

This Regular Meeting of Council was called to order on Monday, January 8, 2018 at 9:04 p.m. by John Ruediger, Council President.

PRESENT: Jon Hannan, Chuck Kocisko, Bridget Pavlick, Carmen Laudato, Julie Field, John Ruediger

ABSENT: Jessica Timmons

ALSO PRESENT: Glenn Broska, Mayor  
Paul Janis, Law Director  
Robert Reinholz, Fire Chief  
Darin Powers, Police Chief  
Jenny Esarey, Finance Director  
Joe Ciuni, City Engineer  
Bill Miller, Service Director  
John Cieszkowski, Planning Director  
Rob Peters, Economic Development Director  
Greg Mytinger, Parks and Recreation Director  
Shawna Lockhart-Reese, HR Manager  
Caroline Kremer, Clerk of Council

**MOTION: TO EXCUSE MS. TIMMONS.**

Moved by Mr. Hannan, seconded by Mrs. Pavlick. Upon voice vote, **motion carried.**

**Disposition of Minutes**

**MOTION: TO ACCEPT THE SPECIAL COUNCIL MEETING MINUTES OF DECEMBER 21, 2017 AS PRESENTED.**

Moved by Mrs. Field, seconded by Mrs. Pavlick. Upon voice vote, **motion carried.**

**Citizens' Comments**

None.

**Introduction of Legislation Containing Statement of Emergency**

T-6433 Ordinance Finding the Land Uses at 9080 SR 14 are Legal Nonconforming Uses was not forwarded from tonight's Service Committee Meeting.

T-6434 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE OF THE CITY'S ANNUAL REQUIREMENTS FOR PLOW BLADES DURING 2018, AND DECLARING AN EMERGENCY IN ORDER TO PERMIT THE WORK TO BEGIN AS SOON AS POSSIBLE.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Mrs. Field, seconded by Mrs. Pavlick. Upon roll call, **motion carried 6-0.**

**MOTION: TO ADOPT ORDINANCE NO. 2018-01.**

Moved by Mrs. Field, seconded by Ms. Laudato. Upon roll call, **motion carried 6-0.**

T-6435 Construction Agreement for Meadow View Phase 7 was not forwarded from tonight's Service Committee Meeting.

T-6436 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH VERIZON WIRELESS SERVICES LLC FOR CELLULAR TELEPHONE AND WIRELESS DATA COMMUNICATIONS SERVICES FOR THE VARIOUS DEPARTMENTS OF THE CITY DURING 2018; AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Mrs. Field, seconded by Mr. Hannan. Upon roll call, **motion carried 6-0.**

**MOTION: TO ADOPT ORDINANCE NO. 2018-02.**

Moved by Mrs. Field, seconded by Mr. Hannan. Upon roll call, **motion carried 6-0.**

T-6437 AN ORDINANCE CONSENTING TO THE ALTERATION OF THE STATE ROUTE 14 BRIDGE OVER THE CUYAHOGA RIVER, IN THE CITY OF STREETSBORO, BY THE OHIO DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE TO COOPERATE WITH THE DIRECTOR OF TRANSPORTATION IN COMPLETION OF THE IMPROVEMENT; AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT OR CONTRACTS WITH THE STATE OF OHIO FOR THE PURPOSE OF CONTRIBUTING THE CITY'S SHARE OF THE COSTS THEREFOR, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE HIGHWAY IMPROVEMENT PROJECT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Mrs. Pavlick, seconded by Mr. Hannan. Upon roll call, **motion carried 6-0.**

**MOTION: TO ADOPT ORDINANCE NO. 2018-03.**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion carried 6-0.**

T-6438 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH HALL PUBLIC SAFETY CO., INC. FOR THE PURCHASE OF THE

CITY'S REQUIREMENTS FOR PUBLIC SAFETY VEHICLE UPFIT EQUIPMENT MAINTENANCE, REPAIRS AND MODIFICATIONS DURING 2018; AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Mr. Hannan, seconded by Mrs. Pavlick. Upon roll call, **motion carried 6-0.**

**MOTION: TO ADOPT ORDINANCE NO. 2018-04.**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion carried 6-0.**

T-6439 AN ORDINANCE DECLARING THE CITY-OWNED POLICE DOG "BO" NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AUTHORIZING ITS TRANSFER TO A NEW OWNER WILLING TO CARE FOR THE DOG IN ITS "RETIREMENT," AN DECLARING AN EMERGENCY IN ORDER TO PROCEED WITH THE TRANSFER AS SOON AS POSSIBLE.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Mrs. Field, seconded by Ms. Laudato. Upon roll call, **motion carried 6-0.**

