

This Regular Meeting of Council was called to order on Monday, July 24, 2017 at 7:58 p.m. by Steve Michniak, Council President.

PRESENT: Jeff Allen, Bridget Pavlick, Jessica Timmons, Tim Claypoole, Steve Michniak

ABSENT: Julie Field, John Ruediger

ALSO PRESENT: Glenn Broska, Mayor  
Paul Janis, Law Director  
Troy Beaver, Police Lieutenant  
Kevin Grimm, Fire Captain  
Jenny Esarey, Finance Director  
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 MR. RUEDIGER AND MRS. FIELD.**

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

**Disposition of Minutes**

**MOTION: TO ACCEPT THE REGULAR COUNCIL MEETING MINUTES OF JULY 10, 2017 AS PRESENTED.**

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

**Citizens' Comments**

Streetsboro Area Chamber of Commerce (SACC) representative was not present.

Chuck Kocisko, 1530 Pike Parkway, said he was thankful his cup was half full and didn't complain that it wasn't full. Because he'd been involved in tax incentives so many times over the years that were for 15 years or more, this tax incentive proposed tonight for Stainless Works was not such a bad deal. He was willing to give some incentive as long as the City would gain something and hoped Council would approve the economic incentive.

Carmen Laudato, 1416 Trader Drive, commented on the meeting two weeks ago and was glad that Council embraced the discussion regarding the social media policy in the City. She also thanked the Mayor for unblocking her, and others, and was now able to see so much more on Facebook. She felt, although it wasn't comfortable to come speak in public about the issue and to be named as a "complainant," that something really positive came out of it.

Pete Buczkowski, 9345 Root Drive, didn't support the proposed Charter Amendments because they would take away the voting rights of the Council Members, which took away the residents' rights who elected them. He thought Council should have some power instead of the Mayor having all the power because there needed to be checks and balances.

Mr. Michniak said he and Mr. Buczkowski were in agreement. They had been on City Council together before and Mr. Michniak respected Mr. Buczkowski's opinion. Mr. Michniak said he was, as Mr. Buczkowski was also, encouraging voters not to vote to pass those amendments because he thought the checks and balances needed to be maintained. Mr. Michniak didn't think the Mayor didn't have enough power, the Mayor was full time and worked hard full time,

and nothing about the way the government was currently structured affected the Mayor's ability to work full time. He said the Mayor's job may be harder because it took more cooperation and more votes amongst Council to get things passed and that's what the checks and balances were for. Mr. Michniak thought the Charter amendments just did away with Council's ability to collaborate with the Mayor and gave the Mayor an easy road to go. He didn't fault the Mayor for trying to do that because he wanted to get his agenda through with his people without any (or minimal) interference from Council. The way the government was currently set up with the checks and balances was more difficult on the Mayor to get things done, but he thought that's the way the government should be structured; it wasn't meant to be easy for the Mayor. Because while the people may trust Mr. Broska, and he was doing a fine job, there had been Mayors in the past that the people would not trust with 100% of the power.

Mr. Michniak said what he really feared out of the proposed Charter amendments was that after they passed, the Department Heads didn't have to answer to Council at all; in fact they could lie to Council's faces as long as the person in the Chief Executive chair, no matter who it was, wanted them and Mr. Michniak didn't think Mr. Broska was thinking about that for down the road. Then literally the people wouldn't matter anymore because Council was their representatives.

Mr. Michniak said that's how he stood on the matter, but, however, the Charter also stated that if the Charter Review Commission passed amendments, that those amendments shall go to the electors in the City and Council didn't really have a vote, Council had to pass those proposed amendments on; that's the law in the City. The Charter said once the Charter Review Commission issued its recommendations, the voters got a say to vote on those recommendations. The Charter doesn't say the citizens had to vote to pass them, but that they shall get to vote yes or no. He said he and Mr. Buczkowski and probably all the members of Council would say vote no because it was ridiculous to put all the power in the executive branch because the entire City staff would have one person to fear and they would be afraid to death of the Mayor because he could fire them. Right now the Department Heads couldn't get fired unless Council approved, they couldn't get hired unless Council approved, that's collaboration and that was accountability to the citizens. If the proposed Charter amendments were to pass, there would be one person they would be accountable to and that's it, and you might as well forget about having a Council or having a vote. The citizens wouldn't even need to talk to their Ward representatives or anybody, they would need to lobby the Mayor, whoever that may be, because these amendments would be in place for years to come and Streetsboro had seen some Mayors come through that probably weren't the best decision makers and Mr. Michniak didn't think putting a government in place that made it easier on the executive branch was actually good for the City. However, the Charter stated that the people had a right to vote on it once the Charter Review Commission put amendments out. They put those amendments out and the Charter said the Council shall present those to the Board of Elections; that's why he's voting to pass it on tonight. If Mr. Michniak wouldn't, then Mr. Janis would have to take Council to court and show the court the Streetsboro Charter saying Council had to send it forward, in fact, Mr. Janis had found a case that said he didn't even have to go to court, it was just ministerial and he could put it right on the ballot. So that's why Mr. Michniak had suggested legislation be set for three readings and that Council pass it in a clean way so that they follow their own law, which said they had to send it to the voters. It didn't say they had to support it or vote yes on it, but they did have to put it on the ballot once it came out of Charter Review Commission.

