

This Regular Meeting of Council was called to order on Monday, December 11, 2017 at 10:27 p.m. by John Ruediger, Council President.

PRESENT: Chuck Kocisko, Jon Hannan, Julie Field, John Ruediger, Carmen Laudato, Bridget Pavlick

ABSENT: Jessica Timmons [joined the meeting at 10:28 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  
Caroline Kremer, Clerk of Council

**Disposition of Minutes**

**MOTION: TO ACCEPT THE REGULAR COUNCIL MEETING MINUTES OF NOVEMBER 13, 2017 AS PRESENTED.**

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

The Council President elected to jump to the Mayor's Report part of the agenda so the Mayor could make his appointments and the appointees would not have to stay any longer tonight.

**Mayor's Report**

Mayor Broska appointed Deb Bowers Covert to fill the vacancy on Planning Commission in the Ward 1 seat (vacated by Chuck Kocisko who was elected to City Council). Ms. Covert confirmed she lived in Ward 1. Mayor Broska appointed Justin Ring to the Ward 4 seat on the Board of Zoning and Building Appeals. The Mayor reappointed the following people who had been in place for a while, were doing a good job, and wanted to continue in their positions: Planning Commission Ward 2 – Jim Hillyer, Planning Commission Ward 4 – Jason Winkler, Planning Commission At-Large – Ted Hurd, BZBA At-Large – Anthony Madden, BZBA At-Large – Matt Bross, Civil Service Commission – Jim Demitrus. Mr. Ruediger thanked the Mayor for providing the letters of interest/resumes prior to the meeting.

**MOTION: TO AFFIRM ALL THE ABOVE APPOINTMENTS PRESENTED BY THE MAYOR.**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon voice vote, **motion carried.** Mr. Ruediger thanked all the appointees for staying so late this evening and for volunteering to do these important jobs for the City.

**MOTION: TO RECESS THE REGULAR COUNCIL MEETING TO GO TO THE SPECIAL FINANCE COMMITTEE MEETING.**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon voice vote, **motion carried and the meeting recessed at 10:30 p.m.**

**MOTION: TO RECONVENE AND CONTINUE THE REGULAR COUNCIL MEETING.**

Moved by Mrs. Pavlick, seconded by Ms. Timmons. Upon voice vote, **motion carried and the meeting reconvened at 11:23 p.m.**

**Citizens' Comments**

None.

**Introduction of Legislation Containing Statement of Emergency**

T-6411 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SECOND AMENDMENT OF THE CONTRACT WITH FIRST ENERGY SOLUTIONS CORP. TO SUPPLY ELECTRIC POWER AND ENERGY TO ELIGIBLE CONSUMERS WITHIN THE CITY OF STREETSBORO PURSUANT TO THE CITY'S ELECTRIC AGGREGATION PROGRAM FOR A PERIOD OF THREE YEARS COMMENCING WITH CUSTOMER METER READINGS IN MARCH 2018, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE EXECUTION OF THE CONTRACT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion carried 6-1 with Mr. Ruediger opposing the motion.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-93.**

Moved by Mrs. Pavlick, seconded by Mrs. Field. Upon roll call, **motion failed 5-2 with Ms. Laudato and Mr. Ruediger opposing the motion.** Ms. Timmons didn't like how little time the Council had to review the issue. Mr. Ruediger said Council could look at a reconsideration if Mr. Bellish wanted to come back with something that was better for the citizens. Mr. Ruediger didn't like the opt-out program and felt this was rushed; he didn't feel comfortable passing this as emergency legislation tonight. Mr. Bellish explained that once one was being served by a supplier, the renewal was opt-out; so even with an opt-in program, upon renewal it would be opt-out. He added that this had been on the ballot in the past and Mr. Ruediger asked to see that information for next week's meeting.

Mrs. Field commented that this legislation was time-sensitive and it was for the citizens. She asked what the options might be. Mr. Ruediger said the letter would have to go out 45-90 days before the program, which would put it about the middle of January and there was a Council meeting next week. Mrs. Field asked what Mr. Ruediger wanted to change about the program. Mr. Ruediger said he would like an opt-in program instead of an opt-out program. He didn't feel Mr. Bellish was being honest with Council and he wanted to see the ballot legislation that had been mentioned.

