

This Regular Meeting of Council was called to order on Monday, August 14, 2017 at 9:17 p.m. by Steve Michniak, Council President.

PRESENT: Tim Claypoole, John Ruediger, Bridget Pavlick, Julie Field, Steve Michniak

ABSENT: Jessica Timmons, Jeff Allen [joined at 9:19 p.m.]

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
John Chapman, Assistant Law Director
Caroline Kremer, Clerk of Council

MOTION: TO EXCUSE MR. ALLEN AND MS. TIMMONS.

Moved by Mr. Ruediger, seconded by Mrs. Pavlick. Upon voice vote, **motion carried.** Mr. Allen was on his way.

Disposition of Minutes

MOTION: TO ACCEPT THE REGULAR COUNCIL MEETING MINUTES OF JUNE 26, 2017 AS PRESENTED.

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

Citizens' Comments

None.

Since Mr. Allen had not arrived yet, the Council President skipped the emergency legislation until Mr. Allen could be present.

First Reading

None.

[Mr. Allen joined the meeting at 9:19 p.m.]

Second 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PLANNING, ZONING AND BUILDING PERMITS, APPROVALS AND CERTIFICATES RELATED TO MEDICAL MARIJUANA BUSINESSES AND LAND USES ORIGINALLY ENACTED PURSUANT TO ORDINANCE NO. 2017-81.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 second reading. Mr. Ruediger noted there already was a moratorium set through mid October, so why was there a need to extend the moratorium further. Mr. Janis explained that the original moratorium was only set for 60 days and because of the press of business and the need to work up a proposal with the Planning Department, it might not be done in 60 days. It might be, but in case it wasn't done, they didn't want to have the City be bare in case the moratorium would expire and they didn't have anything in place. This proposal legislation was a place holder to protect the City and to give time to enact the new regulations currently being drafted. Mr. Michniak noted the moratorium could be ended by Council at any time. Mr. Ruediger didn't think there would be many medical marijuana licenses issued by the State and most of them were already set throughout the State, and medical marijuana was now legal in Ohio and he didn't want to miss the boat on possible new businesses and new revenue in Streetsboro if this was delayed too long. He wanted the new zoning regulations to be expedited; he thought the City should have prepared for this ahead of time. Mr. Cieszkowski, Mr. Chapman and Mr. Janis were working on it together, but could not really provide a timeline for adoption of new regulations yet. This issue still had to go through the Planning Commission before it could be presented to Council.

Mr. Michniak asked if marijuana was still illegal federally, even if it was medical marijuana. Mr. Janis said yes, no federal laws had changed; the federal laws related to federal jurisdiction (mostly financial, not possession or that sort of thing).

Mrs. Field understood Mr. Ruediger's point, but thought this issue needed some thorough consideration and maybe the moratorium should be more than 60 days. Mr. Michniak told her 180 days was considered (at the last meeting when she was out of town) and the idea was that a longer (180 days or 1 year) moratorium could theoretically influence some entrepreneurs that may be looking at various cities to establish their businesses to think that Streetsboro was not really interested in having such a business, but a shorter moratorium of 30 or 60 days made it seem that Streetsboro was serious about getting the regulations or restrictions in place to accept such a business. It could be reconsidered every 30 or 60 days to determine if it needed renewed or not. Mr. Michniak didn't want to lose out on a legal business coming to town.

Mr. Ruediger commented that he had seen a TV report that said a city had earned \$50 million in tax revenue. Mrs. Field wondered what the crime rate was in that city. She understood there were pros and cons to any new endeavor and felt it would take a lot of time to consider. A moratorium could not be of an indefinite time period.

Mr. Claypoole wondered how a City Council could authorize medical marijuana if it was federally illegal; were there any potential ramifications to a city adopting an ordinance to allow it? Mr. Janis said the only consequences he saw was if the City were somehow to be involved in the revenue or somehow "take of cut" of the revenue or profits, which would violate federal law but the City would be prohibited under the Ohio Constitution from doing that anyhow. The City would not tax the product, the State taxed it. The City would get income tax revenue from the employees. Mr. Michniak asked if Streetsboro could do something like it did for the games of skill that operated in the City, like charge so much for them to operate in the City per machine per month or per weight of marijuana at each facility. He wondered if there were other ways to capitalize on that revenue that didn't revolve around employment. Mr. Janis said there were other cities in other states that maximized their medical marijuana permit application fees. Mr. Janis wasn't aware of any revenue from the games of skill and Mr. Michniak said other cities collected revenue from those games of skill machines so maybe Streetsboro should look into that at a future meeting.

Introduction of Legislation Containing Statement of Emergency

T-6339

AN ORDINANCE RE-NAMING POLICE
HEADQUARTERS, 2080 S.R. 303, AND SUPERIOR
AVENUE, IN HONOR OF RICHARD A. TAICLET,

AND DECLARING AN EMERGENCY IN ORDER TO PERMIT THE INSTALLATION OF RECOGNITION MARKERS AND SIGNAGE AS SOON AS POSSIBLE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-90.

