

This Regular Meeting of Council was called to order on Monday, June 26, 2017 at 8:38 p.m. by Bridget Pavlick, Council Vice President.

PRESENT: John Ruediger, Jeff Allen, Tim Claypoole, Bridget Pavlick, Jessica Timmons, Julie Field

ABSENT: Steve Michniak [joined the meeting at 9:02 p.m.]

ALSO PRESENT: Glenn Broska, Mayor
Paul Janis, Law Director
Darin Powers, Police Chief
Robert Reinholz, Fire 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 MR. MICHNIAK.

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

Disposition of Minutes

MOTION: TO ACCEPT THE SPECIAL COUNCIL MEETING MINUTES OF JUNE 6, 2017, THE PUBLIC HEARING MINUTES OF JUNE 12, 2017- REZONING AND THE REGULAR COUNCIL MEETING MINUTES OF JUNE 12, 2017 AS PRESENTED.

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

Citizens' Comments

Kristie Sabo, of TownePlace Suites by Marriott in Streetsboro, spoke on behalf of the SACC Board of Directors. She listed the SACC June activities: 2 ribbon cuttings, a collaborative Business After Hours w/Metis Construction in Kent, and a Mega Chamber night at Akron Rubber Ducks. The upcoming activities were a Breakfast Blender Networking Group, Building Bridges Connecting Women of NE Ohio, no July luncheon, but there would be more Business After Hours gatherings, ribbon cuttings, and a Party on the Patio at the Holiday Inn Express. She invited everyone to attend these activities.

Pete Buczkowski, 9345 Root Drive, said he'd received a postcard from Kimble and asked how the City would save \$76,704; he didn't believe it to be true. He was on Council when the recycling program started and said the cities had to put up some money to get it started. He wondered if the City would get that front-loaded money back. He also said Streetsboro was supposed to get a stipend every six months from the money they made. Mrs. Pavlick said they stopped that years ago. It was confirmed that the Free Recycling program for Seniors over 60 would continue.

John Albaneze, 1551 Sydney Drive, was interested in the Charter amendments that were to be passed to the electorate and the recycling program that everyone got mailings on. Mr. Albaneze asked if there was any expected savings by recycling with Kimble. Mr. Ruediger said his calculations indicated the City would save \$136,836 over the life of the contract if the recycling franchise went to Portage County. If the recycling franchise went to Kimble, the residents would save \$95,574 over the course of the contract, so there would be about \$40,000 more in saving for the City (the City and the people who pay taxes to the City) if the franchise

went to Portage County. Mr. Albaneze asked Council to keep the public interest, convenience and necessity in mind when voting on this recycling issue.

Carmen Laudato, 1416 Trader Drive, said the mailer from Kimble had invited everyone to come to tonight's meeting to give their thoughts so she expressed support for Portage County recycling as being the best for the City. They wouldn't charge for any additional recycling containers for those that wanted more than one. She liked that Portage County Recycling made it so that everyone had to participate in the recycling program. She mentioned that if she was on City Council, she would have been disgusted that a company had sent a mailer to residents with misleading information on it to encouraged the residents to get angry and come to the meeting to yell at the Council Members, when they knew it was not the complete story but just a piece of the puzzle. She said she would be concerned about what else they would be shady about.

Ms. Laudato said although it had never been done before to have a City Hall on the first floor of a building, maybe it could be done, but it shouldn't be done. Just like the school in front of the asphalt plant: just because you can do something, doesn't mean you should do it.

George Bokros, 1826 Mara Circle, said currently with Portage County recycling they had two small recycling bins at his house. They were unable to get the large wheeled cart in their garage and wouldn't fill it anyway; they didn't want the large cart but wanted an option to use the smaller bins under any new agreement. He also said it was difficult to wheel the big carts down the driveway when there was snow. As a Senior he didn't pay for it, but still wanted his issues served. He also said when he tried to call Kimble he couldn't talk with anyone; they had poor customer service.