Mr. Buczkowski said, if Council was intimidated by having the Law Director say he would take Council to court, that was illegal by Ohio Revised Code. Mr. Michniak said but Mr. Janis had not threatened Council in any way. There was a thing called a writ of mandamus which said a public official who was supposed to do something and they didn't do it, you could go to court and have the court make the public official do their public duty. Mr. Janis had found a case that was almost on point.

Mr. Michniak explained that in the past, back when he and Mr. Buczkowski were on City Council, Council had a vote on whether or not the proposed Charter amendments went to the ballot, but there had been a Charter change.

Mr. Buczkowski said he had not even seen the proposed Charter amendments or the verbiage for the ballot. Mr. Michniak said the Charter Review Commission had done a nice report with their rationale, but he just totally disagreed with what they proposed. He thought the Charter Review Commission thought they were doing the right thing; he thought they felt like their job was to help the Mayor become a full time Mayor, but that was just a made up slogan because he was a full time Mayor, he worked full time, there was nothing about the structure of this government that stopped him from being full time. Mr. Michniak felt the entire slew of amendments should be called “dictatorship” because that’s all it was, but because the voters feared Council from stopping the proposed changes of a previous Charter Review Commission from reaching the ballot, a Charter change was put in place. Mr. Michniak was on the Charter Review Commission that proposed the change that said if the Charter Review Commission came out with a slew of recommendations, those recommendations shall go to the voters so Council, the Mayor, or the Law Director couldn’t block it and the Charter Review Commission, composed of citizens, shall get their suggestions out to the voters. And that’s all Council was doing tonight.

Mr. Michniak added that some Council Members voted no to send the proposed Charter amendments to the ballot and he respected that. What the end result would be, not a lawsuit where Council was in trouble or anything, it just protracted the inevitable (in his opinion) and he thought it was the opinion of the City’s Law Department because he had discussed it with them. It just protracted the inevitable, which was they would have to take Council to court to force Council to get the proposed amendments onto the ballot and he didn’t think that was good for the community to have to argue about it. He thought the Charter was pretty clear. Mr. Buczkowski didn’t think it was good for Council to get taken to court by the Law Director, which was why Mr. Michniak said he was voting to put it on the ballot, but once it got to the ballot Mr. Michniak would vote no.

Carmen Laudato, 1416 Trader Drive, concurred with Mr. Michniak about the recommendations that came out of the Charter Review Commission. She mentioned that she had a ballot issue Political Action Committee (PAC) registered in Portage County that she opened when Issue 21 came on the ballot to create a position for an Economic Development Director and she was glad that issue had passed because that was the way cities were trending. Ever since that issue passed back in 2012 she had reported on the PAC every six months to keep it alive because she thought there might be another issue for which it could be used. Now she planned to get active with that PAC (called New Century Streetsboro) and she invited others to get involved or make a donation to help shoot down these ridiculous Charter amendments.

**MOTION: TO ADD AS AGENDA ITEM 13.5 A SHORT EXECUTIVE SESSION ON PENDING LITIGATION.**

Moved by Mrs. Pavlick, seconded by Ms. Timmons. Upon voice vote, **motion carried**. Mr. Michniak said the executive session would be after the announcements and the department heads, except for Mr. Janis, did not need to stay for it if the Mayor dismissed them.

**Introduction of Legislation Containing Statement of Emergency**

T-6351 Approve Construction Agreement for Meadow View Phase 6 was not forwarded from tonight’s Finance Committee Meeting.

