

THE CITY OF STREETSBORO, OHIO
SERVICE COMMITTEE MEETING MINUTES

Monday, November 13, 2023

This Service Committee Meeting was called to order on Monday, November 13, 2023 at 7:01 p.m. by Julie Field, Chairman.

PRESENT: Justin Ring, Anthony Lombardo, Steve Michniak, Marianne Glenn, John Hannan, Jennifer Wagner, Julie Field

ABSENT: None.

ALSO PRESENT: Glenn Broska, Mayor
Frank Beni, Law Director
Patricia Wain, Police Chief
Rob Reinholz, Fire Chief
Matt Miller, Finance Director
Bill Miller, Service Director
Justin Czekaj, Municipal Engineer
John Cieszkowski, Planning Director
Patrick O'Malia, 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 SERVICE COMMITTEE MEETING MINUTES OF OCTOBER 9, 2023 AS WRITTEN.

Moved by Mr. Michniak, seconded by Ms. Wagner. Upon voice vote, **motion carried.**

Old Business

None.

MOTION: TO RECESS THIS MEETING AND GO TO TONIGHT'S REGULAR COUNCIL MEETING FOR MAYORAL APPOINTMENTS.

Moved by Mr. Ring, seconded by Mr. Hannan. Upon voice vote, **motion carried and the meeting recessed at 7:02 p.m.**

MOTION: TO RECONVENE THE SERVICE COMMITTEE MEETING.

Moved by Mr. Hannan, seconded by Mr. Ring. Upon voice vote, **motion carried and the meeting reconvened at 7:18 p.m.**

New Business

Update on New City Logo

Mr. Mytinger said Mr. Shaffer of Shaffer Branding could not attend tonight, but they had provided a description of the latest iteration of the proposed new City logo in today's meeting packet. Mr. Mytinger described the proposed logo: a road going back toward the setting sun, the setting sun was turned into a compass and the lines in the compass represented the major roadways that go through Streetsboro (SR 43, SR 14, SR 303, and the Turnpike). Mr. Mytinger thought it was an interesting and unique design that brought in a lot from the surveys into one look. The logo was done in the school colors, as was part of the survey results. The name of the City was done in script. The logo would not replace the City seal. The logo would be used for branding the City and be used on shirts, letterhead, etc.

Mayor Broska said the City seal could only be changed by Charter and the administration was not looking to do that. The logo was to update and modernize the look of Streetsboro and many neighboring communities had done something similar. He felt the road and the compass points were a true representation for Streetsboro.

Mr. Hannan wondered, now that a logo had been shared in a public meeting, what would be the next steps to implement this or to approve it, and would there be any opportunity for community feedback before it was formally approve. He understood no one design could please everyone. Mr. Mytinger said they might do a kind of public announcement through the press and then once any slight changes and additions of department designations were finalized it could be integrated into letterhead, email, shirts, and eventually vehicle decals, etc. Shaffer Branding would do the imaging and packaging of digital images that could be used for all the items that would use the logo. He thought it would be slow process to integrate a new logo into all the places it might be used once the actual logo was finally decided.

It was uncertain if a logo needed to be approved by resolution or ordinance. Today's presentation was just an update and an ordinance could be presented at a future meeting if Council wanted to formally adopt a logo. Mayor Broska commented that once a design was put out to the public there would be many suggestions for changes or alternate designs. He said he didn't want to just declare something as a logo; he wanted to bring it to Council to explain about the design and the desire to update the City. He said the City seal looked like it came from 1822 and the administration wanted something more modern to show the City in a newer light.

Mr. Mytinger suggested the Council Members reach out to him with any thoughts or tweaks over the next day or two and "then we'll go from there."

T-7493 Change Order for City Center Infrastructure Package

Mr. Czekaj had explained in a previous meeting that there was an issue because when you order light poles they come with the bolts and the bolts need to go in the concrete bases. So, there was an issue where the City couldn't put the bases in without the bolts. The previous plan had been to

bid the light poles with the Amenities Package later and not the Infrastructure Package now, but now he wanted to pull the light poles out of the future Amenities Package bid and put them into the City Center Infrastructure Package bid. The cost difference for this change order would be \$131,725, and that would allow the contractor to get the light poles on order and get them installed in a reasonable time because that contract was up June 1, 2024.

