have to be amended to have the proper acreage on it, which should be 81.9108, not 81.908. Mr. Darlington said they would amend it before they voted on it. The sponsor, **Mr. Stugmyer** verified the exact acreage again with Mr. Morris.

Mr. Morris offered to go over annexations a little bit since some of the members had not heard the information, and it was always good to hear again for those who had. The proposed annexation was a Type 2 annexation, which was a joint annexation with Wadsworth Township and the City. Once they received the application, which was, in this case, received on April 16, the statute required the City to do some things. One of those was to do a resolution on services, within 20 days of receiving the application. The resolution on services was, *if* the land was annexed, what type of services were available. What it was looking for was whether there was a situation where there was some topography – a giant swale, for example – that might prevent a sewer to be installed. They wanted to know issues before an annexation would even come up. Voting on the resolution was not a vote on the annexation. It was just a requirement as to what services would be or could be provided if it was passed. The information was already provided to Council pursuant to statute, by Mr. Patrick and Mr. Hiscock. They had to have it done. The 20th day had just passed, so they wanted to get it done as soon as possible. The next step was that the resolution went to the county commissioners. Once they did their portion of it, the petition came back to the City, and as the statute read, it was laid before Council. At that point, they could either reject the annexation, and there would be no annexation, or they could accept the annexation. If the annexation was accepted, there was then a zoning step as to how the City would zone the property and what type of buffers were need. That was down the road.

This first step was mandated by statute. Mr. Morris appreciated everybody coming back so soon.

Mr. Williams asked Mr. Morris to explain the other types of annexations and processes. Mr. Morris said he would do what he could. As the Law Director, he'd only ever had Expedited Type 2 and those were the ones that tended to be utilized those days. Some of the annexations involved all the owners of the property wanting to be part of the annexation. Townships, under previous forms, had the right to object to an annexation, which led to squabbles occasionally. There was no right to object with the Type 2s because both sides benefited from the taxation. The other types of annexations could involve bringing people in who did not necessarily want to come in to the City. Those were subject to referendum, subject to votes. Those were Type 1 annexations. There were annexations where the City owned the property and that speeds it up. Mr. Morris said he was by no means an expert on annexations at that time, but those generally were the types.

Mr. Kaiser offered that at the next Economic Development & Planning Committee meeting they would discuss the different types of annexations again, of which he thought there were about five. They would talk about the various steps in the processes from the time it went before the county commissioners first to

adoption of zoning. There were new members and he thought it would be a good refresher for everyone to understand the types of annexations as well as what the procedures might be.

Mr. Williams pointed out for the new members that there was a revenue sharing aspect with the Township. They got a portion of the taxes and the ground that the structures were on top. They shared some of the revenue with their Township.

Mr. Morris asked for further questions. He was always available and if he did not have the answers, he could certainly do the legal research to get them where they wanted to be. The resolution on services was the first step in this process and it was always good to hear from them to talk through any issues. He added that the statute was not very well written.

Mr. Darlington asked Mr. Thompson if he had anything he would like to say to Council. Mr. Thompson said he did not. He just preferred to attend when the client's application was before a body in case there were questions for him. They would hear from him in the course of the process and he did not want to burden them when it was not very necessary. One comment, however, was that the client he represented was certainly aware of the obligations of a developer in terms of the costs of putting things in. Nothing in the resolution would be a surprise to them or would be something on which they would come back with serious issues later.

Mr. Darlington thanked him and asked for any other questions from Council before they went to the amendment and the vote. He asked again for questions and hearing none asked Mr. Stugmyer for a motion.

Mr. Stugmyer asked whether he should read the title in its entirety. Mr. Morris asked him to insert the right number for that sentence.

Mr. Stugmyer made a motion, which was seconded by **Ms. Haskins**, to amend Resolution 20-18, for an Expedited Type 2 annexation to change from what it current reads, "81.908 acres," and to amend it to "81.9108 acres" from the Township of Wadsworth to the City of Wadsworth. An all in favor vote was taken and all Council members present voted in favor of the motion. **Resolution No. 20-18 was amended.** Mr. Stugmyer made a motion, which was seconded by Ms. Haskins, to suspend the three reading rule on Amended Resolution No. 20-18. A roll call vote was taken. Ayes: Darlington, Stugmyer, Yurchiak, Copley, Haskins, Williams. Nay: Hines. Mr. Stugmyer called the question. Mr. Darlington called for a vote. A roll call vote was taken. Ayes: Stugmyer, Yurchiak, Haskins, Darlington. Nay: Hines, Copley, Williams. **Amended Resolution No. 20-18 declared to have been adopted May 7, 2020.**

OTHER BUSINESS AND/OR COMMENTS OF COUNCIL MEMBERS OR OFFICIALS

None

ADJOURNMENT: Mr. Copley made a motion to adjourn. Mr. Stugmyer seconded. All were in favor. Special Council meeting of May 7, 2020 was adjourned at approximately 3:44 p.m.

Clerk of Council

President of Council