Mrs. Field asked if this was an issue with other cities. Mr. Bellish said some other towns talk about it either way, but once he explained it that it really didn't matter if it was opt-in or opt-out because when you do the renewal mailing in January it would be opt-out. Mr. Ruediger said that was for those already on a program; but the way this was set up put people in the program against their will hoping the people wouldn't respond to the correspondence that looked like junk mail. Mr. Janis added that the aggregation system by its nature was opt-out because the State

law made it that way. He said if Streetsboro truly wanted to have an opt-in system it would get rid of the aggregation completely because consumers on their own could opt in to a whole array of competitive providers. Mr. Ruediger still wanted to see the ballot legislation and the vote. Mr. Bellish said he had the legislation. It was passed by the voters twice: November 2000 and 2007. Mrs. Field asked what Mr. Ruediger might need to change his vote, because she didn't see it changing next week.

Mrs. Pavlick asked what would happen if Council did away with this. Mrs. Field didn't think they could do away with it. Ms. Laudato asked about looking into NOPEC. She wondered if this legislation was passed now would it prevent looking into NOPEC for the next three years. She commented that with this legislation presented as emergency legislation with a time constraint it didn't allow time to look into all the options. She thought, if the City could save the residents a lot of money by still staying in an aggregate and respecting the outcome of the election, that would be best.

Mr. Ruediger reviewed the 2000 aggregation ballot legislation. He asked to get the 2007 ballot legislation and also asked the Mayor to check into the NOPEC program prior to the next meeting and he would have the issue on the agenda for reconsideration, if Council decided to go that way.

Mr. Bellish said he could answer questions about NOPEC because he was the consultant that actually formed that group and he looked at their pricing every day. He said their price was actually higher than Ohio Edison's price, but the aggregation was a guaranteed savings. They posted their prices on their website *NOPECinfo.org*.

T-6414                      AN ORDINANCE AMENDING ORDINANCE NO. 2016-128, THE 2017 ANNUAL APPROPRIATION ORDINANCE [#17]

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT ORDINANCE NO. 2017-136.**

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

T-6415                      AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH CT CONSULTANTS INC. TO PROVIDE THE CITY'S REQUIREMENTS FOR PROFESSIONAL CHIEF BUILDING OFFICIAL, PLAN REVIEW AND INSPECTION SERVICES DURING 2018; AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT ORDINANCE NO. 2017-137.**

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

T-6416 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH INSPECTION SOLUTIONS LLC TO PROVIDE THE CITY'S REQUIREMENTS FOR BACK-UP CHIEF BUILDING OFFICIAL AND BACK-UP BUILDING ELECTRICAL AND PLUMBING INSPECTION SERVICES DURING 2018; 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. 2017-138.**

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

T-6417 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO ONE OR MORE EMPLOYMENT AGREEMENTS PURSUANT TO SECTION 121.03(a) OF THE CODIFIED ORDINANCES IN ORDER TO PROVIDE THE CITY'S REQUIREMENTS FOR ELECTRICAL INSPECTIONS SERVICES DURING 2018, 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 Ms. Laudato. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-139.**

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

T-6418 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN, INC. dba GPD GROUP TO PROVIDE THE CITY'S REQUIREMENTS FOR PROFESSIONAL ENGINEERING SERVICES DURING 2018; AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Ms. Timmons, seconded by Ms. Laudato. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-140.**

Moved by Ms. Timmons, seconded by Mr. Hannan. Upon roll call, **motion carried unanimously.**

T-6419                    AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PAY THE CITY'S ESTIMATED SHARE OF THE COST OF IMPROVING STATE ROUTE 303 FROM JEFFERSON STREET TO THE WHEELING & LAKE ERIE RAILWAY RIGHT-OF-WAY; MAKING AN APPROPRIATION THEREFOR; AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AN ESCROW AGREEMENT FOR THE PAYMENT OF ACTUAL COSTS OF CONSTRUCTION; AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE HIGHWAY IMPROVEMENT PROJECT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT ORDINANCE NO. 2017-141.**

Moved by Ms. Timmons, seconded by Ms. Laudato. Upon roll call, **motion carried unanimously.**

T-6420                    AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR REIMBURSEMENT OF THE CITY'S EXPENSES IN ACQUIRING RIGHT-OF-WAY NECESSARY FOR THE PUBLIC IMPROVEMENT OF UPGRADING TRAFFIC SIGNALS AT VARIOUS INTERSECTIONS ON STATE ROUTES 14, 43 AND 303 IN THE CITY OF STREETSBORO, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE HIGHWAY IMPROVEMENT PROJECT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Ms. Timmons, seconded by Mr. Hannan. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-142.**

