

This Regular Meeting of Council was called to order on Monday, November 27, 2017 at 8:10 p.m. by Steve Michniak, Council President.

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

ABSENT: None.

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

#### **Disposition of Minutes**

**MOTION: TO ACCEPT THE PUBLIC HEARING MEETING MINUTES OF NOVEMBER 13, 2017 RE BUILDING HEIGHTS AS PRESENTED.**

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

#### **Citizens' Comments**

Nate Watson, an executive with Boy Scouts of America and the incoming President of the Streetsboro Area Chamber of Commerce, gave a monthly report for the SACC. In November the Chamber was looking for people to be nominated for their annual awards, especially the Citizen of the Year. He listed some of the activities of the month including a fundraiser and a Breakfast Blender. In December there would be a networking session, a holiday luncheon with entertainment by THRIVE, and a holiday basket raffle.

Chuck Kocisko, 1530 Pike Parkway, thanked Council for the accolades to the new Council Members. He found it entertaining over the last four year to watch Council and he had learned a lot although it was kind of quiet the last four years compared to the late 1990s. He thought Council had done a great job and he would miss the outgoing Council Members. He said thank you for the education from all the Council Members.

#### **Introduction of Legislation Containing Statement of Emergency**

T-6409 AN ORDINANCE AMENDING ORDINANCE NO. 2016-128, THE 2017 ANNUAL APPROPRIATION ORDINANCE. [#16]

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT ORDINANCE NO. 2017-133 AS AMENDED AT TONIGHT'S FINANCE COMMITTEE MEETING.**

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

T-6410 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH LEXIPOL, LLC FOR THE PURCHASE OF A WEB-BASED LAW ENFORCEMENT POLICY MANUAL SUBSCRIPTION SERVICE FOR THE POLICE DEPARTMENT, 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. Field, seconded by Mrs. Pavlick. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-134.**

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

T-6411 Authorize Second Amendment for the Electric Aggregation Program was not forwarded from tonight's Finance Committee Meeting.

T-6412 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AFTER COMPETITIVE BIDDING FOR THE PURPOSE OF INSTALLING A STORM RELIEF DRAIN AND STORM SEWER EXTENSION IN CHEROKEE TRAIL, 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 Mr. Ruediger. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE.**

Moved by Mr. Allen, seconded by Mr. Ruediger. Mr. Ruediger didn't want to see this become a precedent for everyone across the City, but in this case he felt the City/past administrations didn't do their proper due diligence to make sure problems like this didn't happen and this was needed. Mrs. Field agreed with Mr. Ruediger. Upon roll call, **motion failed 5-2 with Mrs. Pavlick and Mr. Claypoole opposing the motion** [six votes were needed to pass emergency legislation]. Mrs. Field and Mr. Michniak wanted the issue to be brought back up at a future meeting. Mr. Claypoole suggested reconsidering this back to the suspension of the rules so it could be amended to be three readings.

**MOTION: TO RECONSIDER.**

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

**MOTION: TO AMEND T-6412 TO REMOVE THE EMERGENCY CLAUSE AND HAVE IT READ AS A FIRST READ PIECE OF LEGISLATION.**

Moved by Mrs. Field, seconded by Mr. Allen. Upon roll call, **motion carried unanimously**. Clerk read by title as non-emergency legislation for first reading.

**First Reading**

T-6413 AN ORDINANCE AMENDING SECTIONS 182.02, 182.04, 182.05, 182.07 AND 182.18 OF TITLE NINE, PART ONE (ADMINISTRATIVE CODE) OF THE CODIFIED ORDINANCES, RELATING TO MUNICIPAL INCOME TAX.

Clerk read by title as directed for first reading.

**Second 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 ORDINANCES, RELATING TO RECYCLING COLLECTIONS, AND REPEALING SECTION 943.06 THEREOF.

Mr. Ruediger said Council had received an email today from Mr. Steiner, Portage County Solid Waste Management District Director, and the Mayor had stated at the last meeting that there were some issues with the contract. Mr. Ruediger said the County's lawyers had to review it because some of the proposed changes could change the way we operate and could change some of the stipulations with the contract. Mr. Ruediger asked for help for Council to understand the situation.