Don Johnson, Kimble representative with offices in Twinsburg, said they'd provided good rubbish service to Streetsboro since 2006. The bid specs had asked for rates for certain services and the determination of the lowest and best bid was to be based on 4,700 units in the community. Kimble had answered the May 5, 2017 bid specs for a four year time period for curbside collection using 64 gallon or 95 gallon carts for weekly and bi-weekly service as requested. The flyer that was mailed was based upon what the City had gone out to bid for. Mr. Johnson said with Kimble the citizens would save \$1.36 per home per month for standard curbside weekly collection and over one year it would be \$76,704, over the four year period it would be \$306,816 in savings to the residents of Streetsboro. He said they would also give a rebate/donation back to the City based upon the market price of recyclable materials throughout the term of the contract which could be about \$5,000 per year. He felt Kimble was the lowest and best bid, and understood the emotion about changing the recycling company after many years, but Kimble provide good service to many neighboring communities and had a local processing facility. He commented that Kimble's weekly bid for a four year period was being compared to a bi-weekly bid for a six year period (which wasn't in the bid specs), but for each of the service categories that were in the bid specs Kimble had a lesser rate.

Mrs. Field asked Mr. Johnson if the smaller bins were an option for some households that didn't have space for the larger carts. Mr. Johnson said it would be up to the administration; Kimble had answered the bid specs as they were presented.

Mr. Allen commented that he was troubled that the mailer had gone out from Kimble without certified numbers because Mr. Allen had done the math several times and couldn't come up with the same figures; he didn't think it was accurate. Mr. Johnson said he had emailed a letter to Council with an example of the math explaining what the difference was and it was accurate.

Phyllis Papp, 1506 Gillie Avenue, said the big containers looked terrible in front of every house on the street and not everyone had that much to recycle to need the large containers or had

room to keep them. She added that Portage County Recycling had not been a problem at all. She asked Council to consider the Seniors and their needs for maybe smaller containers.

Christine Gilley, 954 Kensington Lane, also mentioned that a lot of people had small homes or condos and didn't have room for the large carts or a need for them because they didn't recycle much. She mentioned that some HOAs didn't allow the large carts to be stored in front of the homes, so it was difficult to store them in the garage and then to move them to the curb on pick up day especially on snowy days. She also mentioned that a lot of people don't put out the recycle bins each week, but maybe every other week. She asked Council to consider the elderly and what they might need to make it easier for them to stay in their homes longer and also those that lived in small homes and didn't consume a lot. She asked Council to rethink this and allow smaller bins. Kimble had allowed some homes to use bags or their own little garbage cans for their trash to accommodate these concerns in her HOA. [Steve Michniak joined the meeting at 9:02 p.m.]

Matt Bross, 9955 Beverly Lane, commented that this discussion was not just about cost, but also about the service and the need for some people to have the smaller bins. He felt Portage County was very consistent in their pick up schedule, but Kimble had missed him in the past and he always had trouble trying to get through to someone at Kimble. It had taken a neighbor three weeks to get a couch picked up. He said storing the large bins outside the garage looked bad and was an added burden to an HOA to try to enforce. Even though Kimble may seem to be the cheapest, their customer service wasn't the best, so watch out because you get what you pay for.

Michael Kumin, 1502 Clover Court, agreed that Portage County had seemingly offered the most viable option and was flexible in the size of bin or cart each household needed. He wondered if Kimble would bill the residents quarterly for the containers that would be provided. He supported choosing Portage County as the better option.

Mohamed Shaikh, 595 Edmond Drive a dead-end street, wanted Council to choose the provider that was the least expensive for the City. He said the inability to contact Kimble through customer service was not good, but if they could fix that, it would be alright. He mentioned the collection time of the Kimble trucks seemed to conflict with the school bus pick up times, but Portage County recycling trucks came close to noon time after school bus hours. He wondered if Kimble would use two trucks to collect trash and then recyclables or just use one truck to collect both to save money. He wondered if Streetsboro could provide a common area for dumpsters for recycling drop off, especially for the people that couldn't fit the large containers in their garage or had difficulty getting the recycling to the curb. Since his street was a dead-end, the trash trucks turned around in the resident's driveways to go back out, and he'd like a way to stop that.

Tressie Gardner, 845 Holborn Road, said Kimble needed to improve their service tremendously. She explained that Gladys Hall on SR 43, a disabled Senior, often had her trash pickup skipped because she wasn't able to get it to the curb. When it was skipped Gladys had the City call Kimble who didn't come back out that day, it would be the following week if they even remembered to do the walk up service the following week. Ms. Gardner said recycling was the job of the service and she didn't work for them; she considered recycling from home unpaid slavery. She said if people were willing to do it on a voluntary unpaid basis, they should set up hours with the company to separate the trash for them unpaid.