Moved by Ms. Timmons, seconded by Ms. Laudato. Upon roll call, **motion carried unanimously.**

T-6421 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH O.R. COLAN ASSOCIATES LLC FOR REAL ESTATE CONSULTING AND ACQUISITION SERVICES RELATED TO ACQUIRING RIGHT-OF-WAY NECESSARY FOR THE PUBLIC IMPROVEMENT OF UPGRADING TRAFFIC SIGNALS AT VARIOUS INTERSECTIONS ON STATE ROUTES 14, 43 AND 303 IN THE CITY OF STREETSBORO, AUTHORIZING THE MAYOR AND THE LAW DIRECTOR TO ACQUIRE RIGHT-OF-WAY ON BEHALF OF THE CITY IN SUPPORT OF THE PROJECT, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE HIGHWAY IMPROVEMENT PROJECT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Ms. Timmons, seconded by Mr. Hannan. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-143.**

Moved by Ms. Timmons, seconded by Mr. Hannan. Upon roll call, **motion carried unanimously.**

T-6422 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH CHARLES P. BRAMAN & CO., INC. FOR REAL ESTATE APPRAISAL SERVICES RELATED TO ACQUIRING RIGHT-OF-WAY NECESSARY FOR THE PUBLIC IMPROVEMENT OF UPGRADING TRAFFIC SIGNALS AT VARIOUS INTERSECTIONS ON STATE ROUTES 14, 43 AND 303 IN THE CITY OF STREETSBORO, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE HIGHWAY IMPROVEMENT PROJECT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT ORDINANCE NO. 2017-144.**

Moved by Ms. Laudato, seconded by Mr. Hannan. Upon roll call, **motion carried unanimously.**

T-6423                    AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION TO PAY THE CITY'S ESTIMATED SHARE OF THE COST OF IMPROVING STATE ROUTE 14 BETWEEN STATIONS 1.43 AND 1.73; MAKING AN APPROPRIATION THEREFOR; AUTHORIZING THE FINANCE DIRECTOR TO ENTER INTO AN ESCROW AGREEMENT FOR THE PAYMENT OF ACTUAL COSTS OF CONSTRUCTION; AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE HIGHWAY IMPROVEMENT PROJECT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT ORDINANCE NO. 2017-145.**

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

T-6424                    AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH WARREN FIRE EQUIPMENT, INC. FOR THE PURCHASE OF NOT TO EXCEED FIVE SETS OF TURN-OUT GEAR FOR USE BY THE FIRE DEPARTMENT, 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 Mrs. Field. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-146.**

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

T-6425                    AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A LEGAL SERVICES AGREEMENT WITH WALTER & HAVERFIELD LLP TO REPRESENT THE CITY WITH OTHER MUNICIPALITIES AND THE REGIONAL INCOME TAX AGENCY IN LITIGATION CHALLENGING THE CONSTITUTIONALITY AND VALIDITY OF THOSE PROVISIONS ADOPTED BY THE 132<sup>ND</sup> GENERAL ASSEMBLY IN HOUSE BILL 49, MANDATING CENTRALIZED ADMINISTRATION AND COLLECTION OF THE CITY'S MUNICIPAL NET PROFITS TAX, AND DECLARING AN EMERGENCY

TO EXPEDITE THE AGREEMENT.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

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

**MOTION: TO ADOPT ORDINANCE NO. 2017-147.**

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

T-6426                    AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT IN THE CASE OF *STATE ex rel. ARTHUR SCOTT V. CITY OF STREETSBORO, et al.*, AND DECLARING AN EMERGENCY IN ORDER TO TERMINATE THE LITIGATION IN AN EXPEDITIOUS MANNER.

Clerk read by title as directed.

