

THE CITY OF STREETSBORO, OHIO
SERVICE COMMITTEE MEETING AGENDA

Monday, November 4, 2024

TIME: Immediately following the Safety Committee Meeting
PLACE: Streetsboro City Council Chambers
CHAIR: Anthony Lombardo 440-669-6922
VICE-CHAIR: Jon Hannan 330-931-5451

1. **Call to Order**
2. **Roll Call**
3. **Disposition of Minutes**
None.
4. **Old Business**
None.
5. **New Business**
 - a. T-7681 Encroachment Rights 9233 St. Rt. 14 (Czekaj)
 - b. T-7684 Street Dedication Meadow View Phases 15,16,17,18 (Czekaj)
 - c. T-7685 Amend Ordinance No. 2023-135 to add new vendor (B. Miller)
6. **Citizens' Comments**
7. **Announcements**
A Regular Council Meeting will immediately follow this meeting.
8. **Adjournment**

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE GRANTING AN ENCROACHMENT PERMIT TO RHS DEVELOPMENT, INC. TO OCCUPY AND USE A PORTION OF THE PUBLIC RIGHT-OF-WAY OF STREETSBORO PUBLIC SQUARE FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF A CUSTOMER PARKING LOT ACCESSORY TO A COMMERCIAL PROPERTY AT 9233 STATE ROUTE 14.

WHEREAS, the City is the owner in fee of all public rights-of-way within the City and is responsible for the competent management of such rights-of-way in furtherance of the public interest generally, and specifically to preserve, coordinate and optimize the various existing and future uses of the public right-of-way for the benefit of Streetsboro residents; and

WHEREAS, management of the public right-of-way is a matter of local concern, protected by the first clause of Section 3 of Article 18 of the Ohio Constitution; and

WHEREAS, RHS Development, Inc. owner of a commercial property located at 9233 State Route 14 (the "Parcel"), seeks authority of this Council to install, maintain and operate a customer parking lot in the public right-of-way of Streetsboro Public Square, to provide accessory parking for the Parcel; and

WHEREAS, this ordinance is enacted expressly as an exercise of local self-government, pursuant to the first clause of Section 3 of Article 18 of the Ohio Constitution; and

WHEREAS, the Council is authorized by Ohio Revised Code §723.01 to grant the permit requested and finds that the public interest, convenience and necessity will not be harmed thereby, subject to the terms and conditions of the permit authorized herein,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio, that:

SECTION 1: Grant. This Council hereby grants a permit, revocable at the will of the Council, to RHS Development, Inc. (the "Permittee" or the "Company") to install, operate, maintain, repair and remove a customer parking lot (sometimes hereinafter the "improvements") within a certain portion (the "Permit Premises") of the public right-of-way of Streetsboro Public Square to provide accessory parking for the commercial property located at 9233 State Route 14, Streetsboro, Ohio, Portage County Permanent Parcel No. 35-055-00-00-012-000 (the "Parcel") and for no other purpose, subject to the terms and conditions of this Ordinance and the supervision of the City Engineer.

SECTION 2: Acceptance, Effective Date and Term. Acceptance of the terms of this Permit by the Permittee shall be conclusively established by the receipt, by the Clerk of Council, of a writing accepting the terms and conditions of this Permit without reservation, signed by an authorized officer or employee of the Permittee and approved by the Law Director. This Permit will be effective upon acceptance, and will be of indefinite duration but subject to revocation by the Council, by ordinance, for any reason or for no reason. If the acceptance is not received by the Clerk within thirty (30) days of the effective date of this Ordinance, the Permit shall be null and void without further action of the Council. Unless sooner terminated by operation of this Ordinance, the Permit will terminate effective upon the effective date of the Ordinance terminating it.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, 20_____

SECTION 3: Encroachment Area. The area subject to the encroachment is that portion of the public right-of-way of Streetsboro Public Square (the "Permit Premises") bounded and described in the legal description attached hereto as Exhibit A.

SECTION 4: Limitations. This permit shall be construed to authorize the Permittee to install, operate, maintain, repair and remove a parking lot to provide accessory parking for not to exceed three vehicles in order to augment existing customer/employee parking at the commercial property located at 9233 State Route 14. This permit does not authorize any other type of use of the Permit Premises, or authorize the permit premises to provide accessory parking to any other parcel. This permit does not authorize fences, signs, lighting or other vertical structures without express authorization of the City Engineer, and if authorized, such structures shall be permitted only as necessary for the proper functioning of accessory parking (i.e, using authorized structures for advertising or marketing purposes is prohibited). The Permittee will apply for and obtain a Permit to Install under Chapter 909 of the Codified Ordinances, from the City Engineer, prior to installing any structures in the public right-of-way. This permit does not authorize the Permittee to charge any fee for use of the permit premises, and all such fees are prohibited. The extent of the parking capacity installed in the Permit Premises, together with the available parking on the Parcel, shall not exceed that required for such uses by the Zoning Code as applied to the Parcel.