MOTION: TO AMEND THE DOLLAR AMOUNT BY \$131,725.00.

Moved by Mr. Lombardo, seconded by Ms. Wagner. Upon voice vote, **motion carried.**

MOTION: TO MOVE THIS TO TONIGHT'S REGULAR COUNCIL MEETING AS AMENDED.

Moved by Mr. Hannan, seconded by Mr. Lombardo. Upon voice vote, **motion carried.**

T-7494 Apply for AMATS Funding for 6 Road Projects

Mr. Czekaj said these projects were four to five years out, but this was the typical AMATS funding cycle. Widening Frost Road from Greentree to Sunny Lane with a center turn lane and sidewalks on the south side, and widening SR 303 with curbs, gutters and sidewalk had been on the City's road improvement wish list for a while. He hoped that if the City got the money for SR 303, it would open the door for the Safe Routes to Schools Grant. There were three resurfacing projects, and a TASA application for a pedestrian crossing across SR 43 at the fire station, so once the City Center was built, there would be a safe pedestrian crosswalk across SR 43. This legislation was just permission to apply, it was not accepting any grants because the City may or may not get funds for any of these.

MOTION: TO MOVE THIS TO TONIGHT'S REGULAR COUNCIL MEETING AS EMERGENCY LEGISLATION.

Moved by Mr. Michniak, seconded by Mr. Lombardo. Upon voice vote, **motion carried.**

T-7495 Final ODOT Resolution to Pave Frost Road from SR 43 to Page Road

Mr. Czekaj said ODOT had originally asked the City for \$206,000, which was above what had been budgeted for the project, so Mr. Czekaj had asked AMATS to see if they could throw in more money, and they did and it knocked the price down to \$137,000. This was the final legislation for this project at \$137,000; construction was slated to start next July. Mr. Czekaj would give Council an update on the traffic flow/traffic control/potential detours for SR 43 and Frost Road as the projects progressed.

MOTION: TO MOVE THIS TO TONIGHT'S REGULAR COUNCIL MEETING.

Moved by Mr. Hannan, seconded by Mr. Lombardo. Upon voice vote, **motion carried.**

T-7496 Renew Contract for Invoice Cloud Service

Matt Miller said this was a renewal of the contract with Invoice Cloud, which enabled the various

City departments to take payments online. The original agreement three years ago built in a renewal. This was to acknowledge the three-year renewal with Invoice Cloud.

MOTION: TO MOVE THIS TO TONIGHT'S REGULAR COUNCIL MEETING.

Moved by Mr. Ring, seconded by Mr. Lombardo. Upon voice vote, **motion carried.**

T-7497 Amend Code Section 131.03 regarding Interim Directors

Mr. Beni said there could be a situation that might arise because the newly elected Mayor would not take office until December 15, 2023 and the directors' terms ended when the appointing Mayor's term ended, and there wasn't a Council meeting to confirm the new Mayor's appointments until a few days later, so the directors would be out of work for a short period of time. The Law Department tried to change this Code section so the City wouldn't run into the situation where the directors would have to wait until the new Mayor was sworn in and make his appointments and have a gap until Council met to confirm the appointments.

Mr. Michniak suggested calling a Special Council meeting. He felt Council had a duty to show up to a special meeting and vote on the mayoral appointments so there would be no gap. He had a concern with "Interim Directors" because the length of time wasn't always clear. This legislation changed the length of time from 45 days to 90 days. Mr. Michniak was also concerned this legislation would conflict with the Charter's appointment powers. He didn't think this legislation could cure a Charter default. Mr. Beni said this was proposed now to prevent such a gap in the future. Mr. Michniak commented that he had been through a situation where the Mayor made appointments and City Council didn't approve the appointments, and if there was this interim situation, it could really muck things up. He felt it would be cleaner for everyone to just follow the Charter: the Mayor makes the appointment and City Council would have to attend a special meeting to vote on the appointments. Mr. Beni mentioned there was also the problem of a retiring director because there was a public meeting required (with 30 days notice per O.R.C.) before that person could be rehired and they tried to cover that scenario too in the legislation.