Bill Stiner, Portage County Solid Waste District Director, said there were four people at Portage County that answered the customer calls and his cell phone number was even posted on their website, so they were very accessible. Mr. Stiner said Portage County could not give money back for charities. He'd heard about it in the past and didn't know when it ended, but they had not given money to the communities in the 10 years that he had been Director.

He said the District did give some alternative bids because they were expected to lay out a large amount of capital over a four year period with no guarantee the contract would stay. Portage County had been signing government to government contracts with Streetsboro since the early 2000s and knew that it would be renewed so they could stretch out the capital costs. This time it was different and the RFP requested 65 or 95 gallon carts. He wasn't opposed to looking at the 18 gallon totes, but it wasn't something that was anticipated, so that would need to be discussed. He said the biggest reason to go to the bigger carts was because they were picked up by the automated trucks. The Portage County Solid Waste District was the second highest BWC claim department in the County behind the Sheriff's Department, so the automated trucks made it safer for the truck drivers and made the route quicker, more efficient, and reduced costs. He said Portage County had serviced Streetsboro a long time and had been very flexible and they hoped to continue to serve the residents of Streetsboro. They were open to negotiating whatever they could do to make sure they provided a cost effective service to the citizens of Streetsboro.

Mrs. Pavlick thanked everyone for their input and turned the meeting over to the Council President who was now present.

Introduction of Legislation Containing Statement of Emergency

T-6350 AN ORDINANCE AMENDING ORDINANCE NO.
2016-128, THE 2017 ANNUAL APPROPRIATION
ORDINANCE. [#8]

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Ruediger, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-69.

Moved by Mr. Ruediger, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

T-6338 AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A CONTRACT WITH THE LAWN
RANGER LAWN & LANDSCAPE, INC. FOR THE
PURCHASE OF A USED JACOBSEN HR9016
BATWING MOWER, AND DECLARING AN
EMERGENCY IN ORDER TO EXPEDITE THE
PURCHASE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Ruediger, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-70.

Moved by Mr. Ruediger, seconded by Mrs. Field. Upon roll call, **motion carried unanimously.**

T-6339^{Amended} Ordinance to Rename Police Headquarters and Superior Avenue in Honor of Richard A. Taiclet was not forwarded from tonight's Special Service Committee Meeting. It was moved to the July 10, 2017 Service Committee Meeting for further discussion.

T-6340 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH JACK DOHENY COMPANIES, INC. FOR THE RENTAL OF NOT TO EXCEED ONE CATCH BASIN CLEANING MACHINE AND DECLARING AN EMERGENCY IN ORDER TO PLACE THE MACHINE INTO SERVICE 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 unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-71.

Moved by Mrs. Field, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

T-6341 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT OF THE CONTRACT AUTHORIZED BY ORDINANCE NO. 2012-100 WITH GLAUS, PYLE, SCHOMER, BURNS AND DEHAVEN, INC. FOR THE PURCHASE OF ADDITIONAL PROFESSIONAL ENGINEERING SERVICES NECESSARY FOR THE IMPROVEMENT OF FROST ROAD BETWEEN ELLSWORTH ROAD AND STATE ROUTE 43, PHASE ONE, 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 Mrs. Field. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-72.

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion carried unanimously.**

T-6342 AN ORDINANCE ACCEPTING THE FINAL REPORT OF THE 2017 CHARTER REVIEW COMMISSION, AUTHORIZING AND DIRECTING THE PORTAGE COUNTY BOARD OF ELECTIONS TO PLACE ON

THE BALLOT AT THE NOVEMBER 7, 2017 GENERAL ELECTION, OR AT THE EARLIEST ELECTION PERMITTED THEREAFTER BY LAW TO BE HELD IN THE CITY OF STREETSBORO, THE QUESTION OF AMENDING SECTIONS 3.01, 3.02, 3.08, 4.02, 4.03, 4.14, 4.15, 4.17, 12.02, 24B.03 OF THE CITY CHARTER, AND REPEALING SECTION 23.03 OF THE CITY CHARTER, AND DECLARING AN EMERGENCY IN ORDER TO TIMELY SUBMIT THE BALLOT ISSUES TO THE BOARD OF ELECTIONS.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT THE ORDINANCE.

