

This Regular Meeting of Council was called to order on Monday, March 27, 2017 at 7:35 p.m. by Steve Michniak, Council President.

PRESENT: Steve Michniak, Jeff Allen, Jessica Timmons, Julie Field, John Ruediger

ABSENT: Bridget Pavlick, Tim Claypoole [joined the meeting at 7:49 p.m.]

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

MOTION: TO EXCUSE MRS. PAVLICK AND MR. CLAYPOOLE.

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

Disposition of Minutes

MOTION: TO ACCEPT THE REGULAR COUNCIL MEETING MINUTES OF MARCH 13, 2017 AS PRESENTED.

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

Citizens' Comments

None.

Mr. Michniak said he would skip the emergency legislation until Mr. Claypoole could arrive and be present to vote on the emergency legislation. He would move on with the rest of the meeting and complete the other agenda items, and then if needed, he would take a break until Mr. Claypoole could arrive.

First Reading

T-6304 AN ORDINANCE AMENDING SECTIONS 1159.08, 1159.23, 1159.24, AND 1159.99 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE) OF THE CODIFIED ORDINANCES, RELATING TO SIGN REGULATIONS.

Clerk read by title as directed.

Second Reading

None.

Third Reading

None.

Agricultural Placement of Katherine Mulloy

MOTION: TO APPROVE THE RENEWAL AGRICULTURAL PLACEMENT REQUEST OF KATHERINE MULLOY.

Moved by Mr. Allen, seconded by Mr. Ruediger. Upon roll call vote, **motion carried 5-0.**

Mayor's Report

Mayor Broska reported that the SR 14 bridge at Lake Rockwell was completed and the road was open. He said he was very happy with the cooperation from ODOT and Ruhlin. The weather had been good and they had not missed any days of work. The bin wall was completed too. Upon the recommendation of ODOT, the Service Department crews had cleaned up some storm damaged trees along the roadside to prevent them from falling into the roadway.

Mayor Broska reported that a family had taken it upon themselves to clean up the vacant area adjacent to GetGo and had removed about 10 bags of garbage. After the winter snow melted the litter looked atrocious and the Service Department crews were busy and could not get to it, so the Mayor was working with the County to get some individuals paid by a federal grant to finish painting the fire hydrants and do litter removal.

Mayor Broska also reported that the Frost Road Phase I widening project would begin on April 10, 2017 and continue through to October 2018, so people should get prepared for some traffic lane changes and some traffic disruptions at both ends of the project area, including the bridge widening.

There was an emergency brush pick up going on this week because of the recent wind storms, but the City-wide brush pickup would be at the end of April. Hydrant flushing would start April 17, 2017.

President of Council's Comments

None.

Council Members' Comments

Mr. Ruediger welcomed Mr. Mytinger back to the City as the Parks and Recreation Director again. Mr. Allen asked about the storm sewer project behind the SR 303 Plaza, which seemed to be stalled. Mayor Broska said they were still working on it, but the owner of the Plaza was being highly uncooperative and had stopped them in their tracks. Mr. Allen thought the project was going to go around the Plaza property, but Mayor Broska said the City needed to go through the back part of the Plaza to access that area and the property owner was being very uncooperative and things were at a standstill right now.

Reports/Communications from Dept/Boards/Commissions

Chief Powers commented, now that the SR 14 bridge was open, there were more patrol cars near the new high school to patrol/monitor the school zone and slow people down to keep the kids safe. Since the school zone was relatively new and the road just opened, the officers were mostly giving warnings instead of citations unless it was a drastic violation.

Chief Reinholz reported that the Knights of Columbus award ceremony was last night to recognize the Firefighter of the Year, Police Officer of the Year, and Dispatcher of the Year. The Community Awareness program for the heroin and opiate epidemic would be held this Saturday, April 1, 2017 from 10:00 a.m. to noon in Council Chambers with participation from the Portage County Mental Health and Recovery Board, University Hospitals, Townhall III, the Streetsboro Police Department and the Streetsboro Fire Department.