SECTION 5: Nonexclusivity. Nothing in this Permit limits the authority of the City, without revoking the Permit, to use the Permit Premises for municipal purposes not inconsistent with this Permit, or to authorize use the streets or public rights-of-way, including the Permit Premises, for any lawful purpose. Nothing in this Permit limits the rights of the public to use the Permit Premises for purposes not inconsistent with this Permit.

SECTION 6: Design and Construction. The Permit Premises shall conform to the City's Engineering and Zoning design standards for streets and commercial parking lots, as specified in Streetsboro Codified Ordinances §§1155.03 and 1183.01(b). All construction work will conform to the City's construction standards contained in Chapters 1341 and 1343 of the Codified Ordinances and the City Engineer's Construction Standards dated July 18, 2022, as applicable. The Permittee will apply for and obtain a Permit to Install under Chapter 909 of the Codified Ordinances, from the City Engineer, prior to performing any work in the public right-of-way. The City Engineer shall supervise all construction and may make exceptions to City standards where they are clearly inapplicable under the circumstances. The Permit Premises will not be used for parking prior to completion of construction and approval by the City Engineer. All permit and inspection fees associated with the Permit to Install will be paid by the Permittee.

SECTION 7: Priority of Public Works. Nothing in this Permit limits the right of the City to perform any public work or public improvement of any description within or without the Permit Premises. In the event the Permittee's improvements or operations in the Permit Premises interfere with the future construction, operation, maintenance, or repair of any public work or public improvement, the City Engineer may, without revoking this permit, require the Permittee, after reasonable notice from the City, to protect, alter, relocate or remove the affected improvements, or portions thereof, or to suspend operations to the extent necessary to allow the public improvement to proceed, as determined by the City Engineer. All expenses incurred by the Permittee in complying with this section shall be borne by the Permittee. The Permittee shall make no claim for damages, loss of use, lost income or lost profits arising from the City's undertaking of public works projects affecting the Permit Premises.

RECORD OF ORDINANCES

Ordinance No. _____

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SECTION 8: Utility Coordination. No privilege or exemption is granted or conferred by this Permit except those specifically prescribed herein. Any privilege claimed under this Permit by the Permittee in any street shall be subordinate to any prior lawful occupancy of the street. In conducting any construction or excavation in the Permit Premises, the Permittee will coordinate with the City Engineer, and with all underground and overhead utility companies and the Ohio Utilities Protection Service.

SECTION 9: Non-transferability. Neither this Permit nor the rights and privileges granted hereunder shall be sold, transferred or alienated in part or as a whole, by any means, and nor shall the improvements installed in the public right-of-way be sold, transferred, leased, assigned, or disposed of in part or as a whole, without the express consent of the City, by ordinance. "Sold or transferred" includes sale of the company, merger, consolidation, divestiture, public offering, or other change in control of the Permittee. A transfer of more than twenty percent (20%) of the stock, membership interests, membership units or other ownership stakes in the company will be considered a change of control of the company. Prior to consenting to any transfer of the Permit, the City may require the transferee to expressly consent in writing to the terms of this Permit. The grant or waiver of any one or more of such consents shall not render unnecessary any subsequent consent or consents, nor shall the grant of any such consent constitute a waiver of any of the rights of the City under the terms of this Permit. Sale or transfer of this Permit or alienation of the Permit or any associated rights and privileges without consent shall render this Permit void and of no further effect.

SECTION 10. Cessation of Operations/Abandonment/Removal Bond. Once commenced, cessation of use of the parking lot for accessory parking as authorized under Section 1 hereof for a period longer than ninety (90) days will be deemed abandonment. No parking lot improvements installed under the authority of this Permit will be abandoned in place without the express written permission of the City Engineer. Abandonment in place will not be deemed to cause a transfer of ownership of the improvements to the City unless the City, by ordinance, accepts such ownership. In the absence of approval to abandon in place, upon cessation of parking lot operations, the parking lot improvements will be removed from the public right-of-way and the affected portion of the right-of-way will be restored to the standards promulgated by the City Engineer. In order to ensure removal of the parking lot improvements and restoration of the right-of-way, the City Engineer, when issuing the Permit to Install under Section 6 hereof, may require a restoration/removal bond to be supplied to the City by an Ohio-licensed surety, guaranteeing the Permittee's performance under this section. The amount of the bond shall be determined by the City Engineer, in the estimated amount necessary to remove all parking lot improvements and restore the right-of-way to City specifications.

SECTION 11. Indemnification. Excepting claims arising out of the active negligence or willful misconduct of the City or its officers and/or employees acting within the course and scope of their employment, the Permittee undertakes and agrees to defend, indemnify and hold harmless the City and any and all of the City's Officers, agents, employees, assigns and successors in interest from and against all suits and causes of action, claims, losses, demands and expenses, including, but not limited to, reasonable attorney's fees and costs of litigation, damage or liability of any nature whatsoever, for death or injury to any person, including the employees, agents, guests, invitees of the Permittee or of any tenant or lessee of the Permittee, or damage or destruction of any property of either party hereto or of third parties, arising in any manner by reason of, or incident to, the operations of the Permittee or its tenants or lessee(s) in the Permit

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20 _____

Premises, or the presence of the Permittee's parking lot improvements in the public right-of-way.