Mrs. Pavlick said from the outset of this franchise agreement process she had paid attention and she felt there were promises made and things stated that the County could work with, but now this letter seemed to indicate that they couldn't do that. She added that she had received lot of phone calls the last couple of weeks when they had started to deliver the new recycling bins because she thought there was to be something sent to the residents prior to the distribution of the bins. She said Ravenna Township was having the same issues and the County was out today collecting the bins they had delivered there. She appreciated that the County had extended their contract for Streetsboro, but she thought this had been like a trainwreck because she was getting calls from people that didn't want the big recycling bins because their HOA won't allow them to keep them outside. Mrs. Pavlick understood recycling was going automated using the automated trucks and larger bins, but she had agreed to select the County for this franchise agreement because they had said they could work with those that wanted something else, which made sense to her that a smaller operation would look out for the residents a little more than maybe a larger corporation. She felt the whole thing from the beginning, the process, did not sit well with her and now at this point the County was saying they couldn't do certain things they had promised. She didn't want to revisit the whole thing, but if it was necessary, the City needed to do what was best for the residents. She wanted to support the County, but she wasn't happy with the last few departments the City had dealt with. She asked Mr. Janis where to go from here.

Mr. Janis said the franchise that had been in place and was extended had expired and there was no franchise in place right now. The draft contract was sent to the County on September 26, 2017 and that was after the County Prosecutor had already approved the language in the contract and it was ready to be signed, all the City had to do was have the District Commissioners

approve it and sign it. He didn't know what happened after that, it apparently never happened. He said if this contract never went forward, then the standard option was to go to the next bidder.

Mr. Michniak and Mrs. Pavlick liked the big blue recycling bin, but Mrs. Pavlick was concerned because there were residents that could not get it and the large trash container both in their garages.

Mayor Broska said he and his assistant had spent an enormous amount of time on the phone with unhappy residents. Most people liked the 65 gallon bins, but the ones that could not use them needed to be taken care of. During the process of the franchise negotiation, Mr. Steiner agreed at the podium at a Council meeting to handle these things that were brought up by the residents. Now it seemed they were reneging on this. Mayor Broska also had an enormous amount of people questioning why the recycling would go on their tax bill and he had to explain to them it would not go on the tax bill. According to the contract with the County the residents had the right to receive it as an electronic mailing or as a paper mailing. But, as of today, those answering the phone at the County were still telling people it would go on their tax bills.

Nothing had been addressed with the folks at Camelot Village or Lakeside Terrace as to how they would pay. Today Mayor Broska had also realized that the service was paid by Camelot Village for their residents, but how was the City to know if those eligible for the Senior discount were actually being calculated in? Mayor Broska said there were an enormous amount of questions and he'd had multiple emails back and forth with Mr. Steiner, but there were still continuing issues. This was a franchise, not a bid, and there were ongoing negotiations that took place with Council and Portage County Recycling that were agreed to, and that's what Council voted on and chose to accept and now things were changing, and he didn't agree with that. He said if they couldn't abide by the things that were negotiated based on the concerns of the residents, they shouldn't have said they would, and then the City could have gone a different direction, but there was no hesitation in agreeing to these things. And now this had occupied well over 10 days of staff time and it was burdensome and there needed to be some type of resolution to this.

Mr. Allen commented that the contract didn't get signed at the County because the City had changed its ordinances for recycling and Mr. Allen had sent it to the County for their lawyers to review so there would be no ambiguity; that's why they had not signed the contract. He said if the City had not changed the language in the ordinances, the contract would have been signed. He said the County gave the City the courtesy earlier to extend their contract, so the City should give them the courtesy to be able to look at the ordinances to make sure there was no ambiguity between the franchise agreement and our new ordinances. Mr. Allen commented that the Mayor had said there was no hesitation when the County agreed to collect from the 18 gallon bins, but Mr. Allen felt there was huge hesitation from both franchise applicants (Portage County and Kimble) regarding picking up 18 gallon bins, but they both agreed to do it. He felt there would be the same problem with the other applicant too because they have huge workers' comp problems by picking the 18 gallon bins up, that's why they all want to automate. Mr. Allen told Mr. Steiner that he had agreed to pick up the 18 gallon bins so he needed to pick them up and follow through with his deal. Mr. Allen thought there had to be a small enough container to meet the people's needs and that the automated trucks could still pick up because Mr. Steiner had agreed to it.