Moved by Mrs. Pavlick, seconded by Mr. Allen. Upon roll call, Mrs. Pavlick – Yes, Mr. Allen – No, Mr. Claypoole – Yes. Mr. Ruediger asked, by Charter, when do these have to be submitted? Mr. Janis answered it was 90 days in advance of the election; August 9. Mr. Ruediger said the Charter stated Council “shall” move these forward. He wondered what the Charter penalty would be for not moving these forward. Mr. Janis said if it was not moved forward by the Charter, he would have to bring a mandamus action against the Council to require them to move it forward. If it was not moved forward by the deadline, then there would have to be a special election called, which would cost the taxpayers extra money to hold the election. Mr. Ruediger voted Yes. Ms. Timmons asked if the Council Members really had an opportunity to vote or were they stuck. Mr. Janis said the Charter mandated that they approve the Charter amendments as issued by the Charter Review Commission. Ms. Timmons said she didn’t feel she had an option to say anything. Mr. Michniak told her she could vote however she liked, nobody was forcing her to vote. Mr. Allen said you can vote any way you want. Ms. Timmons said she didn’t like any of the amendments, so she voted No. Mrs. Field – Yes, Mr. Michniak – Yes. **The motion failed 5-2.** [Six votes were needed to pass emergency legislation.]

T-6344

AN ORDINANCE AUTHORIZING THE MAYOR AND THE LAW DIRECTOR TO ENTER INTO A STIPULATED AMENDMENT TO THE CONSENT JUDGMENT ENTERED BY THE PORTAGE COUNTY COURT OF COMMON PLEAS ON NOVEMBER 5, 2007 IN THE CASE OF *CITY OF STREETSBORO V. STREETSBORO LAND GROUP, INC. ET AL.*, CASE NO 2006CV00935, AND DECLARING AN EMERGENCY IN ORDER TO EFFECTUATE THE STIPULATED AMENDMENT IN AN EXPEDITIOUS MANNER.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mrs. Field, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-73.

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion carried unanimously.**

T-6345 AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A TEMPORARY CONSTRUCTION EASEMENT OVER 0.041 ACRES OF CITY-OWNED LAND TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PROVIDING CONSTRUCTION ACCESS AND FOR PERFORMING THE WORK NECESSARY TO CONSTRUCT A COFFERDAM RELATED TO REPLACEMENT OF THE TINKERS CREEK CULVERT UNDER STATE ROUTE 303, AND DECLARING AN EMERGENCY TO EXPEDITE THE PUBLIC IMPROVEMENT PROJECT.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mrs. Field, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-74.

Moved by Mrs. Pavlick, seconded by Mr. Allen. Upon roll call, **motion carried unanimously.**

T-6346 A RESOLUTION OPPOSING THE ENACTMENT OF OHIO GENERAL ASSEMBLY HOUSE BILL 49, THE 2018-19 BIENNIAL STATE BUDGET BILL, TO THE EXTENT SAID BILL CONTAINS PROVISIONS THAT WOULD, IF ADOPTED, CENTRALIZE THE COLLECTION OF MUNICIPAL NET PROFIT TAXES AT THE STATE DEPARTMENT OF TAXATION AND ELIMINATE THE “THROWBACK” RULE, RESULTING IN A SUBSTANTIAL LOSS OF REVENUE TO THE CITY, AND DECLARING AN EMERGENCY IN ORDER TO TIMELY COMMUNICATE WITH THE MEMBERS OF THE GENERAL ASSEMBLY WHILE THE BIENNIAL BUDGET BILL IS PENDING.

Ms. Esarey had sent Council an email today because this issue was at the “11th hour.” She said it would be helpful to pass a resolution, but if any of the Council Members could also make a phone call to their State representatives it would be appreciated. The State vote was coming soon and it was not looking good because they were still keeping the elimination of the “throwback” rule, which would result in about \$288,000 annual loss to the City budget, which would be crippling to the City. Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mrs. Field, seconded by Mr. Ruediger. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT RESOLUTION NO. 2017-75.

Moved by Mrs. Field, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

T-6347 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH A & S ANIMAL CONTROL, INC. FOR ANIMAL CONTROL SERVICES FOR ALL CITY DEPARTMENTS FOR A PERIOD OF TWO YEARS, 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. Pavlick, seconded by Mr. Ruediger. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-76.