There was some further discussion about the language of the legislation and the issue of rehiring a retiring director. The legislation limited the interim appointment to 90 days maximum.

Mayor Broska commented that if a new Mayor was elected (not a reelected Mayor returning to office), the newly elected Mayor would have only a month from the November election to taking office on December 15 to interview and select directors to appoint, which would be a disservice to the new Mayor. The option for temporary appointments would allow a new Mayor to maybe retain the current director in a position until he had time (up to 90 days) to select his own candidate for the position.

Mr. Michniak said you can't ignore the Charter provisions and allow interim/temporary appointments by creating an ordinance. He was just trying to avoid litigation. According to employment law, the directors could continue to work and had a right to be paid, but there might be an issue with benefits. Mr. Beni didn't think this legislation conflicted with the Charter because the Charter was silent regarding temporary appointments, but Mr. Michniak disagreed and said

that was still an appointment, even if temporary. Mr. Michniak said this had been litigated and the court ruled that both the mayoral appointment and four votes on Council were needed to employ a director. Mr. Beni clarified that the ordinance wasn't making appointments, it was just saying the current directors were continuing on in an "acting" basis until they could be appointed. The only way to change the director was to have the Mayor appoint them with confirmation by a majority of Council.

Mrs. Field asked what was done in the past and was told it was a recent Charter change that set the date the newly elected Mayor takes office. Mayor Broska pointed out there was an existing ordinance regarding temporary appointments should there be a vacancy in a director position and this legislation was just amending that ordinance.

Mr. Michniak read the proposed legislation aloud. The new sections B and C referred to current directors continuing their employment and serving on an "acting" basis and keeping the same compensation and benefits. Mr. Beni said they tried to handle a transition period until the new appointments could be made. Mr. Michniak said he didn't anticipate any problems with the current administrative team, like there had been in the past, other than Streetsboro trying to retain them from leaving for better paying jobs. He was just concerned about this statute's effect on Council's power in bad times to chose to not ratify or not keep someone onboard. Mr. Beni said the 45/90 days would not be extended; if Council did not take action, the job would end. He said this was not meant to take away any of Council's authority to confirm appointments.

Mr. Michniak said he would go along with the majority of Council on this issue tonight. He was just worried that in bad times, this legislation would "bite us" and things could end up in court again. He still supported a Special Council Meeting to confirm appointments when the Mayor was sworn in. Mayor Broska said this issue could be considered by the next Charter Review Commission for a possible change; or a Charter change could be proposed for the Fall 2024 ballot to prevent the issue from every occurring again and the part about retiree rehires could be included.

Mr. Lombardo asked if Mr. Michniak was now comfortable with this proposed legislation. Mr. Michniak answered that he could go along with it; the Code section could always be changed again if Council felt it was necessary. He was just trying to prevent litigation if there were personnel problems in the future. He didn't like that it felt like having directors continue on an "acting" basis was in conflict with the Charter which said the director's terms ended when the appointing Mayor's term ended. Mayor Broska said it would only affect the one retiree/rehire person who had a waiting period per O.R.C. because he could appoint the others as soon as he/the new Mayor was sworn in. Mayor Broska supported having a Special Council Meeting on December 15 when the new Mayor was sworn in to appoint and confirm the directors. Mr. Michniak said he was fine with this for now, but it needed further discussion to figure it out. Mr. Beni said there was a small portion of this that should probably be discussed in Executive Session.

MOTION: TO SCHEDULE A SPECIAL COUNCIL MEETING ON FRIDAY, DECEMBER 15, 2023 AT 6:00 P.M.

Moved by Mr. Hannan, seconded by Mr. Lombardo. The Clerk commented that the Council Rules

said meetings should not start before 7 p.m. unless by motion of Council, so the earlier start time could be included in this motion. It was noted that per Charter the Mayor takes office at 12:01 a.m. on December 15, so as long as Council met that same day to confirm the appointments, the directors would not be out of a job for a day. Upon voice vote, **motion carried.**

MOTION: TO MOVE THIS TO TONIGHT'S REGULAR COUNCIL MEETING.