**MOTION: TO SUSPEND THE RULES.**

Moved by Ms. Timmons, seconded by Mr. Hannan. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-148.**

Moved by Ms. Timmons, seconded by Ms. Laudato. Upon roll call, **motion carried unanimously.**

T-6429                    AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER TO THE CONTRACT ENTERED INTO BETWEEN THE CITY AND S.E.T., INC. PURSUANT TO ORDINANCE NO. 2016-92, FOR THE REPLACEMENT OF A 24" STORM SEWER WITH A 36" STORM SEWER IN AN EXISTING EASEMENT BETWEEN RUSSELL DRIVE AND AN EXISTING STORM DRAIN AT THE STREETSBORO PLAZA SHOPPING CENTER, 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 Mrs. Field, seconded by Mr. Hannan. Upon roll call, **motion carried unanimously.**

**MOTION: TO ADOPT ORDINANCE NO. 2017-149.**

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



**First Reading**

T-6427<sup>amended</sup>

AN ORDINANCE ENACTING NEW SECTION 1151.32 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE) OF THE CODIFIED ORDINANCES RELATING TO REGULATION OF MEDICAL MARIJUANA USES IN ALL ZONING DISTRICTS, AND TERMINATING THE EXISTING MORATORIUM ON MEDICAL MARIJUANA PERMITS AND AUTHORIZATIONS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE..

Clerk read by title as directed for first reading. She asked if T-6427 and T-6428 should both be on a Special Council Meeting for a second reading prior to the Regular Council Meeting on January 8, 2018 for 10 days between the readings. Mr. Janis confirmed that would be optimal, especially for T-6427, but a Special Council Meeting had not been scheduled yet.

T-6428

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 ENACTED PURSUANT TO ORDINANCE NOS. 2017-81, 2017-111 AND 2017-124.

Clerk read by title as directed for first reading.

**Second Reading**

None.

**Third Reading**

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.

Mr. Ruediger mentioned that he'd had a message from Ms. Esarey and the administration requesting this be amended to emergency legislation to get it taken care of in the 2017 budget. There was a Board of Control Meeting scheduled for Wednesday, December 13, 2017 where the contract for the work could be approved.

**MOTION: TO AMEND T-6412 TO INCLUDE AN EMERGENCY CLAUSE TO EXPEDITE THE LEGISLATION.**

Moved by Mrs. Pavlick, seconded by Ms. Laudato. Upon voice vote, **motion carried.** Clerk read by title for third reading.

**MOTION: TO ADOPT ORDINANCE NO. 2017-150.**

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

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 for third reading.

**MOTION: TO ADOPT ORDINANCE NO. 2017-151.**

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

**Reconsider**

Ord. No. 2017-135 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 this was passed last week. He said it had been presented to Council as a housecleaning item, but after further review it seemed this was more of a change to how the City was doing recycling. Since Council had just awarded a contract to a recycling provider, Portage County, this was actually changing what they thought they were agreeing to for the recycling contract. Mr. Ruediger said 943.03 Collection and Disposal Deemed a Public Utility was changed from “persons,” which was cross out, and changed to “non multi-family residential buildings upon the subscriber’s compliance with the City regulations.” He mentioned another section and said after further review, this was actually changing the recycling provider’s contract that was just awarded which included multi-family to now remove their ability to collect multi-family buildings.

Mr. Janis said that wasn’t correct. The Chapter as written and as amended allowed the Portage County Solid Waste Management to service any of those facilities if they get contracts to service them. Mr. Ruediger said it no longer offered them exclusive rights to multi-family buildings. The multi-family building could go out and find another provide. Mr. Janis said they never had exclusive rights. He said they changed Section 943 of the Code to read the same as Section 941 [Garbage and Refuse Collection] so the franchise would apply to the residential (anything up to 4 units on a public right of way) units. If there was commercial, industrial, or institutional types of uses, those could still be serviced by the franchisee, but there was no mandatory subscription.

Mr. Ruediger asked if the multi-family was included when the franchise agreement proposals were done. Mr. Janis said it was because the Council did declare this a public utility so they wanted to make sure the franchisee would provide those services to those who would take them; but it didn’t require those operators to take those services.

Stephen Kolar, business at 9127 SR 14, said he was on City Council at the inception of this in 1994 and from that point forward until this non-exclusive franchise agreement Portage County had garnered the right to collect the recycling. He said in the past it wasn’t a franchise agreement, it was a government to government contract. Up until that change it had said “upon signing the agreement by all parties the Portage County Solid Waste Management District would be granted the exclusive right to provide curbside recycling.” So they have had the exclusive rights. Mr. Kolar said there were two problems: 1) dealing with definitions. There was something in the ordinance passed last week that changed possibly what you could do with the contract. 2) whether they were declared a public utility or not recycling was a government operation and it should be a government to government contract. He said when the bid package

was sent out to whoever wanted to bid he understood it had to be on a level playing field, but once Portage County won it, then, like most all the other subdivision in Portage County, it should be a contract based on government to government cooperation.