Mr. Steiner said he would address with his drivers not to take away the 18 gallon bins and the drivers were to pick up the recycling in the 18 gallon bins. He said their hesitation with the 18 gallon bins was that the grippers on the trucks were preset to pick up the 65 gallon carts and the grippers tended to crush the smaller bins. He said the Recycling District had at one time the second highest BWC claim rate in the County (behind the Sheriff's Dept.) because of getting in and out of the trucks about 300-400 times per day. Mr. Steiner said he had talked to his staff about the invoices and was unsure where the misinformation was coming from: anyone who

received a Portage County sewer bill would have a line item on there quarterly for recycling, those who did not have Portage County sewer service would get a paper invoice, so it would not be going on the taxes.

Mr. Steiner said he was asking for dialogue because the County had serviced the City since 2001 and was excited to see Streetsboro go to automation. He commented that he had driven around town and had noticed, especially at the condos, that the garbage containers were 95 gallons which was the largest curbside container available. He said the recycling program was geared to encourage less trash in the landfills and more recycling, that's why they offered the 95 gallon recycling containers. He suggested people could go to a bag service for trash if they didn't fill their large trash containers and then have room to have the larger recycling bins in their garages.

Mr. Steiner said they would take care of the internal issues with the drivers and those answering the phones. He said they encouraged people to try the 65 gallon bins because the wheels helped people get them to the curb and they had a lid so the material didn't blow around or get wet.

Mr. Allen asked if people could opt out of the recycling program. Mr. Steiner said the County wasn't sure if this was a mandatory participation program, so they needed to discuss that with the City administration. Mr. Allen asked if the recycling charge could be put on the taxes because some residents didn't want a separate bill. Mr. Steiner said he would have to look into that. He said the County wanted to serve the City, but this was a big paradigm change for them to move from the 18 gallon bins and this was the last community they've done it. They had the same types of phone calls in the other communities.

Mr. Allen understood that the extended contract had run out and the City couldn't pay the County, so could they keep operating under what they had been operating under? Mr. Steiner said he would check on where the contract was tomorrow morning. Mr. Allen said there needed to be a temporary contract and they needed to iron out the issues.

Mr. Allen clarified that he had not said there was ambiguity earlier. He had said that because the City was rewriting the recycling Code, and the franchise applicants had bid to the old Code, so before the City passed a new Code and they signed a contract that could have ambiguity to the new Code he had sent the County the new Code for review by their lawyers to make sure it didn't affect the contract. Mayor Broska said the contract the City sent them was a contract they basically sent the City. Mr. Janis said the contract was based on the franchise proposal, but Mr. Allen said everything was done under the old Code and even if the changes were just housecleaning, he wanted their lawyers to be able to look at it so a year from now something wouldn't be discovered that was changed and didn't fit with the contract, and that's why it was all slowed down. With the holidays it's seemed to have taken even longer than expected, but the County team had met recently. Mr. Allen said it sounded like the County was working through the problems and the Mayor was staying on top of the County to get them worked through and they were all negotiating. Mr. Allen thought the City should enforce the need for the 18 gallon bins because the Mr. Steiner had promised to use them.

Mr. Steiner thanked Mr. Miller for his exceptional assistance in some off hours to get the carts staged at the water tower area.

Mrs. Pavlick wanted to be absolutely sure those in the HOAs that could not put the bins outside received bins that would fit in their garages. She also wanted to see a letter go out because this change of bins was a significant change that blindsided a lot of people. Mr. Steiner asked that she send him an email of the specific homes with issues, so he could address each individually with the appropriate drivers. Mrs. Field hoped to get these issues iron out next week. Mr. Steiner confirmed the recycling would not go on the tax bills.

Clerk read by title as directed for second reading.

**Third 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 as directed for third reading.

**MOTION: TO ADOPT ORDINANCE.**

Moved by Mr. Allen, seconded by Mrs. Field. Mr. Allen voted no because 60' buildings were not necessary in this town and this was put in for a singular issue and 60' buildings would not look good down SR 14. He said the hospital building was 45' tall which was pretty tall. Upon roll call, **motion failed 3-4 with Mr. Allen – No, Mrs. Field – Yes, Mr. Ruediger – No, Mrs. Pavlick – Yes, Mr. Claypoole – Yes, Ms. Timmons – No, Mr. Michniak – No.**

**Mayor’s Report**

Mayor Broska thanked the outgoing Council Members for their service. He said it’s been fun, spirited, and adventuresome and through it all they had managed to get a lot of things done together. He thanked them for their discussion, and their dissention, it had been educational. He wished them the best in the years to come.

