

This Regular Meeting of Council was called to order on Monday, November 13, 2017 at 9:40 p.m. by Steve Michniak, Council President.

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

ABSENT: Jessica Timmons

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

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

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

**Disposition of Minutes**

**MOTION: TO ACCEPT THE REGULAR COUNCIL MEETING MINUTES OF OCTOBER 23, 2017 AS PRESENTED.**

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

**Citizens' Comments**

None.

**Introduction of Legislation Containing Statement of Emergency**

T-6404 AN ORDINANCE AMENDING ORDINANCE NO. 2016-128, THE 2017 ANNUAL APPROPRIATION ORDINANCE. [#15]

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. 2017-127.**

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

T-6405 Ordinance to Lift Medical Marijuana Moratorium was not forwarded from tonight's Service Committee Meeting.

T-6406 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AFTER COMPETITIVE

BIDDING FOR THE PURPOSE OF REPLACING THE CULVERT CARRYING AN UNNAMED CREEK UNDER MONTCLAIR DRIVE; AND DECLARING AN EMERGENCY IN ORDER TO PROCEED WITH THE PROJECT AS SOON AS POSSIBLE.

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. 2017-128.**

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

T-6407                    A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT FEDERAL SURFACE TRANSPORTATION BLOCK GRANT (STBG), RESURFACING, AND/OR TRANSPORTATION ALTERNATIVES SET ASIDE (TASA) FUNDS PROGRAMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE VARIOUS STREETS WITHIN THE CITY OF STREETSBORO, AND DECLARING AN EMERGENCY IN ORDER TO MAKE FUNDING AVAILABLE AS SOON AS POSSIBLE.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT RESOLUTION NO. 2017-129.**

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

T-6408                    AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTIVE A CHANGE ORDER TO THE CONTRACT ENTERED INTO BETWEEN THE CITY AND RONYAK PAVING, INC. PURSUANT TO ORDINANCE NO. 2017-56, FOR THE RESURFACING OF FROST ROAD FROM PAGE ROAD TO THE EASTERN CORPORATION LIMIT AND DIAGONAL ROAD FROM STATE ROUTE 303 TO THE SOUTHERN CORPORATION LIMIT, AND DECLARING AN EMERGENCY IN ORDER TO EXECUTIVE THE WORK AS SOON AS POSSIBLE.

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. 2017-130.**

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

**First Reading**

T-6393

AN ORDINANCE AMENDING SECTIONS 943.02, 943.03, 943.07, 943.08, 943.09, 943.11, AND 943.12 OF TITLE FIVE, PART NINE (STREETS, UTILITIES AND PUBLIC SERVICES CODE) OF THE CODIFIED ORDINANCE, RELATING TO RECYCLING COLLECTIONS, AND REPEALING SECTION 943.06 THEREOF.

Clerk read by title for first reading.

**Second Reading**

T-6403

AN ORDINANCE AMENDING SECTIONS 1132.04, 1137.03, 1147.02, AND 1147.03 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE) OF THE CODIFIED ORDINANCES, RELATING TO REGULATION OF BUILDING HEIGHTS IN THE “B: (BUSINESS), “C-3” (HIGHWAY INTERCHANGE COMMERCIAL) AND “C-R” (COMMERCIAL/RESIDENTIAL) ZONING DISTRICTS, AND REMOVING MULTI-FAMILY DWELLINGS FROM THE LIST OF PERMITTED USES IN THE “C-R” (COMMERCIAL/RESIDENTIAL DISTRICT).

Clerk read by title for second reading.

**Third Reading**

T-6394

AN ORDINANCE AMENDING SECTIONS 925.02 AND 925.03 OF TITLE THREE, PART NINE (STREETS, UTILITIES AND PUBLIC SERVICES CODE) OF THE CODIFIED ORDINANCES, RELATING TO WATER SERVICE, AND ENACTING NEW SECTIONS 925.10, 925.11, 925.12, 925.13, 925.14, 925.15, 925.16, 925.17, 925.18, 925.19, 925.20, 925.21 AND 925.22 THEREOF.