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

T-6351 Approve Construction Agreement for Meadow View Phase 6 did not have any new information regarding the performance bond paperwork, so Mr. Cieszkowski suggested it be moved to the next meeting.

MOTION: TO MOVE T-6351 TO THE AUGUST 28, 2017 REGULAR COUNCIL MEETING.

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

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

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-91.

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

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.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-92.

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

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.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-93.

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

T-6368 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH ADP, LLC FOR THE PURCHASE FO PAYROLL PROCESSING, HUMAN RESOURCES SOFTWARE, AND TIME AND ATTENDANCE DATA COLLECTION SERVICES, FOR A PERIOD OF THREE YEARS COMMENCING SEPTEMBER 1, 2017, AND DECLARING AN EMERGENCY IN ORDER TO 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 6-0.**

MOTION: TO ADOPT ORDINANCE NO. 2017-94.

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

T-6369 AN ORDINANCE CREATING THE WORKERS' COMPENSATION FUND, FUND 103, IN THE CITY'S

CHART OF ACCOUNTS, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE OPERATION OF THE FUND.

Clerk read by title as directed. Mr. Allen asked if this account would be used just one time. Ms. Esarey said the thought was that the City could also move more monies, if money was available, into this fund regularly. The City was not having a problem paying the Workers' Compensation now, Ms. Esarey was just trying to create a solution with the rebate money that had been received. Mr. Allen thought the money could just be put into the General Fund to help with the deficit budget this year and did not see the need for this ordinance.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT THE ORDINANCE.

Moved by Mr. Allen, seconded by Mrs. Pavlick. Upon roll call, **motion failed 5-1.** Ms. Esarey said the rebate check needed to be deposited in September and she had been waiting to see what account to put it into. She would deposit it into the General Fund and if Council decided to create a Fund later, the money could be transferred later.

T-6370 Authorize Natural Gas Aggregation Contract was not forwarded from tonight's Service Committee Meeting.

T-6371 AN ORDINANCE APPROVING THE RE-PLAT OF SUBLOT 3 OF THE SINGLETARY DRIVE PHASE I SUBDIVISION, AS APPROVED BY THE PLANNING COMMISSION; AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE PROPOSED DEVELOPMENT OF THE RE-PLATTED PARCEL.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-95.

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

T-6372 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE OF LABOR AND MATERIALS NECESSARY TO INSTALL RESTROOM DOORS AND A TIMED LOCKING SYSTEM AT CITY PARK, 8980 KIRBY LANE, 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 Mr. Allen. Upon roll call, **motion carried 6-0.**

MOTION: TO ADOPT ORDINANCE NO. 2017-96.

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

T-6373 AN ORDINANCE DECLARING CERTAIN CITY-OWNED MOTOR VEHICLES NO LONGER NEEDED FOR ANY MUNICIPAL PURPOSE, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE SALE OF CERTAIN VEHICLES WITHOUT PUBLIC BIDS TO THE CITY OF GARFIELD HEIGHTS, OHIO AND TO SCRAP ONE ADDITIONAL VEHICLE, AND DECLARING AN EMERGENCY TO EXPEDITE THE SALE PROCESS.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-97.

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

T-6374 AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2017-86 TO SPECIFY THE CORRECT APPROPRIATIONS ACCOUNT, AND DECLARING AN EMERGENCY IN ORDER TO PERMIT THE PURCHASE AUTHORIZED IN SAID ORDINANCE TO PROCEED AS SOON AS POSSIBLE.

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. 2017-98.

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

T-6375 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 PORTABLE RADIOS 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 Mrs. Pavlick. Upon roll call, **motion carried 6-0.**

MOTION: TO ADOPT ORDINANCE NO. 2017-99.

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

T-6376 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH MOTOROLA SOLUTIONS, INC. FOR THE PURCHASE OF NOT TO EXCEED SIX (6) MOTOROLA APX 4000 PORTABLE RADIOS AND ACCESSORIES, AND DECLARING AN EMERGENCY IN ORDER TO ACCEPT A TIME-SENSITIVE PROPOSAL

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-100.

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

T-6377 AN ORDINANCE AMENDING ORDINANCE NO. 2016-128, THE 2017 ANNUAL APPROPRIATION ORDINANCE. [#11]

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-101 AS AMENDED.

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

T-6378 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER TO THE CONTRACT ENTERED INTO BETWEEN THE CITY AND PERRIN ASPHALT CO., INC. PURSUANT TO ORDINANCE NO. 2017-40, FOR THE 2017 PAVING PROGRAM; AND DECLARING AN EMERGENCY IN ORDER TO EXECUTE THE WORK AS SOON AS POSSIBLE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-102.

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

T-6379 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GLAUS, PYLE, SCHOMER, BURNS AND DeHAVEN, INC. FOR THE PURCHASE OF PROFESSIONAL SERVICES NECESSARY TO PREPARE PRELIMINARY ARCHITECTURAL PLANS AND RENDERINGS FOR THE REDEVELOPMENT OF THE MUNICIPAL BUILDING SITE, AND DECLARING AN EMERGENCY IN ORDER TO COMMENCE THE WORK AS SOON AS POSSIBLE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-103.