T-6353

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT FEDERAL CONGESTION

MITIGATION/AIR QUALITY FUNDS  
PROGRAMMED BY THE AKRON METROPOLITAN  
AREA TRANSPORTATION STUDY (AMATS) TO  
IMPROVE THE FROST ROAD CORRIDOR, PHASE 2,  
AND DECLARING AN EMERGENCY IN ORDER TO  
MAKE FUNDING AVAILABLE AS SOON AS  
POSSIBLE.

Clerk read by title as directed for second reading.

T-6354 A RESOLUTION AUTHORIZING THE MAYOR TO  
APPLY FOR AN ACCEPT FEDERAL CONGESTION  
MITIGATION/AIR QUALITY FUNDS  
PROGRAMMED BY THE AKRON METROPOLITAN  
AREA TRANSPORTATION STUDY (AMATS) TO  
IMPROVE THE STATE ROUTE 43 CORRIDOR, AND  
DECLARING AN EMERGENCY IN ORDER TO  
MAKE FUNDING AVAILABLE AS SOON AS  
POSSIBLE.

Clerk read by title as directed for second reading.

T-6355 AN ORDINANCE AUTHORIZING THE MAYOR TO  
ENTER INTO CONTRACTS WITHOUT  
COMPETITIVE BIDDING WITH TRUMBULL  
INDUSTRIES, INC. AND HARNER PLUMBING, INC.  
FOR THE PURCHASE AND INSTALLATION OF  
TWO REVERSE FLOW PRESSURE REDUCING  
VALVES, AND DECLARING AN EMERGENCY IN  
ORDER TO ACCEPT TIME-SENSITIVE PROPOSALS.

Clerk read by title as directed for second reading.

T-6356 AN ORDINANCE AUTHORIZING THE MAYOR TO  
ENTER INTO CONTRACTS WITHOUT  
COMPETITIVE BIDDING WITH STRYKER  
CORPORATION AND PFUND SUPERIOR SALES  
CO., INC. FOR THE PURCHASE AND  
INSTALLATION OF A HYDRAULIC COT LIFTER,  
FOR USE BY THE FIRE DEPARTMENT, AND  
DECLARING AN EMERGENCY IN ORDER TO  
ACCEPT TIME-SENSITIVE PROPOSALS.

Clerk read by title as directed for second reading.

T-6358 AN ORDINANCE AMENDING ORDINANCE NO.  
2016-128, THE 2017 ANNUAL APPROPRIATION  
ORDINANCE. [#9]

Mr. Janis explained that an appropriations measure, under the Charter, did not require a motion to suspend the rules or a super majority to be passed. On a simple majority vote, it could pass tonight and be effective upon the Mayor's signature because it was an appropriation measure. The legislation already did not include emergency language. Clerk read by title.

**MOTION: TO ADOPT ORDINANCE NO. 2017-82.**

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

T-6359 Submit Charter Amendments for City Manager to Electors was not forwarded from tonight's Special Service Committee Meeting.

T-6360                    AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE PORTAGE COUNTY COMBINED GENERAL HEALTH DISTRICT IN ORDER TO OBTAIN THE CITY'S REQUIREMENTS FOR INSPECTION AND TESTING OF STORM SEWER OUTFALL LOCATIONS WITHIN THE CITY OF STREETSBORO FROM THE DATE OF EXECUTION OF THE CONTRACT THROUGH DECEMBER 31, 2019, AND DECLARING AN EMERGENCY IN ORDER TO COMMENCE THE CONTRACT SERVICES AS SOON AS POSSIBLE.

Clerk read by title as directed for first reading.

T-6361                    AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH CHAMPION ENERGY SERVICES LLC FOR THE PURCHASE OF THE CITY'S REQUIREMENTS FOR ELECTRIC POWER NECESSARY FOR STREETLIGHTING, FOR A PERIOD OF THREE YEARS COMMENCING AUGUST 21, 2017, AND DECLARING AN EMERGENCY IN ORDER TO ACCEPT A TIME-SENSITIVE PROPOSAL.

Clerk read by title as directed for first reading.

T-6362                    AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT AND RELEASE IN THE CASE OF *IN RE ESTATE OF LEONARD E. BAHNEY, DECEDENT*, PORTAGE COUNTY PROBATE CASE NO. 2016 ES 00500, RELATIVE TO THE COMPROMISE OF A CERTAIN JUDGMENT LIEN GRANTED TO THE CITY AND ENCUMBERING AN ASSET OF SAID ESTATE, AND DECLARING AN EMERGENCY IN ORDER TO EXECUTE THE SETTLEMENT AGREEMENT AND RELEASE AS SOON AS POSSIBLE.