**MOTION: TO ADOPT ORDINANCE NO. 2018-05.**

Moved by Mrs. Field, seconded by Ms. Laudato. Upon roll call, **motion carried 6-0.**

T-6440 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH CREATIVE MICROSYSTEM, INC. dba CMI FOR THE PURCHASE OF COMPUTER SERVER HARDWARE AND SOFTWARE MAINTENANCE SERVICES FOR THE FINANCE DEPARTMENT DURING 2018, AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Mrs. Field, seconded by Mrs. Pavlick. Upon roll call, **motion carried 6-0.**

**MOTION: TO ADOPT ORDINANCE NO. 2018-06.**

Moved by Mrs. Field, seconded by Mr. Hannan. Upon roll call, **motion carried 6-0.**

**First Reading**

None.

**Second Reading**

None.

**Third Reading**

T-6427<sup>amended</sup>

AN ORDINANCE ENACTING NEW SECTION 1151.32 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE) OF THE CODIFIED ORDINANCES RELATING TO REGULATION OF MEDICAL MARIJUANA USES IN ALL ZONING DISTRICTS, AND TERMINATING THE EXISTING MORATORIUM ON MEDICAL MARIJUANA PERMITS AND AUTHORIZATIONS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE..

Clerk read by title as directed for third reading.

**MOTION: TO ADOPT ORDINANCE.**

Moved by Mrs. Field, seconded by Mr. Hannan. Upon roll call, **motion failed with Mrs. Field – Yes, Mr. Hannan – Yes, Mrs. Pavlick – Yes, Ms. Laudato – Yes, Mr. Kocisko had recused himself from the subject from the beginning, Mr. Ruediger – No.** [Five of 7 votes were needed to pass this since it was amended from what Planning Commission had submitted.] There could be a motion for Reconsideration (made by someone on the prevailing side) at the next meeting when Ms. Timmons could be present.

Mrs. Field asked, if there were no zoning regulation in place with this failing, could someone come in and do medical marijuana? Mr. Janis said yes, that’s why the next item was on the agenda to extend the medical marijuana moratorium to protect the City from the eventuality that just happened (the final regulations did not pass). Only four votes were needed to pass T-6428 which would extend the moratorium.

T-6428

AN ORDINANCE EXTENDING, BY SIXTY (60) DAYS, THE TEMPORARY MORATORIUM ON THE ISSUANCE OF PLANNING, ZONING AND BUILDING PERMITS, APPROVALS AND CERTIFICATES RELATED TO MEDICAL MARIJUANA BUSINESSES AND LAND USES ENACTED PURSUANT TO ORDINANCE NOS. 2017-81, 2017-111 AND 2017-124.

Clerk read by title as directed for third reading.

**MOTION: TO ADOPT ORDINANCE.**

Moved by Ms. Laudato, seconded by Mrs. Field. Upon roll call, **motion failed with Ms. Laudato – No, Mrs. Field – Yes, Mr. Hannan – No, Mrs. Pavlick – Yes, Mr. Kocisko – recused himself, Mr. Ruediger – No.** Mrs. Field summarized that now there were no zoning guidelines because that was just voted down and Council had also not extended the moratorium, so now “it is the Wild Wild West for pot.” But Mr. Ruediger said the State was not giving out any more permits, and the deadline had already passed for the person that had spoken to Council recently about a medical marijuana distribution store in Streetsboro. Mrs. Field was not comfortable with no regulations. Mr. Ruediger said the State had already given out the two permits allowed in our tri-county area. Mrs. Field responded that the State didn’t even legally

have the ability federally to put permits out, so they could change their mind at any time and put out more permits. She couldn't believe that the City wouldn't put some type of regulations in place and if the Council Members knew the regulations hadn't passed, why they wouldn't want to continue the moratorium. Ms. Laudato said she would be willing to talk about what the Planning Commission had initially recommended. Mr. Janis clarified for Mr. Ruediger that he thought the existing moratorium would expire on February 8, 2018. Mrs. Field commented that there had been a Special Council Meeting on Thursday, December 21, 2017 that she had attended along with other Council Members to make sure that this would get done for this meeting because there was a time limit. She was shocked and disappointed tonight and felt Council should protect its residents, but Mr. Ruediger felt it was a moot point because the State was not giving out any permits. Mrs. Field said other cities around Streetsboro (like Kent and Aurora) had taken action to prohibit medical marijuana, but Mr. Ruediger and Ms. Laudato noted there were some cities, like Ravenna, that were allowing it. Mr. Cieszkowski mentioned that the State statute allowed the State, based upon demand, to increase the number of permits for any type of facility. Mr. Ruediger added that couldn't start until September 8, 2018.