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

Third Reading

T-6328 AN ORDINANCE AWARDED A NONEXCLUSIVE FRANCHISE TO PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT TO PROVIDE RESIDENTIAL CURBSIDE RECYCLING COLLECTIONS IN THE CITY OF STREETSBORO, FOR A PERIOD OF SIX YEARS, AND AUTHORIZING THE MAYOR TO EXECUTE A FRANCHISE AGREEMENT.

Clerk read by amended title as directed. Mr. Ruediger emphasized that this franchise would be six years, include a Senior discount, and have weekly pick-up. Mr. Janis noted Portage County's July 7, 2017 proposal (following the initial May 2017 proposal) contained all those provisions and Council would select the Senior discount, six year term, and weekly collection service.

MOTION: TO DIRECT THE CLERK TO REFERENCE THE JULY 7, 2017 PROPOSAL IN THE ORDINANCE TO REFLECT THE SENIOR DISCOUNT, WEEKLY SERVICE AND SIX YEAR TERM.

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

MOTION: TO ADOPT ORDINANCE NO. 2017-104 AS AMENDED.

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

Mayor's Report

Mayor Broska had provided a message from Eileen Fitzsimmons expressing interest in joining the PRCAC committee. Rich Gadus had resigned from PRCAC because of work commitments and Mayor Broska recommended appointing Ms. Fitzsimmons to fill the unexpired term vacated by Mr. Gadus.

MOTION: TO CONFIRM THE MAYOR'S APPOINTMENT OF EILEEN FITZSIMMONS TO THE PARKS, RECREATION AND CONSERVATION ADVISORY COMMITTEE.

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

There were three additional PRCAC members whose terms expired last month but they had all expressed interest in continuing as members of PRCAC and Mr. Mytinger had indicated that they were doing a fantastic job, so Mayor Broska wanted to reappoint them.

MOTION: TO CONFIRM REAPPOINTMENT OF SCOTT CLARK, SHERRI GESTRING AND KEITH SMITH TO THE PARKS, RECREATION AND CONSERVATION ADVISORY COMMITTEE.

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

Mayor Broska announced that he wanted to appoint Regis Faivre to the CRA Housing Council. Council Members decided they didn't need to vote to confirm the appointment; it was the Mayor's appointment to make.

Mayor Broska reported that the Frost Road project was moving forward on schedule. Mrs. Pavlick had asked Mayor Broska about having "STREETSBORO" emblazoned across the bridge and he checked into it with ODOT who said it would cost about \$32,000, but ODOT would cover the cost as part of the project. Traffic was being maintained through the construction zone.

President of Council's Comments

Mr. Michniak asked everyone to keep former Chief Taiclet's family in their thoughts and prayers. [Rich Taiclet, former Police Chief, passed away August 9, 2017.] Mr. Michniak said he grew up in the same neighborhood as the Taiclet family and went to school with Chief Taiclet's sons. Most of his memories of Chief Taiclet was when Mr. Michniak was a child and he remembered him as a good dad who kept all the neighborhood kids in line. Mr. Michniak worked with him as an adult as a prosecutor and appreciated the man he was. He said Chief Taiclet would really be missed. Chief Taiclet had impacted Mr. Michniak's life and he appreciated it.

Council Members' Comments

Mr. Allen agreed that Chief Taiclet had impacted many lives and had been a good friend that would be missed. Mrs. Pavlick agreed that Chief Taiclet was an influential man and he had impacted the Police Department as well and his presence would be felt far into the future. She encouraged people to continue to reach out to his family. Mrs. Pavlick thanked Mr. Miller, Mr. Ciuni and the Mayor for following up and everyone discussing the issue and working to help the people on Cherokee with stormwater issues. School would start soon, so drive carefully.

Mr. Claypoole and Mr. Ruediger echoed everyone's comments about Chief Taiclet; he was a great man and would be missed. Mr. Ruediger noted the Police officers made a nice tribute to Chief Taiclet by their presence at the calling hours. Mr. Ruediger reported the Ice Cream Social prior to school starting would be Sunday, August 20, 2017 from 2-4 in City Park. There would be a partial (80%) solar eclipse on Monday, August 21, 2017 from about 1:30 to 3:30

p.m. across Ohio. He reported that a high school student had passed away from an unexpected accident today, so scheduling activities at the school would be cancelled for tomorrow.

Reports/Communications from Dept/Boards/Commissions

Mr. Mytinger said the Parks and Recreation Program Guides had been distributed through the mail. He reported that GPD would attend the Finance Committee Meeting on August 28, 2017 to present the next layout of the Community Recreation Center. Then there would be a Town Hall Meeting on Wednesday, August 30, 2017 at 7 p.m. at the high school auditorium to present the same information to the public and to field questions and comments.

Announcements

School starts August 23, 2017.

There will be a Finance Committee Meeting and a Regular Council Meeting on Monday, August 28, 2017 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 Mr. Allen, this meeting adjourned at 10:07 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Stephen A. Michniak, President of Council