Clerk read by title for third reading.

**MOTION: TO ADOPT THE ORDINANCE.**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Mr. Allen asked if the current water rates were part of this ordinance. They were not, so Mr. Allen wanted to amend the legislation to have them attached for future reference of the existing rates of today. Ms. Esarey commented that the legislation required the Finance Director to certify to Council the rates each year; the old Water ordinances had old water rates listed that were so out of date they were irrelevant. Mr. Allen felt that the current existing water rates should be documented so in case the new water rates weren't updated/recorded no one would have to go back and search years of data to find the old rates. Mrs. Field and Mrs. Pavlick withdrew their motion.

**MOTION: TO AMEND T-6394 TO ATTACH THE CURRENT WATER RATES AS EXHIBIT “A”.**

Moved by Mr. Allen, seconded by Mr. Michniak. Upon roll call, **motion failed 2-4 with Mr. Allen and Mr. Ruediger supporting the motion.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-131 AS WRITTEN (NOT AMENDED).**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion carried 4-2 with Mr. Allen and Mr. Ruediger opposing the motion.**

T-6400                    AN ORDINANCE APPROVING A REVISION OF  
CEMETERY REGULATIONS AS PROVIDED FOR IN  
SECTION 945.08 OF THE CODIFIED ORDINANCES.

Clerk read by title for third reading.

**MOTION: TO ADOPT ORDINANCE NO. 2017-132.**

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

**Mayor's Report**

Mayor Broska noted that on September 26, 2017 he sent a signed recycling contract to Portage County Solid Waste Management for their signatures and had not received a signed contract back from them yet. The extension was through October 19, 2017 so the City currently had no contract with Portage County Recycling. Mayor Broska had called Bill Steiner, Portage County Solid Waste Management Director, and he had said he had to get five people together and it could be up to November 17 until he could do that. Mayor Broska also said he'd been receiving phone calls at his office from people that had been calling Portage County. From his understanding, and the way it was written, everyone would be delivered a 65 gallon cart. If anyone wanted a bigger (95 gallon cart) they had 60 days to contact Portage County Recycling and get the bigger cart. There had also been a lot of calls from people in the condos that they did not want the 65 gallon carts, they wanted the 18 gallon bins and that had been discussed on the floor before the legislation was passed, but when Mayor Broska talked to Bill Steiner about it today, he had said that they probably could pick them up if they had the right truck out there that day. Mayor Broska was concerned that the recycling in the smaller totes could be passed by. He asked Mr. Steiner for confirmation that when recycling was put out it would be picked up because Mr. Steiner had said in a public meeting that people would be able to keep their 18 gallon bins that didn't want the large ones because they didn't fit in their garages along with the 95 gallon carts for trash and the HOA wouldn't allow them to put them outside the garage, or because they didn't have enough recycling to even fill the 18 gallon bin weekly. Mr. Steiner wouldn't confirm that the 18 gallon bins would be picked up on a weekly basis. Mayor Broska said this was concerning because there still wasn't a signed contract and they have had it for over six weeks.

Mrs. Pavlick said it was stated as part of the contract that it would be weekly pick up service because every other week would be too confusing. Mayor Broska agreed, but Mr. Steiner had said today it could depend on what truck was out there that day. Mayor Broska wanted to get more clarification from him because he wasn't happy to hear that if the right truck wasn't there, then they might not pick it up. Mr. Steiner had said they couldn't use the automated arms on the trucks for the 18 gallon bins because when the arms closed, they smashed the 18 gallon bins, so it would require the drivers to get out of their trucks and lift the 18 gallon bins and Mr. Steiner had said he didn't know if that would happen all the time. Mayor Broska told Mr. Steiner that the Mayor's Office did not want to be getting calls about the recycling not being picked up. Mr. Claypoole commented that it would be a breach of contract (once they signed the contract).