Moved by Mr. Ruediger, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

T-6348 AN ORDINANCE ACCEPTING A GRANT FROM THE STATE OF OHIO, DEPARTMENT OF PUBLIC SAFETY, THROUGH THE OFFICE OF CRIMINAL JUSTICE SERVICES, TO SUPPORT THE CITY'S PURCHASE OF A USE OF FORCE STATISTICS TRACING SOFTWARE MODULE, FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE AVAILABILITY OF FUNDS.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mrs. Field, seconded by Mr. Ruediger. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-77.

Moved by Mrs. Field, seconded by Mr. Ruediger. Upon roll call, **motion carried unanimously.**

T-6351 Approve Construction Agreement for Meadow View Phase 6 was not forwarded to this meeting from tonight's Special Service Committee Meeting. It was sent to the July 10, 2017 Service Committee Meeting for further information.

T-6352 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT

COMPETITIVE BIDDING WITH SUNDANCE SYSTEMS, INC. FOR THE PURCHASE OF A USE OF FORCE TRACKING SOFTWARE MODULE, 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 Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

MOTION: TO ADOPT ORDINANCE NO. 2017-78.

Moved by Mr. Allen, seconded by Mrs. Field. Upon roll call, **motion carried unanimously.**

First Reading

None.

Second Reading

T-6349

AN ORDINANCE PLACING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PLANNING, ZONING AND BUILDING PERMITS, APPROVALS AND CERTIFICATES RELATED TO MEDICAL MARIJUANA BUSINESSES AND LAND USES.

Clerk read by title as directed.

Third Reading

T-6328

AN ORDINANCE AWARDED A NONEXCLUSIVE FRANCHISE TO _____ TO PROVIDE RESIDENTIAL CURBSIDE RECYCLING COLLECTIONS IN THE CITY OF STREETSBORO, FOR A PERIOD OF FOUR YEARS, AND AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT.

[Clerk did not read by title.]

MOTION: TO AWARD THE SIX YEAR CONTRACT FOR A WEEKLY SERVICE TO PORTAGE COUNTY RECYCLE.

Moved by Mr. Ruediger. Mrs. Field said at the beginning of all this it seemed the obvious choice was Kimble, based on the numbers she had and even the latest chart of figures, and it would save the residents a substantial amount of money by switching over to Kimble for recycling. The initial RFP asked for bids on 65 gallon carts and 95 gallon carts. Kimble gave a bid for only the 65 gallon carts and Portage County gave the same price for either size. Mrs. Field noted that some households would prefer the 18 gallon totes but the providers were not asked to submit a price for that. She wondered if the City could get more details on whether that was an option. Mr. Allen suggested, since both representatives were here, that Council get that information now; Portage County had already said they would be willing to negotiate it. Mr. Johnson, from Kimble, said when the trash service was bid, they had answered the bid specifications for either a 95 gallon cart or 65 gallon cart, but later when some homeowner associations did not want the carts Kimble worked with them and removed the carts and

provided them with the manual collection service. He said the cart system may sound cumbersome, but once the residents get to work with it they can decide if they want to take it out to the curb each week or just when it's full so the system was more manageable for them. He said as long as it was OK with the administration, Kimble would work with the City to provide the 18 gallon totes.

Mrs. Pavlick said she wasn't comfortable with the way this whole thing was going and suggested further discussion with the Law Director on what was appropriate and what was inappropriate to do regarding this franchise agreement. Portage County had already agreed to extend the current contract. Mr. Ruediger commented that the Law Director had already said that this was not a bid and the City could collect more information. Mr. Janis clarified that this was to award a franchise not award a contract and it was within the Council's prerogative to choose the proposal that best met the needs of the City. Mrs. Pavlick said at each meeting more stuff got added and the residents were commenting about different hardships they were experiencing and she just wanted to do what's best for the City and the residents, but she wasn't sure what that was at this moment because there was so much information. She asked the Law Director what was appropriate and could this be postponed?

Mr. Claypoole tried to clarify his understanding. He thought the RFPs had asked for bids on the 65 gallon and 95 gallon carts for a four year term. Kimble had provided a four year term with a price for the 65 gallon cart. Nothing was mentioned to either proposer about the 18 gallon totes. Portage County had provided a four year option, a five year option and a six year option for both the 65 gallon and 95 gallon carts, so they had provided more information than originally requested. Mr. Janis thought the RFP had asked the proposer to tell the City if they would provide a 95 gallon and/or a 65 gallon cart. Mr. Claypoole said now there were residents saying they would like the 18 gallon totes and both proposers had said they would work with them on that, but there were no costs established yet.