Ms. Laudato said it came down to personal feeling on this issue. She understood it was a controversial issue and had talked about it with a lot of people in the community. She understood the Kocisko family had lost someone close to them recently but she had seen firsthand the positive benefits of medical marijuana with her sister-in-law who suffered with pain. Ms. Laudato thought this issue would eventually come up on a national level; they already do this other countries for a specific applicable use and people needed to be open minded about it.

Ms. Laudato commented that people were fine with people filling prescriptions for Percocet and Vicodin. She did some research to see if there had been a decrease in opioid deaths in Colorado since they allowed medical marijuana and there had been a 6.5% decrease.

Mrs. Field wasn't going to dispute that there may be benefits to medical marijuana but she was looking at this to see if it was good for the residents of Streetsboro to have these dispensaries and deal with the transfer of cash, etc., and she did not think it was. She was disappointed.

As a law enforcement officer, Chief Powers' concern wasn't whether marijuana was medically helpful or not, his concern was that marijuana was still a Schedule 1 drug according to the federal government and still illegal and the Attorney General had just said they would lift the previous administration's "blinders" about marijuana. National wide the dispensaries had to deal with cash only because the banks weren't allowed to deal with them, which would cause a lot of cash on hand for these dispensaries. There were a lot of other issues that came up because the federal government hadn't legalized it or allowed the states to legalize it. It was a controversy whether this was a federal issue or a state issue. But while it was still illegal from the federal government, that gave the DEA and FBI the opportunity to come in and do things the local or state law enforcement couldn't do, which put everyone in a bind as to what they could do with these dispensaries. He thought the federal government might start cracking down on some of this in some of the other states where it's been legalized. He recommended this be revisited again before September.

Chief Powers said a cash only business was a huge target. And even if they provided their own security, the Police Department would have to get involved if the business was robbed and this was a safety concern that needed to be considered when deciding about bringing such a business into the City.

Mr. Ruediger commented that the gentleman that was here before to talk about bringing a dispensary to Streetsboro had said there were banks that would work with them, but Chief Powers said that gentleman had told him they were trying to make arrangements with a bank but still had plans to deal in cash if they had to because they still weren't sure if they had a bank.

Mr. Ruediger was glad the Attorney General had decided to “take off the blinders” because Mr. Ruediger thought that would cause states to force the government’s hand to re-look at the issue and make a ruling since there were 41 states interested in this. Chief Powers was looking for some clarity from the government.

Chief Reinholz said there were only 8 states in the US that had medical marijuana legal for medical use, recreational use was different and was allowed in California and Colorado. He said in his 40 years in the fire service he’d seen a lot of people hurt or killed from drunk driving and often the drunk person walked away. He understood medical marijuana helped people, but then people will want to allow recreational marijuana too and recreational marijuana was also mind altering and led to harder drugs and people would try to drive under the influence. He said Colorado that allowed medical marijuana has had an increase in traffic accidents. These accidents/deaths affected the whole family not just the ones in the vehicle. Chief Reinholz was passionate about this issue because he had seen it and he’d seen the aftermath. From a public safety point of view he’d seen what alcohol could do and couldn’t believe people wanted to allow recreational marijuana, a Level 1 federal drug, because it was nothing but disaster.

Ms. Laudato said she had only researched and was only considering medical marijuana, not recreational marijuana. Mr. Ruediger commented that it wasn’t up to Council to decide whether or not it should be legal, but to decide whether or not to accept the changes to the recommendations presented by the Planning Commission. The other question was whether or not to extend the moratorium by another 60 days.

Mrs. Field questioned the Council Members that did not vote for the moratorium extension when they knew T-6427 for medical marijuana regulations had not passed, wouldn’t they want the moratorium in place so Council could go back and work on the text amendments? Now there was no moratorium (after the current one expired) and there were no regulations; this did not make sense to her. She said it wasn’t about whether medical marijuana worked or not, it was about what was going to be best for the City of Streetsboro and for our community. Ms. Laudato said she based her vote on feedback from people who said they wanted this in Streetsboro. Mr. Ruediger said he had talked to a lot of people outside of the meetings and had not heard a single person say they weren’t for it. Mrs. Pavlick said she’d talked to a lot of people that did not want it. Mrs. Field said she didn’t know one person (other than a few on Council) who would want this.