Clerk read by title as directed for first reading.

T-6363                    AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN ECONOMIC INCENTIVE AGREEMENT BETWEEN THE CITY OF STREETSBORO AND STAINLESS WORKS, INC. AND DECLARING AN EMERGENCY TO EXPEDITE THE AGREEMENT.

Clerk read by title as directed for first reading.

**First Reading**

T-6364

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 ORIGINALLY ENACTED PURSUANT TO ORDINANCE NO. 2017-81.

Clerk read by title as directed for first reading.

**Second Reading**

T-6357

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.

Clerk read by title as directed for second reading.

**Third Reading**

None.

Mr. Allen asked about third reading of the recycling franchise. The Clerk and Law Director clarified that it was on third reading, but had been forwarded to the August 14, 2017 Service Committee for further information and further discussion, not this meeting.

**Mayor’s Report**

Mayor Broska asked to postpone the appointments to PRCAC and the CRA Housing Council until the August 14, 2017 Council Meeting. He reported that the administration had received some sample Facebook policies from the City of Tallmadge and the Streetsboro Police Department. He noted that they had learned that if the site administrator started a post on the City of Streetsboro Facebook page and then shared it, it didn’t block anyone, as long as it started on the City of Streetsboro page, so they made that change. Previously, it would often originate on someone’s page and then get shared on the City of Streetsboro page, so if it started on the City’s page it was all good.

Mayor Broska also reported that Frost Road was coming along and the City road paving program had started. The City was waiting to hear back from OPWC regarding Frost Road and Diagonal and was hoping to get it started around the middle of August, and it should take less than 30 days. The Service Department worked hard on getting the square patched up because ODOT wouldn’t be able to do it for a couple of years.

**President of Council’s Comments**

Mr. Michniak said Council needed to talk about scheduling a Special Council Meeting to get the Charter amendment readings in prior to the Board of Elections deadline. There was some

discussion on who could be available for certain days. Mr. Michniak and Mr. Claypoole would be unavailable on July 31, 2017, but there could possibly be five members in attendance.

**MOTION: TO SCHEDULE A SPECIAL COUNCIL MEETING FOR MONDAY, JULY 31, 2017 AT 7 P.M.**

Moved by Mrs. Pavlick. Mayor Broska asked, if there would be six Council members in attendance, could the purchase of the PRV valve be added to the Special Council Meeting agenda since it was kind of critical. If it could be passed after three readings, it would still take 30 days to take effect. He said they had been working on it for over a month now to try to get it passed and it was pretty critical to help the folks in Stone Gate and Stone Ridge and anything west of Jefferson Road. Mr. Michniak said instead of a meeting for a sole purpose he would designate the Special Meeting for any undone business that the City had not gotten to yet. There was further discussion on when to schedule a Special Council Meeting. Thursday, July 27, 2017 at 8 p.m. was suggested because at least 4 Members could be in attendance. No one was certain when Mr. Ruediger or Mrs. Field would be available. Mr. Claypoole noted that of the four that could be in attendance on July 27 only three voted Yes last time and he didn't want to come to a meeting if it was going to fail anyway. Mr. Michniak said we were not going to ask the people to vote right now and were not going to ask people to change their vote.

Mr. Michniak said Council would schedule a meeting for Thursday and see what it would look like and if that wasn't going to work, then Council would schedule a meeting for Monday, July 31, 2017 and if Council Members didn't show up, the Law Director would get a court order to make them show up in court and they would all have to miss work and it would look really bad, so he suggested everyone show up on Thursday or Monday and vote; the Charter was pretty clear. He said there was no sense in wasting everybody's time. He said you can vote how you want but just show up to vote. Mrs. Pavlick's prior motion never got a second.

**MOTION: TO SCHEDULE A SPECIAL COUNCIL MEETING ON THURSDAY, JULY 27, 2017 AT 8:00 P.M.**

Moved by Mrs. Pavlick, seconded by Mr. Allen. Upon voice vote, **motion carried with Mr. Allen opposing the motion.** Mr. Claypoole asked about notifying the two Council Members who were not present about the special meeting. The Clerk would have a notice delivered to their home per the Charter requirements and would send them the packet electronically too so they would be aware of the special meeting. Mr. Michniak confirmed the Special Council meeting would start at 8 p.m. and only the Mayor and Law Director were needed, not the department heads, unless the Mayor wanted them to attend.