The 65 gallon carts were staged at the old Carter Lumber building and Portage County had started distributing them today, even though the contract wasn't signed. Mr. Ruediger said he trusted the Mayor to do a great job in getting this resolved. Mrs. Pavlick added that during the meetings Portage County seemed more willing to work with the City than the other company (Kimble) and the Council Members had kind of "went to bat" for them. Mayor Broska didn't understand why it was taking so long to get a contract signed. He emphasized that the City couldn't authorize any payment after October 19, 2017. Mrs. Kremer told Mr. Claypoole that the note that came with the 65 gallon carts had said the cost would be put on the homeowners' taxes and Portage County wouldn't send invoices any longer. Mayor Broska added that Portage County was not collecting the old 18 gallon bins and people could use them for storage or whatever, and in the meeting when the condo residents said they wanted to continue to use the 18 gallon bins Mr. Steiner had said they could keep them and use them for their recycling to be picked up. Mrs. Pavlick remembered an elderly couple who had a really long gravel driveway and it was easier for them to put the 18 gallon bin in their car and drive it to the end of the driveway than to try to drag the 65 gallon wheeled cart to the end of the driveway. That's why Mayor Broska said it was disconcerting to talk to Mr. Steiner today.

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

Mr. Michniak congratulated the three recently elected Council Members and wished them good luck. He said they had a good team to work with on Council; they didn't always agree on the issues, but they did agree on trying to get through things in the most respectful manner possible. He commented that it was fate that the three candidates that came to the most meetings were the ones elected. He hoped they would enjoy the next four years.

He said he was a little disappointed in some of the election results, but there was now a direction to go. He hoped the administration and Council could work together and try to work toward something the residents could get behind at the ballot box and all work toward a goal that everyone could afford and could realistically get done. He hoped the new Council and the administration would work toward something that was a team effort and the citizens could really get behind because the City was in a position where it could do some things and could convince the voters it was affordable and doable if it could work to get to somewhere that was more realistic to the voters.

He also hoped the Council and the administration would look to the results of the election because it seemed the City was comfortable with its checks and balances. When he had talked with folks about the proposed Charter amendments he told them he had supported placing them on to the ballot because that's the way our government was structured, but that everyone should vote against them because he felt the checks and balances needed to be in place. He had suggested to people to take the personalities out of it; whether they liked the current Council or Mayor, to try to consider worst case scenarios. He thought the voters spoke loudly that they were OK with the checks and balanced and that government was meant to be hard; it wasn't meant to be easy on one branch or the other branch of government. He had talked with Mayor Broska and Mr. Michniak didn't fault him for what the Mayor was trying to do to change the structure of the government within the bounds of the law so that he could get more things done in a fashion that fit his style more. Mr. Michniak hoped that Council and the administration could respect the voters' wishes, at least until the next Charter Review Commission. Mr. Michniak said his biggest fear from the proposed Charter amendments was an administration that was afraid to communicate with the Council Members, the voters' representatives. He said the Council Members talked with their constituents and tried to get a feeling for the will of the people but often didn't really know until there was an election. Like with the recreation center: everyone was saying everyone was for the recreation center, and Mr. Michniak did think people wanted a nice center, but when people looked at the details they didn't support it and the 2-1 vote on it spoke loudly that the government needed to find a better way and find something they could sell to the voters, or actually something that could sell itself without the government trying to convince the voters of something. Mr. Michniak said he was most pleased when the Charter