**President of Council’s Comments**

Mr. Michniak echoed the Mayor’s commented. He thanked the residents for allowing him to serve them for another four years. He thanked the other Council Members and the Mayor and said it was a pleasure working with them even if they disagreed over issues; that’s the way it works, government wasn’t designed to be easy for any of the branches but it let the best ideas float to the top and get to the voters. He wished good luck to those continuing on Council and also the incoming Council Members. The told them to consider the issues and ideas, and not the personalities that presented them, to push the City forward. He said he was proud to be from Streetsboro and was proud of the people who worked for the City.

**Council Members’ Comments**

Mr. Ruediger said Tinkers Green had their annual HOA meeting recently with about 60 residents in attendance. An issue came up about traffic backing up on SR 43 about 3 to 5 p.m. and blocking the Tinkers Green Drive and Camelot entrance. He asked if a sign could be posted so residents could get out of their neighborhoods easier. Mayor Broska said the City could post a sign, but it was really a need for common courtesy.

Mr. Ruediger thanked each of the outgoing Council Members for their unique contributions to the Council discussions and said their efforts and passion would be missed. He hoped they would continue to contribute from the audience. He welcomed the incoming Council Members and looked forward to working with them.

Mr. Claypoole thanked the residents for allowing him to serve the City for two terms. He thanked the Council Members, the Mayor, and the Department Heads for all their efforts over the years.

Mrs. Pavlick mentioned a letter received a couple of weeks ago from the Geis Company sending kudos and accolades to John Cieszkowski. She said police and fire often were thanked, but the Planning Director wasn't recognized very often and he had a pretty big job to do with several departments under his command and Streetsboro was glad to have Mr. Cieszkowski and appreciated the job he was doing for the City. Mrs. Pavlick also recognized the Parks, Recreation and Conservation Advisory Committee Members for their hard work on the Parks and Recreation levy issue. Even though it didn't turn out the way they had wanted, they put a lot of effort into the issue and kept everything positive. She thanked the outgoing Council Members. This was the middle of her third term and she always enjoyed seeing new Council Members grow in confidence to become good Council Members. She appreciated that there were good people who would step up and take on this difficult job.

Mr. Allen asked if there had been any progress on the Jim's Open Kitchen property. There had been several discussions over the last several weeks. Mr. Janis said they were still searching and there were some more places to delve into this week. Mr. Allen said it was bittersweet to leave City Council because he loved the City and loved working on Council to help the City. He said it was awesome working with the department heads and it was spirited working with the Mayor because they each saw things differently, but debate was healthy and it had helped take the City to a better place. He said he'd miss the current Council Members and welcomed the new Council Members aboard and told them they were elected for a reason and for what they believed.

Ms. Timmons echoed the comments of the others and had really enjoyed working with the outgoing Council Members; she would miss them. She said she was the newbie on Council but wouldn't be after next month.

Mrs. Field said it had been a pleasure to serve with the outgoing At-large Council Members and they were leaving behind enormous shoes to fill. She thanked each one individually and expressed gratitude for the knowledge they shared and their exceptional service to the City. She hoped all three would continue to stay around. She congratulated the three new Council Members. She wouldn't be able to attend the swearing in ceremony on Sunday.

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

Ms. Esarey said part of the newly adopted Chapter 925 Water Code required the Finance Director to provide a certification of the next year's water rates. She would do that as soon as she could get written confirmation from the County Commissioners regarding their decision to do no rate increase at their level. She expected to have the information from the County by the December 18, 2017 Council Meeting.

Mr. Mytinger said the Santa Claus is Coming To Town Program gift drop off was ongoing until December 1, 2017 at 4:30 p.m. with gift delivery by Santa on the fire truck on December 16, 2017. The Holiday Lighting ceremony was scheduled for Thursday, December 7, 2017 at 6:15 pm. at City Square followed by a Santa meet and greet at City Hall.

Chief Powers thanked the outgoing Council Members and congratulated them on completing their terms. He told them, "don't be strangers."

Chief Reinholz thanked the outgoing Council Members for their support of the fire service over the years.

#### **Announcements**

The Swearing in Ceremony for the new Council Members will be Sunday, December 3, 2017 at 1:00 p.m. in Council Chambers.

There will be an Organizational Meeting, a Service Committee, a Safety Committee, a Regular Council Meeting as well as a Special Finance Committee Meeting on Monday, December 11, 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 9:18 p.m.

ATTEST:

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Caroline L. Kremer, Clerk of Council

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Stephen A. Michniak, President of Council