Mr. Miller mentioned that because the City Hall Server was down the water meter readings, that were supposed to be done on Friday, March 31, 2017, would be delayed and the water bills would be a couple weeks behind the usual schedule.

Mr. Peters said a component of the Community Reinvestment Area (CRA) was appointing the CRA Housing Council, which consisted of 2 appointees from City Council, 2 appointees from the Mayor, 1 appointee from Planning Commission, and those 5 members appointed an additional 2 members that were residents of Streetsboro for a 7 member Housing Council. He asked Council to prepare to appoint 2 members to the Housing Council at the next City Council meeting. He offered the names of three volunteers from the Tax Incentive Review Commission (TIRC) because the CRA Housing Council would meet on the same night as the TIRC so those people would already be there and would have reviewed some CRAs. The Housing Council was essentially an appeals board for anyone that might applied for a CRA and be turned down. The Housing Council also did annual inspections, which Mr. Peters expected to conduct by a slide show, so the members would not have to physically go to each property unless they chose to. The business and commercial CRA agreements were reviewed by the TIRC along with the EZAs and TIFs, so those TIRC members could also review the physical property of the residential CRAs as members of the CRA Housing Council too.

Mr. Peters clarified for Mr. Ruediger that the CRA Housing Council members should not be members of the appointing bodies, i.e. City Council or the Planning Commission, but there was nothing in State law that prohibited it. Mr. Janis added that because of the potential for conflict of interest, it was preferred those bodies picked someone from the community instead of one of their own members. Mr. Ruediger had a couple people in mind and would share his thoughts with the other Council Members by email and then would present the names at the next Council meeting.

Mr. Peters noted that at the next Council meeting he planned to present an Economic Development Quarterly Activity Report. [Tim Claypoole joined the meeting at 7:49 p.m.]

Mr. Michniak announced there were now enough Council Members present to vote on the emergency legislation.

Introduction of Legislation Containing Statement of Emergency

T-6298a AN ORDINANCE AMENDING ORDINANCE NO.
2016-128, THE 2017 ANNUAL
APPROPRIATIONS ORDINANCE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-33 AS AMENDED IN TONIGHT'S FINANCE COMMITTEE MEETING.

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

T-6299 AN ORDINANCE WAIVING THE ZONING MAP
AMENDMENT APPLICATION FILING FEE
ESTABLISHED UNDER SECTION 149.11(F) OF
THE CODIFIED ORDINANCES FOR THE

APPLICATION TO BE FILED BY THE CHAPEL
AT TINKERS CREEK, INC. RELATIVE TO
PERMANENT PARCEL NO. 35-027-00-00-018-
000, AND DECLARING AN EMERGENCY IN
ORDER TO EXPEDITE THE OWNER'S ABILITY
TO FILE THE APPLICATION.

Clerk read by title as directed. Mr. Ruediger had hoped there would be a church representative present and said the City expended money for the work needed for these zoning map amendments and the City would take a financial hit for each of these that might be waived. He said it sounded like this was a non-profit group that was trying to get their property rezoned for a profit.

Mr. Allen said he would vote against this because he didn't want to send a wrong message to the voters that Council was in support of this proposed zoning change because this would be a controversial issue in that area with people who want the zoning change and others that don't want it. He said when houses get built, there would be industry in the back of the housing and it would be a controversial issue. He also mentioned that the application fee was set at \$500 because that was the City's cost to process the application. He also noted that Mrs. Poole had to pay her \$500 when she made a zoning change request last year.