amendments did not pass because he felt it had protected the rights of the department heads to be honest with Council and honest with the administration to the extent that he thought if they had passed, it would have placed them in a precarious position because anytime you give one person (anyone in that position in the future) who rules by fear, it could cause a whole lot of problems. Mr. Michniak hoped the department heads at least felt comfortable that they knew they could speak the truth when they were asked questions, or give their honest opinion if there was no right or wrong answer about the direction they thought any issue should go without suffering repercussions from maybe a Mayor who may feel their response was not in line with the Mayor's direction he wanted to see the City go in any particular issue. That survived as a result of these Charter amendments failing and Mr. Michniak hoped all the department heads realized that and that as long as the department heads were being faithful to the residents in the end, that they would always have a position here and Council would back them up and the Mayor would back them up if they did their jobs and were honest. Mr. Michniak's fear was that if those amendments had passed there would have been no real way to get real answers out of the department heads who (as the Council does) work for the residents, so he hoped they realized that and they stayed out of the political battles as best they could. So his best advice to them was to give their honest answers even if they thought it wasn't what the Mayor or a specific Council Member wanted them to say, and do so knowing the Charter protected them from being removed for giving honest answers. Mr. Michniak thought the voters got that. He wasn't trying to make Mayor Broska out to be a bad guy or a good guy, he understood what he tried to do, he thought Mayor Mark Pavlick had also tried to change some of the structure of the government to shift the balance toward the executive branch, but he thought the reason the City was on the right path was because of the way it was structured and because there were people willing to volunteer to serve. Serving as an elected official one did not really get much praise, but often heard many complaints or people asking to get something fixed that couldn't always be fixed. It was a hard job, a difficult job, and mentally stressful job but he hoped the new Council Members could set aside their personal differences and try to work toward goals together and that they would consider the ideas presented and not oppose the ideas because of the person that presented the ideas. He hoped the Council Members could formulate their answers by getting honest answers from their department heads. He felt the failure of the Charter amendments would ensure the Council Members could get real answers out of their department heads without them having to fear they would get fired for just talking to the Council Members. Mr. Michniak was happy the voters chose to maintain this power structure and to keep the checks and balances, at least for now, and he thought the City was headed in the right direction and a lot of the credit went to the administration and a lot of the credit went to City Council; most of it had to do with the administration putting these competent department heads and chiefs in place to carry out the day to day mission that the Mayor set them on and the City Council oversaw. It was a shared glory and the City was headed in the right way. He hoped the government could get something together down the road that could be sold to the citizens that really sold itself, and there could be some sort of a recreation center and/or City Hall that the voters could get behind. He said it was hard to get people to spend their money at the voting box. He wished good luck to everybody.

### **Council Members' Comments**

All the Council members congratulated the newly elected Council Members and looked forward to working with them. Mrs. Field commented that as a Council Member she felt obligated and responsible to pass on the Parks and Recreation levy to the voters. She had heard multiple residents over the past 6-7 years express an interest in a recreation center and was really glad the City had given the voters an opportunity to vote and be heard. As a Council Member she saw the impact a recreation center would have on the City and what it would mean for the community and the local businesses. She thanked Mr. Mytinger for making the effort and trying to move the City forward, but the voters had spoken and she was glad to have heard their voice. She thought it was safe to say that most people still wanted to improve the parks and still wanted a recreation center, but there was a question of how to get there. She hoped there was a plan B and that the City could figure something out over the next year or so to figure out how to move in that direction because she felt that was what the people wanted for Streetsboro. She wanted to see

whatever funds possible be allocated for betterment of the parks and recreation features and activities because the residents did care about it. She was glad to have heard the voice of the voters and that all the residents had an opportunity to vote.

Mrs. Field also mentioned a significant concern regarding the intersection near Jimmy John's/Starbucks and Singletary Drive, especially with the new IHOP going in there. She felt the parking lot/driveway was a traffic issue and Mr. Michniak agreed. There was some discussion regarding the problem there. Mr. Michniak suggested a stop sign for those coming from Defer Tire. Others suggested making the parking lot one way traffic. Mr. Ciuni, the Police Chief and Mr. Cieszkowski would look at it.

Mr. Allen mentioned that Portage County Recycling had been nice enough to extend their existing contract while the City worked on the franchise proposals and he thought the recycling contract was not signed because of the new recycling code legislation that they were going to review. He thought the City needed to extend them the same courtesy they did for us. He noted that Bill Steiner of Portage County had said the County would collect recycling from the 18 gallon bins and they ought to be doing that. Mr. Allen commented regarding the Parks and Recreation levy that he'd heard on the street that the City was spending a lot of money on a park (Steffner property/Thomas Heritage Park) it didn't need, that wasn't used. Mr. Allen said he'd also heard on the street that a 1 mill levy would pass if there was a commitment not to cut existing funding that was going into the parks.