Mayor Broska said a request had gone out to the proposers to request a Senior rate proposal by June 5 and Portage County provided one and Kimble stayed with the same. Portage County had listed a \$2.10 rate for Seniors for bi-weekly pickup. Mayor Broska had posted a question to social media whether the residents preferred weekly or bi-weekly pickup and overwhelmingly people wanted weekly pickup. Those that preferred bi-weekly were the Seniors, but the families preferred weekly and some would like an additional recycling cart. It was difficult to make a "one size fits all" program and he was glad both providers had said they would help to accommodate the Seniors with smaller bins; this was something not foreseen when creating the RFP.

Mayor Broska said it seemed it wasn't clear what Council might vote on. The Senior rate from Portage County was for bi-weekly service; there was no Senior rate listed for weekly service, and most of the citizens had expressed a preference for weekly service. Mayor Broska said this RFP was for a four year term because that's when the next trash service would go out for RFPs so the City could franchise them both in the same year. He said the City could have asked for a different term but chose the four year term and Portage County elected to offer the longer options, but that was not requested. He was glad both proposers would work to accommodate those that didn't want the large recycling carts but there were 4,700 customers and each would have their own preferences. He'd heard the customer service wasn't good but a couple complaints a week from 4,700 customers was a tiny amount. He asked Council to be clear on what they were voting on before actually voting. Mr. Stiner confirmed Portage County would offer the Senior rate of \$2.10 for weekly service and would put it in writing to Mr. Janis. He noted Streetsboro was the only community they serviced in Portage County where the municipality paid for the Seniors and they had taken that into account when deciding to extend the \$2.10 Senior rate to weekly service.

Mayor Broska confirmed everyone would get weekly service, and be billed accordingly, but anyone that wanted could choose not to put their recycling container out each week. There was some discussion on the not-Seniors rate. Mr. Ruediger encouraged going with the \$4.18 weekly service cost from Portage County for a six year period to lock in a rate for a longer period of no increases. Mrs. Field wanted to see what Kimble would offer for a six year period since they only provided what was asked for.

Mr. Ruediger calculated that the City would save \$136,836 over the six year period if Portage County was chosen (\$2.10 Senior rate would be \$1.50 less x 12 month = \$18 x 1,267 Seniors = \$22,806/yr x 6 years = \$136,836). Mr. Ruediger said another thing to consider when choosing the lowest and best proposal was not just lowest price. He said by leaving Portage County it could cripple that service that might not survive and then there could be a chance for a monopoly in the future. He gave an example of Hiram that left Portage County to go to Kimble and then for the next agreement with Kimble they increased their rates significantly, so Hiram decided to go back to Portage County; he was afraid of that happening for Streetsboro. Or not even having Portage County available in the future and having to pay a whole lot more in the future to save \$0.14 per week now; in the long run it could cost us thousands. He thought it was clear to choose Portage County Recycling as the best option, plus they did things for the community, and all but one of their employees lived in Portage County. Kimble's headquarters was in Tuscarawas and their local facility was in Summit County, so Streetsboro needed to do what was best for now and for the long term, so the City wouldn't be in a bad situation in four years.

Mr. Michniak asked if the City could do another RFP for the changes had been discussed and to let both proposers feel like they had a fair opportunity to present apples to apples prices. Mr. Janis answered that this was an RFP for a franchise, not a bid for contract, so nothing would prevent Council from considering this further beyond tonight, even though this was on the agenda as third reading. Mr. Janis said we could go back to the drawing board and have the proposers provide us proposals based on a solid RFP subsequent to this one with no open ends. Mr. Janis was concerned there would be more public input at future public meetings and things might change again. Mr. Michniak thought that was what Council would like; to get an apples to apples comparison with the changes everyone had talked about tonight and then Council could vote with a clear conscience on what was the best direction for the residents. Ms. Timmons supported getting more information on the 18 gallon totes that were discussed tonight and allowing each proposer to price out everything for four year and six year terms and then Council could have a true apples to apples comparison. Mr. Janis said it wouldn't be an extensive RFP like before, but more like a bid sheet. Mr. Michniak supported requesting pricing for weekly service, not bi-weekly.