Mr. Claypoole commented that this was a non-profit organization and the City had waived fees for non-profit organizations in the past. He didn't see a reason why this would be a problem for another non-profit organization. He didn't understand why it might be a controversial issue because there was nothing really around this property except for a few houses across the street and some businesses. When the houses were built, the potential buyers would know very well there was industry behind it when they went to buy. He couldn't view this as a controversial issue; they weren't asking to rezone it to Industry right next to a housing development. He said if Council wasn't willing to do this, then Council shouldn't waive any other fees for any other non-profit organizations. He noted that Mr. Ruediger and Mr. Allen had voted to waive fees for Streetsboro Junior Baseball, Streetsboro United and Streetsboro FC. He said if they weren't willing to waive the fees for this request, then, in his opinion, they were specifically targeting a religious organization, and that was wrong. Mr. Allen said it was wrong to make that accusation; he wasn't targeting anything. Mr. Claypoole said they had waived fees for other non-profit organizations. Mr. Allen said at the discussions for the Master Plan this property, this area, was a very hot topic and it would be a hot topic and he was not, as a sitting Councilman, going to send a message to the residents that he endorsed this, by waiving the fee, that he agreed with the zoning change. Mrs. Field didn't think it would be an endorsement.

Mr. Ruediger said it wasn't appropriate to compare this to waiving fees for Streetsboro Junior Baseball or Streetsboro United because those were groups of volunteers that had volunteered to take the burden off the City Parks and Recreation Department; they were doing a job that would cost the taxpayers. It wasn't a comparable issue.

Mrs. Field agreed with Mr. Claypoole that this was another non-profit organization and whether or not Council agreed with what the end result might be, they had every right to file for an application, so Council wasn't endorsing anything; Council was simply allowing a non-profit organization to apply for an application by waiving their fee. So she was going to vote yes for this legislation. Ms. Timmons agreed with Mrs. Field; this was just to file an application, it wasn't supporting the end result. Mrs. Field said she was shocked by Mr. Allen and Mr. Ruediger because generally they both liked to waive a lot of things and give away a lot of things and it surprised her that they felt this way for this church.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Ruediger, seconded by Mrs. Field. Mr. Claypoole interjected that this was written as emergency legislation to take effect immediately. He asked when the church would need this; when were they going to file the application. Mr. Cieszkowski answered that they filed the application and were on the Planning Commission agenda for the April 11, 2017 meeting. Mr. Claypoole clarified that if this wasn't passed as emergency, the church would have to pay. Since there were two people who had said they didn't want to vote for it and one person absent, it couldn't pass as emergency and it would take 30 days to take effect, so he wondered what that would do to the church's application. He asked, if the church paid the application fee and then this legislation took affect later, would the church get reimbursed? Mr. Janis asked Mr. Cieszkowski when the application fee was to be paid. Mr. Cieszkowski said normally it was paid when the application was filed. Mr. Janis said if the application fee should have been paid when the application was filed, then the process at the Planning Commission should be suspended until the fee was either paid or waived. Mayor Broska asked if a zoning map amendment could go on the May primary ballot or did it need to wait until the November general election. Mr. Cieszkowski thought it could be either election, but Mr. Janis would have to research that. Mayor Broska thought the issue could be tabled until the May Planning Commission meeting and still make the Board of Election deadline in August for the November ballot. Mr. Claypoole thought the only way to pass this was as non-emergency, if it passed at all.

MOTION: TO AMEND T-6299 TO REMOVE THE EMERGENCY LANGUAGE FROM THE LEGISLATION.