Mrs. Pavlick thanked the Service Department and Ohio Edison that fixed the sewer pipe issue on Shawnee. She also thanked the Police and Fire Departments because it was good when even people that lived out of state recognized how good a job they were doing from the *PD Live* TV show.

Mr. Claypoole said he was also glad the Charter amendments had not done well at the ballot. He added that the new Council should consider a Charter amendment regarding how the Charter Review Commission members were selected so City Council could have a voice on that commission.

Mr. Ruediger said he was very happy that the eight most important Charter amendments did not pass; he thought the citizens had spoken loud and clear. He thought the citizens were also loud and clear on Issue 21 (Parks and Recreation levy). He thought a lot of people did want improvements to the park and even a recreation center, but they were clear they wanted a different plan or something they could feel more comfortable with in terms of a plan. He wished everyone a happy and safe Thanksgiving. He said "Go Buckeyes."

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

Mr. Ciuni asked for clarification on the Cherokee Trail flooding issue. Mrs. Pavlick explained that Council had allowed him to go to bid, but not award a contract. Mr. Janis would present an ordinance to Council to authorize it so as long as the ordinance passed before a contract was signed, it would be fine.

Mr. Mytinger reported that the Parks, Recreation and Conservation Advisory Committee (PRCAC) had a vacancy in the Ward 3 seat if anyone had a recommendation or volunteer for that seat.

Mr. Peters said he often asked at his Business Retention and Expansion Program (BREP) meetings if there was anything the City or the City services could improve upon and he usually got very positive responses regarding the existing City Services. Recently it was mentioned from the business sector how much they appreciated the Fire Department providing inspections and the Police Department interacting with the children during Trick or Treat last month. Mr.

Peters also mentioned there were companies (local and national) looking to expand, so he hoped to be able to bring something forward in the next couple of months.

Chief Powers mentioned it was No Shave November and any officer that wanted to grow a beard could donate to a children's cancer fund and the Police Association would match the donations. The female employees could have a dress down day each week and donate that way. There was a Fill A Cruiser event last weekend at Giant Eagle that went well and was coordinated by Officers Siedlecki and Coates. They would coordinate another Fill A Cruiser event in December at Walmart. The Shop With a Cop program was set for Saturday, December 9 and the Council Members (current and incoming) were welcome to volunteer to help. They would just need to contact Chief Powers or his assistant Sharon Gumm.

Chief Reinholz reported there was a heart attack/STEMI today that set the record for Portage County (the time from the medics at the door to the patient at the cath lab/balloon). Captain Novotny was one of the four team members that participated in this great success story. Chief Reinholz added that the Fire Department had been super busy; unfortunately the opioid crisis was ongoing. Mr. Michniak announced that there was an opioid education session this coming week by Family and Community Services at St. Joan of Arc Church and they would hand out Narcan.

Chief Reinholz said Lt. Bucks had been working on a program for almost a year. The State of Ohio had passed a law last year that allowed paramedics to help the community. Streetsboro paramedics would act as a bridge to families that needed help by working with the Police Department, the Senior Center and the County and then putting those families in touch with the agencies that could help them with transportation or whatever help they may need. Lt. Bucks had been keeping track of the successful connections from this program over the last several months and would make a presentation to Council in 2018. Chief Reinholz also reported the Fire Department would be working with the Parks and Recreation Department again for the Santa Claus is Coming to Town program in December. He said "Happy Thanksgiving."

It was reported that McDonald's was remodeling their kitchen (not due to a fire) and would be closed for a couple of days.

### **Announcements**

City Hall will be closed Thursday and Friday, November 23 and 24, 2017 for Thanksgiving. There will be a Finance Committee and a Regular Council Meeting on Monday, November 27, 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. Ruediger, seconded by Mrs. Pavlick, this meeting adjourned at 10:34 p.m.

ATTEST:

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Caroline L. Kremer, Clerk of Council

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Stephen A. Michniak, President of Council