Moved by Mr. Ring, seconded by Mrs. Glenn. Upon voice vote, **motion carried.**

Discuss City Noise Ordinance

Mr. Ring wanted to bring up this topic because a situation arose where a resident had called him. Mr. Ring was a little upset at the whole scenario. There was a block party being held with a band playing at 2 p.m. and all the neighbors were there except for one or two who happened to call the police. The police came out and told them they were being too loud, even though it was early afternoon, not the middle of the night. The band stopped and they started doing karaoke. The police were called again and came out again, maybe three times because the neighbor kept calling. The neighbor having the block party got cited with a fourth-degree misdemeanor under the ordinance, which annoyed Mr. Ring. All of this happened between 2 p.m. and 6 p.m. on a Saturday in a neighborhood. Mr. Ring did not feel this was the intent behind the City's noise ordinance. He didn't think the ordinance was to shut down afternoon block parties or children playing too loud in their own yard.

He knew the noise ordinance had always been a struggle; it had been talked about a lot and changed periodically. He just didn't think that was the intent. He understood the noise ordinance restricted noise from 11 p.m. to 8 a.m., not any time of day any day of the week, but the Law Director had told him he was wrong. Mr. Ring had wanted to bring this issue up because he found it frustrating that one neighbor could ruin it for everybody.

Mayor Broska commented that about 99% of things the police and zoning inspectors deal with was because of neighbor disputes.

Mr. Field asked for comments on this issue from the Police Chief. Chief Wain said she would not get into specifics because it was an open case, but she said the noise ordinance was pretty explicit about the distance the noise can be heard; it should not be heard 50' from the structure or lot. Regardless of the reason for the noise, people had a right to peace and quiet in their neighborhood. It was a full band behind a home that went on for hours and for people that work from home or work nights, it could be annoying/disruptive. It wasn't one call; an officer went out and gave them a warning and then another warning, and then at the third time it was a citation. The complaints that come in were anonymous because people do fear retribution.

Mr. Ring said 50' was a short distance and might need to be reconsidered. Mrs. Field said a loud band for multiple hours could be a problem. Mr. Ring commented that he could hear the marching band at the high school from his house, but didn't plan to call the police on the high school. Chief Wain said a band and karaoke was different than kids playing or someone cutting their grass to which Mr. Ring responded "so our noise ordinance disallows people to enjoy their property." He

didn't want to be subject to a fourth-degree misdemeanor fine if he played music in his backyard for a summer graduation party. He understood both sides. There was no permit option for block parties.

Mr. Lombardo also understood both sides. He suggested a party with a band should be scheduled at a park or large space instead of a residential neighborhood.

It was clarified that Code Section 509.10 Unlawful Noise; Prohibited did not allow any noise that was excessive, unnecessary or unusually loud or that disturbed, annoyed or endanger the comfort of any persons of ordinary sensibility that was audible 50' from the lot or building. A separate section stated it was unlawful for such noise to be generated on private property between 11 p.m. and 8 a.m. in a residential area that was audible 50' from the property lines of the property that was the source of the sound. Code Section 1151.24 General Performance Standards restricted noise between the hours of 10 p.m. and 7 a.m. so some Council Members felt the restrictions were intended to be for the sleeping hours.

Mrs. Field noted that these types of citations were not common, so this was an unusual situation where it continued beyond 2 warnings and where the police had to go there three times. She agreed people should be able to have a party at their home, but it needed to be respectful of the neighbors because most neighbors were understanding if it's not excessive. Mrs. Glenn commented that it was one party on one day so there should be some level of tolerance, not constant noise like some barking dogs that annoy the neighbors for hours every day.

There was some further discussion of the issue. Chief Wain said the block party issue had been discussed previously, but had not resulted in any regulations. Mr. Ring said he could bring the issue back to Council if he thought of anything productive later. Mrs. Field felt the existing ordinance allowed the police officers to use their discretion, and there might another situation like this someday in the future, but it was usually a difficult situation when it involved neighbors. She appreciated Mr. Ring bringing this to Council because it never hurt to revisit topics like this that affected the residents.