Mr. Stiner said there was a tremendous cost difference between the 18 gallon tote and the two wheeled cart, so the proposers would like to know how many of each would need to be purchased. Mr. Michniak said we couldn't know that number. Mayor Broska suggested using 15% for Seniors and condo dwellers that may want the smaller tote. Mr. Janis would include in the "bid sheet" both options: how much it would cost to pass on the price of the bin to the customer and how much to absorb it in the cost of the service.

Mr. Allen said both companies had said they would work with the residents on what size container they wanted; there was no way for them to know what the number of each size would be. He was afraid it wouldn't be apples to apples again if that number wasn't equal from each company. He said it was common practice in the construction industry to send addendums to your bids. He said this was getting cumbersome; both proposers knew it was open to negotiation in the meeting at the last meeting. Mr. Allen asked Mr. Johnson if Kimble was even interested in bidding a six year term. Mr. Johnson said they had answered what was requested in the RFP. They were willing to work with the City regarding the 18 gallon bins because they had worked with the City before for certain HOAs that had issues with the large

carts. He said all across America people were going to the carts. He asked Council to take a close look at the March 5 RFP because he didn't think they would have any way of choosing any other entity other than Kimble, "look at the savings." He said if Council didn't award a contract tonight and went out for another RFP, Kimble would answer it. [There was no second to the motion.] Mr. Ruediger reworded his motion.

MOTION: TO FILL IN THE BLANK SPACE OF THIS ORDINANCE AS PORTAGE COUNTY RECYCLING.

Moved by Mr. Ruediger, seconded by Mr. Allen. Mr. Ruediger commented that he would like the franchise to be for a 6-year term for weekly service. He commented that the residents had overwhelmingly said they were very happy with the customer service and the service they'd received from Portage County. He thought it was worthwhile for the 14 cents difference. The Clerk clarified that the previous motion from Mr. Ruediger to award the franchise to Portage County for a six year term for weekly service never received a second, and this was a new motion from Mr. Ruediger, seconded by Mr. Allen, to fill in the blank space of the legislation to award the franchise to Portage County. Mr. Ruediger commented that he'd like to have the six year weekly service, but that wasn't part of the motion. Upon roll call, **motion failed 2-5 with Mr. Ruediger and Mr. Allen supporting the motion**, so the blank space would remain in the document.

MOTION: TO SEND THIS TO THE JULY 10, 2017 SERVICE COMMITTEE MEETING FOR FURTHER DISCUSSION AND THE JULY 10, 2017 REGULAR COUNCIL MEETING.

Moved by Mrs. Pavlick, seconded by Ms. Timmons. Mr. Janis was to reissue the RFP/"bid" to both parties pursuant to tonight's discussion. Upon voice vote, **motion carried**.

T-6336 AN ORDINANCE RE-ZONING PERMANENT PARCEL NO. 35-027-00-00-018-000 FROM I-1 (INDUSTRIAL, RESEARCH AND OFFICE) TO R-1 (LOW DENSITY URBAN RESIDENTIAL), APPROVING A CORRESPONDING AMENDMENT TO THE CITY'S OFFICIAL ZONING DISTRICT MAP, AND SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF WHETHER SUCH AMENDMENT SHALL BECOME EFFECTIVE.

Clerk read by title as directed.

MOTION: TO ADOPT ORDINANCE NO. 2017-79.

Moved by Mr. Allen, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously**.

T-6337 A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF LEVYING AN ADDITIONAL FIVE (5.0) MILL *AD VALOREM* PROPERTY TAX FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO PARKS AND RECREATION FACILITIES, RETIRING DEBT INCURRED IN THE MAKING OF SUCH IMPROVEMENTS, AND PAYING CURRENT OPERATING EXPENSES OF THE PARKS AND RECREATION DEPARTMENT.

Clerk read by title as directed.

MOTION: TO ADOPT RESOLUTION NO. 2017-80.

Moved by Mr. Ruediger, seconded by Mrs. Field. Upon roll call, **motion carried 5-2 with Mr. Ruediger and Mr. Allen opposing the motion.** Mr. Allen commented that he was going to try to amend this to “no fees ever for residents” because it had been said the 5 mills was more than enough money to operate this thing, but he didn’t get a chance to amend it, so he voted No; he felt it was going to pass anyway.