Mrs. Field asked if anyone would move to reconsider the moratorium vote tonight. No one spoke up so Mr. Ruediger moved on to the next agenda item.

### **Liquor License Request**

Mrs. Kremer said this request just arrived in the mail on Wednesday as she was putting the packets together so she included it on the agenda for Council to consider if they wanted to consider a hearing or not on this application. It wasn’t clear if the Fairfield Inn was building a bar or just wanted to have alcohol available for small receptions for its guests. Mayor Broska said if the alcohol was happening inside the hotel, then it was less likely there would be drinking and driving. Council determined to take no action on this liquor license request.

### **Mayor’s Report**

Mayor Broska said at the last Service Committee there was some discussion regarding a solution for the Jim’s Open Kitchen issue. Expanding upon something brought up at the last Master Plan Review Commission regarding a Downtown District, Mr. Peters, Mr. Cieszkowski and the Mayor met and the Mayor also met Ms. Laudato and Mr. Ruediger. They wanted to begin the process of creating a Downtown District as indicated on the attached map. It would primarily feature the occupancies or permitted uses we have now and add a residential factor. He said the residential would not be on the first floor. There was still a lot to work out, i.e. how many units

per acre or limiting the square footage. He said the characteristics of the Downtown District would be controlled through planning tools in the zoning code so it would be a consistent design and would enhance the downtown. He wanted it to be walkable and be a true downtown. He wanted to introduce this to Council and then have the administration work on it, then it would go to the Planning Commission and then to Council. He hoped to have this in place before too long, but they wanted to get it right the first time.

Mrs. Pavlick asked how this Downtown District was different from the Commercial Development Corridor. Mayor Broska clarified the Downtown District would go to Superior Avenue to the east and to the Market Square intersection to the west, not all the way to Shady Lake so it would be a limited, highly controllable area. Mayor Broska said this was a brand new zoning code that Mr. Peters and Mr. Cieszkowski had discussed.

Mayor Broska said they wanted to get this right the first time. It was something they would put a lot of work into; there would be design and development standards because some day someone may want to buy the whole island or redo the Plaza area and they wanted to make sure standards were in place. He said the best way to stop zoning problems was to stop them before they became problems.

Mr. Cieszkowski said they had thought about starting to work on zoning text that could be applied to what's been identified in the previous Comprehensive Plan as the Downtown District and also discuss as part of the 2018/19 Master Plan Update with the new Master Plan Review Commission the proposed increased boundaries of the Downtown District.

Mrs. Field wondered what kind of housing might be considered for this Downtown District area. Mayor Broska said there would be no ground floor housing; it would be similar to what Kent has with bars, restaurants and shops on the first floor and nice-sized, up-scale apartments or professional offices above. He said you'd want the upper floor residents to support ground floor businesses.

Ms. Laudato commented that she really loved this and thought it was a great step forward for the City; it diversified the residential offerings like Kent, downtown Willoughby, Hudson's First and Main, and Crocker Park. She thought it would help create an identity for Streetsboro. She hoped the Master Plan Review Commission would support this.

Mayor Broska said they wanted to get started on this to move forward. He agreed diversity was a big key and also because, during the Master Plan Review process, they had heard there was not a sense of identity. The administration wanted to create a downtown and even though there was a lot of traffic through downtown with these islands they could be made to be reachable and walkable. He said everything they had planned with AMATS for the next five years (SR 43N and SR 14E) would connect the outer areas of town with the downtown area. He said every project and grant they would apply for would include curbs, gutters, sidewalks and improvements so they City could connect the outer parts of the City to the inner part of the City so it could become a safely walkable community which is what residents across the country wanted.

Mayor Broska also reported that the administration wanted to begin a subcommittee composed of the Economic Development Director, Planning Director, Mayor and at least two members of Council and whoever else they may choose to be a Steering Committee for upcoming projects for the City, maybe having to do with this Downtown District. He thought this first Steering Committee would work on Plan B for the City Center Complex since the Recreation Levy had failed. These meetings would be during the day with a developer regarding Plan B for a new fire station, a new City Hall, etc. There were two or three Council Members interested in being on this Steering Committee.

### **President of Council's Comments**

Mr. Ruediger commented that he had found that there were 31 states that had legalized medical marijuana and 8 states that had legal recreational marijuana. He also commented that during the recent snowstorms the Streetsboro roads were the best in the whole area.