Mr. Michniak commented that Streetsboro Junior Baseball just ended a very special year. The leagues had expanded into other communities and joined forces with other rec leagues (Solon, Stow, Twinsburg, Crestwood, Aurora, Mantua, Kent, Nordonia) especially for the older children. One of the Girls Softball teams was undefeated and won the championship in a multi-city jurisdiction, which was a big accomplishment. A team of 11 year old boys under Manager Derek Pays (Assistant Coach Steve Michniak) went 16-0 and won the Twinsburg baseball league. Mike Sweet's (Service Department staff) team of older boys went 15-2 and won the championship against another Streetsboro team. Mr. Michniak asked that these top teams be recognized by City Council and the Mayor at a future meeting since it was laudable to win in these competitive multi-city leagues. These exceptional players will make it an exciting future for the high school teams.

**Council Members' Comments**

Ms. Timmons' son was on one of the winning baseball teams and she supported Mr. Michniak's idea to recognize all the winning baseball teams who had done a really good job against a lot of really good teams. Mr. Allen agreed.

Mr. Allen asked the administration to get Akron and Cleveland's Facebook policies too as examples to help develop a Streetsboro Facebook policy.

Mrs. Pavlick thanked the Fire Department for welcoming her grandson when he came for an impromptu visit. Her grandson also enjoyed watching the Service Department crews working with the storm drain cleaning machinery. She recognized the upcoming Safety Land program that was always enjoyed by the youngsters. She would talk with Mr. Mytinger about some playground equipment at City Park. She encouraged everyone to attend Streetsboro Family Days this weekend.

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

Ms. Esarey reported that she and Mayor Broska had attended an introductory Local Government Funding meeting in May 2017 and the next meeting would be Monday, July 31, 2017 and they would again represent the City and fight for every penny they could possibly get. She would keep Council updated.

Mr. Miller mentioned again the need for the reverse PRV valve that could not be passed again tonight as emergency legislation because there were not enough Council Members present due to summer vacations. He asked Council to look at the emergency purchases policy again because this item cost \$19,000 so it had to go through Council, but it had taken 4-6 weeks to get it ready for Council and he had been waiting through two readings and after a third reading it would take 30 days to take effect and then have 2-3 weeks before it could be delivered. It had turned into a three month process for an emergency situation for a PRV that needed replaced. Mr. Janis noted that it wasn't just the dollar amount it was the category of things that were subject to the "emergency purchase" policy. It had to be something that was broken or destroyed. The PRV valves in place were functioning as designed, but if there was a waterline break those PRV valves couldn't be used to reverse the flow of water to feed the Stonegate area and all those people would be without water. Mr. Michniak suggested putting this issue on a future Service Committee agenda for discussion.

Mr. Grimm thanked Mrs. Pavlick for her comments tonight regarding the Fire Department and would pass it along. Chief Reinholz had asked him to explain that every year for Streetsboro Family Days the Fire Department had an event action plan (a formal plan specifying what to do in certain situations) and this year the Streetsboro Fire Department would also invite the Portage County Incident Management Assistance Team to attend Streetsboro Family Days on Saturday. There was a large exercise schedule in September in Shalersville with all the other County teams and Streetsboro and Portage County would do a mini exercise at Streetsboro Family Days to prepare and practice for the September exercise. This mini exercise would help with the event action plans for any other school or community events in the future. The big Mobile Command Unit would be at City Park for this exercise and be open for the public to visit too.

#### **Announcements**

Streetsboro Family Days opens on Thursday, July 27, 2017 at 4:00 p.m. at City Park.

There would be a Special Council Meeting on Thursday, July 27, 2017 at 8:00 p.m. in Council Chambers.

There will be a Service Committee, a Safety Committee and a Regular Council Meeting on Monday, August 14, 2017 starting at 7:00 p.m. in Council Chambers.

#### **Executive Session**

**MOTION: TO RECESS INTO EXECUTIVE SESSION TO CONSIDER PENDING LITIGATION.**

Moved by Mrs. Pavlick, seconded by Ms. Timmons. Upon roll call, **motion carried 5-0 and the meeting recessed at 8:46 p.m.**

**MOTION: TO RECONVENE FROM EXECUTIVE SESSION.**

Moved by Mr. Allen, seconded by Mr. Claypoole. Upon voice vote, **motion carried and the meeting reconvened at 9:12 p.m.**

There being no further business to come before this Council, and upon motion by Mr. Allen, seconded by Mrs. Pavlick, this meeting adjourned at 9:12 p.m.

ATTEST:

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Caroline L. Kremer, Clerk of Council

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Stephen A. Michniak, President of Council