Mr. Kolar said Section 941 was wrong too because 941.02(c) should include multi-family in the definitions. He thought two portions of 943.03 should be amended too or there would be a problem with the actual contract with Portage County. He thought Portage County was putting a lot of capital improvements into this program and banking on a six year contract to do the City's recycling. He understood there were sections of the contract that allowed the contract to be broken which he hoped would never happen. He thought the County Commissioners might hesitate to sign the contract because there was no certainty.

Mr. Kolar said Kimble won the rubbish and also bid for the recycling. If Kimble had won the recycling it would be a franchise, but Portage County won it fair and square off the actual bid package. He said if Portage County can't do it then Kimble gets it. Portage County can't do trash, they can only recycling; Kimble wins both times. He believed that this whole deck had been stacked against Portage County Recycling. For some reason we have a major change here that doesn't need to happen. He said we'd been doing this since 1994. They've done a lot of improvements. He said he knew Ms. Laudato had been working with Bill Steiner and there were a few more improvements they wanted to talk to the City about, but Mr. Kolar thought the City needed to get some certainty into this thing.

Mr. Kolar thought these changes were important and were more than housekeeping. The actual franchise agreement that was sent to the County was non-exclusive. He said there were several options tonight. Bring it up for reconsideration and make some small amendments and adopt it. And hopefully the Finance Committee next month would deal with the contract because the contract was flawed. He said if they didn't want to cooperate then bring it up for reconsideration, vote it down, and kill the ordinance and start from scratch because right now it wasn't a fair playing field. He said he had worked with Charlie Ramer (at Portage County Recycling) and they had done nothing but good work for us. Of course there were a few errors in collection, but Portage County was a shining example out of 88 counties of recycling. They were not here to bilk us or take our money. He said Hiram was a good example: a couple of years ago a company underbid Portage County by six cents and Hiram went with them. They just got a letter in the mail that they were going up to \$6-something per month. That's what happens when Portage County Recycling was out of the picture. He said they won the bid fair and square, so deal with them fair and square, but deal with them as a government agency. He said first clean this mess up and then it would be housekeeping. If it wasn't housekeeping, then the attorneys here shouldn't have any problem with this, but if it was more than that he could see where they would want to argue with Council.

Ms. Laudato said when she first looked at this months ago, before she was elected to Council, it was obvious to her by how much of this was struckout (60% to 70%) that it couldn't be housekeeping, that there was something more to it, which led her to call Bill Steiner and ask questions about whether it was housekeeping. She said it was glaringly obvious that these proposed changes were potentially very detrimental to Portage County Recycling, who in good faith had been working with the City and trying to reach a resolution on a number of things and had invested significant capital and was planning on investing more. She thought the contract could be reviewed at another meeting, but today the language in this should be cleaned up about the multifamily and provide that exclusivity.

Mr. Kocisko thought if Kimble was exclusive for trash then Portage County should be also for the recycling. Mr. Kocisko said it seemed Mr. Ruediger and Ms. Laudato were saying the changes were done intentionally, but he didn't understand what they were getting at. Mr. Ruediger said if it was simple housekeeping he didn't understand why they would be changing "the services provided in this chapter shall be rendered to all persons" to "rendered to all non

multi-family residential buildings” and excepting operators of multi-family buildings. He suggested making a couple simple little changes to leave it as “persons” and remove the “non multi-family residential buildings” in §943.03(a) and remove “as well as operators of multi-family buildings” in §943.03(c) to set it back to what was originally planned on and to what Portage County and Kimble both bid for to have the rights and the franchise of the entire City including the multi-family.

**MOTION: TO RECONSIDER ORD. NO. 2017-135.**

Moved by Mr. Kocisko, seconded by Ms. Laudato. Upon roll call, **motion carried 6-1 with Mrs. Pavlick opposing the motion.**

**MOTION: TO AMEND §943.03(a) TO REINSERT THE WORD “PERSONS” THAT WAS STRUCK OUT AND TAKE OUT THE ADDED WORDS “NON MULTIFAMILY RESIDENTIAL BUILDINGS” AND ALSO IN §943.03(c) REMOVE THE WORDS “AS WELL AS OPERATORS OF MULTIFAMILY BUILDINGS.”**

Moved by Ms. Laudato, seconded by Mr. Kocisko. Upon roll call, **motion carried 5-2 with Mrs. Field and Mrs. Pavlick opposing the motion.** Mayor Broska asked if Council had clarified with Portage County if they would charge each apartment in the complexes the single family residential rate or if they would negotiate something else because each of those apartments didn’t get door to door service like the single family homes did, it was one collection for the whole place. Mr. Ruediger said their price was in the initial franchise bid, and their price was lower than Kimble’s price.