Discuss Snowplow Registration Requirements

Mayor Broska explained that the Service Department had made a social media post about the need to register to plow snow in the City and there was a fee and checks could be made payable to the City of Streetsboro, but thought Code Section 713 only required snow plows to have insurance. There had been discussions regarding the necessity to have snow plows registered. Last season (not much snow) there had only been about a dozen people to register and the previous season had about twenty. Mayor Broska agreed that snow plows needed to be registered, just like building contractors needed to be registered to work in the City. There could be issues if people come to town during the big snowstorms without registering and damage another vehicle or someone's property while snow plowing. The Snow Removal section of the Code had existed since 1975 with modifications in 2005 and 2015.

Mayor Broska had confirmed with the Police Department that they had never issued a citation to someone that was not registered, but if the Police encounter someone plowing, they would check

to see that they were registered with the City; if they were not registered the Police would send them to the Service Department to get their vehicle checked and get registered for a \$25 fee. It was not an unreasonable charge and it was a way for the City to know who was operating here.

Mr. Hannan agreed it made sense to have a registration process, but he wondered why other services were not required to register, i.e. landscapers. Mayor Broska said that had never been brought up. Bill Miller thought any contractor doing work in town needed to be registered.

Mr. Michniak wondered what was the City's interest? Wasn't it a private commercial transaction between the homeowner and the snow plower? Bill Miller said the Service Department staff went over the snow plow vehicle to make sure a window wasn't cracked, they had the proper lights, they had a fire extinguisher, plus a whole check list of about 20 items. It was a safety issue to have them working in our town. During the inspection the Service Department also inquired if the snow plower wanted to be on the list to snow plow for residents so the City had a list to offer residents of registered snow plowers.

Technically the Code required self-propelled snow blowers operating for monetary gain to be registered, but Bill Miller said they usually dealt with trucks, not snow blowers. Mr. Ring said the Code did not require the vehicles to be "inspected;" it required obtaining a proper license by filling out an application and the owner/operator had to take on the responsibility to maintain the equipment and lights and exercise due care in the removal of snow. Bill Miller said the inspection of the equipment was part of the permit process along with checking the liability insurance amounts. Mrs. Field felt this all was a good idea. Mr. Ring thought the Code language needed adjusted because the current wording could lead to litigation. Bill Miller noted that people had been denied a permit because of equipment violation, then they would go get the issue fixed and come back for another inspection. He had never revoked a license that had been issued.

Mr. Hannan said there were only 12 people registered for plowing last year, but he thought more people did snow plowing, so was this ordinance even effective? He thought more citations should be issued to snow plowers that were not registered to enforce the current code. Mayor Broska said citations were not issued because when snow plowers were found to not be registered, they were sent to the Service Department to get registered and resolve the issue. Bill Miller said other communities do a similar registration process, but not all of them; (mostly they look for liability insurance). Mr. Hannan and Mr. Ring felt the current Code needed updated to include vehicle inspections if that was actually a requirement. The Law Department would write up legislation regarding this concern for a future meeting.

Citizens' Comments

Mrs. Field asked about all the new sidewalks being installed by the City of Hudson down the major routes including SR 303 to Stone Road. She wondered how that huge project was funded because Streetsboro would love to have sidewalks all along SR 303. Mr. Czekaj wasn't certain, but knew it was easier to get sidewalks included into a major road project. There was not a lot of funding out there to just do sidewalks, so it might just be taxpayer funded. Mr. Czekaj said Aurora was working on such a program also. Mr. Czekaj noted that assessments were another way the other towns may have paid for those types of improvements. Streetsboro was very capital heavy right

now with road and safety projects so a connectivity program was something that would be considered for the future. Mrs. Field added that some of the Hudson homes with a lot of property that had a rural feel had lost that feeling with the addition of sidewalks, so that was something to consider. Mr. Czekaj would find an answer for Mrs. Field regarding the funding for Hudson's sidewalks.

Announcements

A Special Finance Committee Meeting will immediately follow this meeting.

There being no further business to be addressed by this committee, and upon motion by Mr. Ring, seconded by Mr. Hannan, this meeting adjourned at 8:42 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Julie Field, Chairman