Moved by Mr. Claypoole who clarified that according to Roberts Rules of Order motions to amend trump motions to suspend when Mr. Ruediger stated there already was a motion on the floor. Mrs. Field removed her second to that first motion. Motion to amend seconded by Mrs. Field. Upon roll call to amend the legislation, **motion carried 6-0**.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Claypoole, seconded by Mrs. Field. Mr. Claypoole wanted to see how opposed people were to this. Mrs. Field said Mr. Ruediger had said Streetsboro Junior Baseball and Streetsboro United were volunteers to help the children of the community and take a burden off the City and the church was also volunteers that helped the community in many ways. Mr. Ruediger said the sports organizations help the children and take over a burden of something the City would do whereas the church group wasn't helping to lessen a burden of something the City would do. He asked, if the applicant was "the Satanic Church Temple" would everyone feel the same way? Mrs. Field answered that if Council was dealing with a non-profit organization and wanted to support non-profit organizations that were working toward something good, they should support this. But Mr. Ruediger said the non-profit church was just trying to sell land, not something specific for the benefit of the community, and to increase their profits by rezoning the land. Mr. Allen commented that if this was to waive a fee to tap a waterline or help them on the existing site and not to change zoning, he would be supportive. He said he donated tons of money to churches, kids, everybody, but changing this zoning would affect a lot of people in that area and if Mrs. Poole had to pay the application fee, this group should have to pay it. Upon roll call to suspend the rules, **motion failed 5-1 with Mr. Ruediger opposing the motion**. [Six votes were needed to suspend the rules.] The application fee was \$500; Mr. Allen and Mr. Ruediger said if there was a fundraiser for the money, they'd go.

T-6300 AN ORDINANCE AUTHORIZING THE MAYOR
 TO ENTER INTO CONTRACTS WITHOUT
 COMPETITIVE BIDDING WITH VARIOUS

VENDORS FOR THE PURCHASE OF THE CITY'S REQUIREMENTS FOR FIRE HYDRANT REPLACEMENT AND REPAIR PARTS DURING 2017, AND DECLARING AN EMERGENCY IN ORDER TO TIMELY ACQUIRE PARTS FOR SEASONAL USE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Ruediger, seconded by Ms. Timmons. Upon roll call, **motion carried 6-0.**

MOTION: TO ADOPT ORDINANCE NO. 2017-34.

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

T-6301 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE OF ASPHALT PAVING PRODUCTS AND INCIDENTAL PAVING SERVICES NECESSARY FOR THE CITY'S 2017 ASPHALT PRESERVATION PROGRAM, AND DECLARING AN EMERGENCY IN ORDER TO TIMELY ACQUIRE MATERIALS FOR SEASONAL USE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Allen, seconded by Ms. Timmons. Upon roll call, **motion carried 6-0.**

MOTION: TO ADOPT ORDINANCE NO. 2017-35.

Moved by Mr. Allen, seconded by Ms. Timmons. Upon roll call, **motion carried 6-0.**

T-6302 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH MOTOROLA SOLUTIONS, INC. FOR THE PURCHASE OF NOT TO EXCEED SIXTEEN (16) MOTOROLA APX 4000 PORTABLE RADIOS AND ACCESSORIES, AND DECLARING AN EMERGENCY IN ORDER TO TIMELY ACCEPT A TIME-SENSITIVE PROPOSAL.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-36.

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

T-6303 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH SUB-AQUATICS, INC. dba BREATHING AIR SYSTEMS, FOR THE PURCHASE OF ONE BAUER VERTECON AIR COMPRESSOR, FOR USE BY THE FIRE DEPARTMENT, AND DECLARING AN EMERGENCY IN ORDER TO PLACE THE AIR COMPRESSOR IN SERVICE AS SOON AS POSSIBLE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Allen, seconded by Mr. Ruediger. Upon roll call, **motion carried 6-0.**

MOTION: TO ADOPT ORDINANCE NO. 2017-37.

Moved by Mr. Allen, seconded by Mr. Ruediger. Upon roll call, **motion carried 6-0.**

Announcements

There will be a Charter Review Commission Meeting on Monday, April 3, 2017 at 7:00 p.m. in Council Chambers.

A free Easter Egg Hunt will be Saturday, April 8, 2017 at 11:00 a.m. at City Park.

There will be a Public Hearing-Temporary Signs, a Service Committee, a Safety Committee and a Regular Council Meeting on Monday, April 10, 2017 starting at 7:00 p.m. in Council Chambers.

There being no further business to come before this Council, and upon motion by Mr. Allen, seconded by Ms. Timmons, this meeting adjourned at 8:09 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Stephen A. Michniak, President of Council