SECTION 12. Insurance. Without limiting the Permittee's indemnification of the City, the Permittee shall maintain the insurance listed in this paragraph continuously during the term of this Permit:

1. Commercial General Liability: \$2,000,000 aggregate and \$1,000,000 per occurrence for bodily injury and property damage.

The City shall be included as an additional insured on the commercial general liability insurance policies. Upon receipt of notice from its insurer(s) Permittee shall provide the City with thirty (30) days prior written notice of cancellation of any required coverage.

SECTION 13. Notices. Notices to the parties in connection with this Permit shall be directed, if to the City, as follows:

City of Streetsboro
Mayor's Office
9184 State Route 43
Streetsboro, Ohio 44241

With a copy to:

City of Streetsboro
City Engineer
9184 State Route 43
Streetsboro, Ohio 44241

and if to the Permittee:

RHS Development, Inc.
1481 River Edge Drive
Kent, Ohio 44240

The Permittee shall keep its contact information current and on file with the Clerk of Council and the City Engineer at all times during the term of the Permit. If the Permittee cannot be reached using the contact information on file, it shall be sufficient notice for the City to use the name and address of the Permittee's statutory agent on file with the Ohio Secretary of State.

SECTION 14: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 15: This ordinance shall take effect and be in force at the earliest period allowed by law upon its passage and approval by the Mayor.

PASSED:

Date

Steve Michniak, President of Council

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

ATTEST: _____
Bridget Pavlick, Deputy Clerk of Council

APPROVED: _____
Date _____ Glenn M. Broska, Mayor

Prepared and approved as to legal content by: _____
David L. Nott, Law Director

Date Submitted to Mayor for Approval: _____ Returned: _____

Sponsored by: City Engineer

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____, 20_____

AN ORDINANCE ACCEPTING THE DEDICATION OF CERTAIN STREETS IN MEADOW VIEW SUBDIVISION FOR PUBLIC USE AND DECLARING AN EMERGENCY TO EXPEDITE ACCEPTANCE.

WHEREAS, the developer has complied with the terms of and has completed all street and sidewalk improvements required pursuant to the Codified Ordinances of the City of Streetsboro; the site plan approved by the Planning Commission; and standardized and accepted state and national building and design codes; and

WHEREAS, the City Engineer has reviewed and hereby recommends formal acceptance by the City of the street and sidewalk improvements as set forth in Section 1 below.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio:

SECTION 1: City Council hereby accepts the dedication of the following streets in the Meadow View subdivision:

PHASES 15&16

Duncan Way and Leslie Drive

PHASE 17

Mavis Trail

PHASE 18

Dublin Way

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 3: This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the residents of this City for the reason that the Council wishes to amend Ordinance No. 2024-106 to state the correct account number as soon as possible to allow for the conclusion of the dedication process for these phases of the subject subdivision, and provided it receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED:

_____ Date

_____ Steve Michniak, President of Council

ATTEST:

_____ Bridget Pavlick, Deputy Clerk of Council

APPROVED:

_____ Date

_____ Glenn M. Broska, Mayor

Prepared and approved as to legal content by:

_____ David L. Nott, Law Director

Date Submitted to Mayor for Approval: _____

Returned: _____

Sponsored by: City Engineer

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE AMENDING NO. 2023-135 TO ADD FULL THROTTLE MOBILE BLASTING LLC TO REPLACE H & S SURFACE PREP LLC, WHICH CANCELLED ITS SERVICES AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE SERVICES OF THE NEW VENDOR.

WHEREAS, this Council previously adopted Ordinance No. 2023-135, which authorized the Mayor to enter into contracts without competitive bidding with various identified vendors for the purchase of Liberty Ford Aurora and various other vendors for the purchase and upfitting on a Heavy-Duty Ford F-450 chassis for use by the Service Department on the basis of their proposals on file with the Clerk of Council; and

WHEREAS, one of the upfitting vendors, H & S Surface Prep LLC, has cancelled its services and the Service Department wishes to substitute Full Throttle Mobile Blasting LLC.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Streetsboro, Portage County, Ohio:

SECTION 1: Section 1 of Ordinance No. 2023-135 is hereby amended to read as follows:

<u>Vendor</u>	<u>Product or Service</u>
Liberty Ford Aurora	Ford F-450 Chassis.
Alro Steel	Metal framing
Ohio Trailer Company	Wood decking
Municipal Sign & Sales Inc.	Safety supplies
Graphic Expressions, Inc.	Truck graphics
SpeedTech Lights, Inc.	Flashing lights
Bain Enterprises	Arrow Board
H & S Surface Prep LLC <u>Full Throttle Mobile Blasting LLC</u>	Painting

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

SECTION 3: This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the residents of this City for the reason that the Council wishes to amend Ordinance No. 2023-135 to expedite the replacement of necessary painting services by a new vendor and provided it receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: _____
Date Steve Michniak, President of Council

ATTEST: _____
Bridget Pavlick, Deputy Clerk of Council

APPROVED: _____
Date Glenn M. Broska, Mayor

Prepared and approved as to legal content by: _____
David L. Nott, Law Director

Date Submitted to Mayor for Approval: _____
Sponsored by: Service Department