Executive Session

The Council President mentioned that Mr. Janis had previously requested to add an executive session to tonight’s agenda and Mr. Janis was still interested in that.

Mr. Janis also commented regarding T-6342, the proposed Charter amendments. He said he put this item on the last meeting agenda with the idea that if the emergency clause was stripped out it would still pass in enough time to get it to the Board of Elections by 90 days before the election date. Because there was not a supermajority at the last meeting, that became impossible. It now became mandatory to pass it with an emergency clause to meet that date. He said it passed today 5-2, which means it failed. Under the way the Charter was written now, that ordinance was dead; it was not on the agenda anymore. Which meant the City couldn’t get this matter on the ballot for November, unless one of the parties on the prevailing side moved for reconsideration. Mr. Michniak asked what if Council had three Special Council meetings prior to the August deadline, but Mrs. Field was concerned everyone wouldn’t be able to attend the Special Council meetings, but Mr. Michniak said as long as you have four votes. Mr. Allen said “we got time.” Mr. Michniak didn’t think people were going to change their votes tonight; “that’s not going to happen, we just voted, but if we could have Special Council meetings, I think we could get it in by August 9th.” Mr. Janis said it still had to pass with an emergency clause because there was a 30 day waiting period. He wondered when the three Special Council meetings would be held considering the 30 day waiting period. Mr. Michniak said that was something they would need to talk about, maybe in the upcoming executive session, but Mr. Claypoole said that was not an appropriate executive session issue.

MOTION: TO ADD AN EXECUTIVE SESSION TO DISCUSS ALL PENDING LITIGATION TO TONIGHT’S AGENDA.

Moved by Mrs. Pavlick. Mr. Claypoole clarified the executive session would not include discussion of Charter amendments or scheduling of meetings. Mr. Michniak commented that now that it failed, it was a pending mandamus action and that could be litigation. Seconded by Mr. Ruediger. Mayor Broska dismissed the department heads from the rest of the meeting. Upon voice vote, **motion carried.**

MOTION: TO RECESS INTO EXECUTIVE SESSION TO DISCUSS ALL PENDING LITIGATION.

Moved by Mrs. Pavlick, seconded by Mr. Ruediger. Upon roll call, **motion carried 6-1 with Mr. Claypoole opposing the motion and the meeting recessed at 10:17 p.m.**

MOTION: TO RECONVENE FROM EXECUTIVE SESSION.

Moved by Mr. Allen, seconded by Mrs. Pavlick. Upon voice vote, **motion carried and the meeting reconvened at 10:36 p.m.**

Mayor's Report

Mayor Broska noted Jeremy Moldvay had served as one of the City's representatives to the PARTA Board for quite a while. His term was due to expire on June 30, 2017 and the Mayor reappointed him to PARTA.

MOTION: TO ACCEPT THE MAYOR'S REAPPOINTMENT OF JEREMY MOLDVAY TO THE PARTA BOARD FOR ANOTHER TERM TO BEGIN JULY 1, 2017.

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

President of Council's Comments

Mr. Michniak noted there were a couple youth sports teams (Girls Softball and Boys Baseball) that had done very well this year and were moving on to the finals/playoffs and asked that the Mayor maybe recognize these young players at the next Council meeting.

Council Members' Comments

Mr. Ruediger said America was turning 241 next week on July 4 and hoped everyone had a safe celebration. Mr. Allen had provided photos of trash that Kimble had not collected that he had mentioned at the last meeting. It was the fourth time he'd picked up trash at the Semproch house on Valley Brook. Ms. Timmons hoped everyone had a happy and safe 4th of July.

Reports/Communications from Dept/Boards/Commissions

Mr. Janis said he didn't know how Council was going to schedule two meetings between now and July 10, in addition to the July 10 meeting, which was when the Charter amendment ordinance would have to be passed in order to be effective by the August 9 Board of Elections deadline. Mr. Michniak said he would try to get with the Clerk tomorrow and see if they could figure something out. Mr. Janis said he couldn't emphasize enough how damaging it was going to be if he had to bring a mandamus action against City Council.

Announcements

City Hall will be closed Tuesday, July 4, 2017 for Independence Day. There will be a Service Committee, a Safety Committee and a Regular Council Meeting on Monday, July 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. Claypoole, seconded by Mrs. Pavlick, this meeting adjourned at 10:40 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Stephen A. Michniak, President of Council