### **Council Members' Comments**

Mrs. Pavlick asked that a Council Rules review be placed on the February 26, 2018 Regular Council Meeting agenda. Mr. Ruediger had tasked her with a rule review and she welcomed input from the other Council Members. She thanked the Service Department, Police Department and Fire Department for all their hard work during this challenging time of year; she slept better at night knowing they were on duty.

Ms. Laudato commented that she was pleasantly surprised to receive departmental reports from Planning and Economic Development. She appreciated the concise reports to keep Council up to date on the departments' activities.

### **Reports/Communications from Dept/Boards/Commissions**

Mr. Peters had provided his quarterly report for today's meeting packet. He also reported the new owners of Market Square Plaza were working with an architect and had shared what the new façade would look like to use as assistance for marketing. They had finished their capital review of the facility last fall and it was nice to get this new information last week to indicate the process was continuing. Mr. Peters said when he started in 2016 he was told to get familiar with the town and to review the documents regarding the Downtown District, so Mr. Peters had sketched out an opportunity for redevelopment which lead to the development of the Community Reinvestment Area (CRA) and this was just the next step in having zoning that permitted the development of a Downtown District. The requirements of the B Business District were cost prohibitive for anyone to do a development of that type without adding upper story residential. The Mayor clarified that the Giant Eagle lease on the anchor store at Market Square Plaza had expired.

Mr. Janis reported that last week the City found out it had prevailed on the Shelly Materials case. He was also pleased to report that on December 5, 2017 the City had prevailed on the Boulder Creek case in federal court, which was a direct assault on the constitutionality of our zoning code, and the appeal deadline had run. Mr. Janis said Mr. Cieszkowski had been working at this for four years with Mr. Maistros for two years and then Mr. Janis more recently trying to dig us out of the hole we were in back in the early 2000s when the City was settling over 2-3 cases per year. He was pleased to be making some progress and hoped to continue to do so with Council's support.

Chief Powers said the UAV/drone program was discussed at the last Service Committee Meeting and Council had asked to get a copy of the Department policy, and that had been email to Council. He said he also had a copy of the log of deployments of the drone with him tonight if Council wanted to see it, but he planned to get more detailed information entered on the log before he distributed copies to Council.

Chief Reinholz said 2017 was a record year for the number of runs (2483) for the Fire Department (118 more runs than 2016 and 2016 had 196 more runs than 2015). He said they were up 13% since 2012. The new year had started with 2 fires in the cold weather, one in Kent one in Streetsboro. He also apologized if he ruffle any feathers regarding the marijuana. When it comes to life and public safety, he was opinionated, and he had seen a lot over his career. He understood not everyone that drank or used pot would cause damage, but he had seen so much suffering that other people just don't see or understand. He thanked Council and the directors for their kindness and prayers over the last couple of weeks for the death of his son. Mr. Ruediger said we all had different opinions and experiences and he welcomed everyone's input to help get things done for the City, so Chief Reinholz didn't need to apologize for offering his viewpoint.

Mr. Kocisko ask the Mayor to report back to Council right away after he talked with the County. Mr. Kocisko also asked if it had been considered to go back to Planning Commission to talk about the maximum building height again. Mr. Peters said he'd been doing research on the downtown districts and learned that 7 of the 8 communities that seemed to have successful downtowns had 60' buildings. Mr. Peters thought taller buildings might be helpful behind Walmart for office buildings that would front the highway, and it may work for the Downtown District too. Mr. Ruediger didn't remember the increased building height legislation failing because he thought there were only two votes against it [there were 4 no votes]. Mayor Broska said it could be brought back up at Planning Commission; it was not for the single issue of the City Center Complex, it was an economic development idea.

Mr. Mytinger reported on the start of the Get Moving Streetsboro campaign. It was a three month fitness campaign for the residents of Streetsboro during the winter months. People were asked to log their workout activities and they could earn incentive prizes (i.e. water bottle, portable charger). Parks and Recreation was even offering 13 fitness activities for free at the gym on Thursday evenings and 22 people participated last Thursday.

**Announcements**

City Hall will be closed on Monday, January 15, 2018 for Martin Luther King, Jr. Day. There will be a Special Service Committee, a Finance Committee and a Regular Council Meeting on Monday, January 22, 2018 starting at 7:00 p.m. in Council Chambers.

There being no further business to come before this Council, and upon motion by Mrs. Pavlick, seconded by Mrs. Field, this meeting adjourned at 10:08 p.m.

ATTEST:

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Caroline L. Kremer, Clerk of Council

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John Ruediger, President of Council