Mrs. Laudato suggested amending §941.02 for definition of a residential building to include multi-family. She read §941.02(c): "Residential building" means a single-family dwelling, a mobile home, or a residential dwelling unit located within a duplex, triplex, quadplex, or other non-multifamily residential building with direct access to a public street or right-of-way, or a private street or right-of-way that is open to the public. Mr. Ruediger said that definition sounded more inclusive than what was originally in §943.02. Ms. Laudato wanted to add multi-family to the definitions in §941.02, but Mr. Ruediger said that wasn’t part of this ordinance that was under reconsideration, so that couldn’t be done here.

**MOTION: TO ADOPT T-6393 AS AMENDED TONIGHT [AS ORD. NO. 2017-135A].**

Moved by Mr. Kocisko, seconded by Mr. Hannan. Upon roll call, **motion carried 5-2 with Mrs. Field and Mrs. Pavlick opposing the motion.**

**Mayor’s Report**

None.

**President of Council’s Comments**

Mr. Ruediger said he had assigned a Council representative as the Senior Center Liaison but that person had told him they were unable to perform those duties right now, so Mr. Ruediger assigned himself to that position. Mr. Ruediger asked about the schedule for the fundraiser luncheons the Senior Center did. Mr. Mytinger said the schedule would be included in the Program Guide that would be mailed to the residents soon; the luncheons were usually once a month.

**Council Members’ Comments**

Mrs. Pavlick mentioned the Santa Claus is Coming to Town program by Parks and Recreation and the Fire Department would be this weekend. Shop With A Cop was held last Saturday and was well attended.

Ms. Laudato commented that she had talked with Bill Steiner about the recycling program. There had been a concern about the 18-gallon totes and Mr. Steiner had found a smaller 35-gallon cart that could fit in the footprint of the 18-gallon tote. Ms. Laudato would provide pictures of this cart option that had wheels and a lid.

Mrs. Field commented that her brother-in-law, sister-in-law and father-in-law were lawyers and the letter Mr. Janis had sent regarding the Jim's Open Kitchen issue was how lawyers wrote. She said lawyers went to school for years to learn how to approach the law, how to interpret it, and how to write about it, so the letter Mr. Janis wrote, which may have been confusing to some, was written as how a lawyer should be expected to write a letter. She also said thank you to Mr. Janis for maintaining the law because she thought past Law Directors for the City (not during her Council term) had created disasters and lawsuits by fudging, twisting or bending the rules which couldn't be done, it was their job to maintain the law. She appreciated Mr. Janis's work because as a Council Person she looked to him to tell her what the law said and she trusted him to tell her what could be done.

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

Master Plan Review Commission – Mrs. Kremer had included in the meeting packets the Charter section regarding the Master Plan Review Commission. She mentioned that the Mayor needed to make appointments to this Commission by the end of January, but his appointments were based on Council Member recommendations, so the Ward Council Members and the President of Council needed to submit some names to the Mayor within the next couple of weeks. She said the sooner the better so the Commission members could get started on their job. Mr. Ruediger asked for volunteers from Council that may want to be on this Commission. The Commission would have 8 months to do its review.

Chief Powers thanked the Pavlicks and the Mayor for helping with Shop With A Cop.

Chief Reinholz reported there was a fire over the weekend at Hickory Ridge; it was in a dryer vent that went through the floor joists and burned a hole in the floor. Kevin Grimm, Fire Prevention Officer, contacted the HOA at Hickory Ridge to alert their residents that they should clean their dryer vents to prevent another such fire.

**Announcements**

There will be a Public Hearing – Medical Marijuana, a Finance Committee, a Special Service Committee and a Special Council Meeting on Monday, December 18, 2017 starting at 7:00 p.m. in Council Chambers.

City Hall will be closed on Friday, December 22 and Monday, December 25, 2017 for the Christmas Holiday.

City Hall will be closed on Monday, January 1, 2018 for New Year's Day.

There being no further business to come before this Council, and upon motion by Mrs. Pavlick, seconded by Mr. Kocisko, this meeting adjourned at 12:25 a.m.

ATTEST:

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Caroline L. Kremer, Clerk of Council

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John Ruediger, President of Council