

THE CITY OF STREETSBORO, OHIO  
**SERVICE COMMITTEE MEETING MINUTES**

Monday, July 12, 2021

This Service Committee Meeting was called to order on Monday, July 12, 2021 at 7:12 p.m. by Michael Lampa, Chairman.

**PRESENT:** Mike Lampa, Justin Ring, Jon Hannan, Anthony Lombardo, Jennifer Wagner, Chuck Kocisko

**ABSENT:** Julie Field

**ALSO PRESENT:** Glenn Broska, Mayor  
Frank Beni, Law Director  
Patricia Wain, Police Chief  
Rob Reinholz, Fire Chief  
Bill Miller, Service Director  
Justin Czekaj, City Engineer  
Shawna Lockhart-Reese, HR Manager  
Caroline Kremer, Clerk of Council  
[by Zoom video conferencing:]  
Sara Fagnilli, Assistant Law Director/Prosecutor  
Jenny Esarey, Finance Director  
John Cieszkowski, Planning Director  
Patrick O'Malia, Economic Development Director  
Greg Mytinger, Parks and Recreation Director  
Melissa Procop, Mayor's Administrative Assistant

**MOTION: TO EXCUSE MRS. FIELD.**

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

**Disposition of Minutes**

**MOTION: TO ACCEPT THE REGULAR SERVICE COMMITTEE MEETING MINUTES OF APRIL 12, 2021 AS PRESENTED.**

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

**Old Business**

**Update on Forest Valley Development**

Mrs. Fagnilli said the bonding company had been put on notice about a year ago. Things had been progressing slowly and getting done. There had been issues the last couple of months regarding getting the retention ponds finished. The developer had contracted with a new company and

expected to start the work this week. There were just a few other minor items to be taken care of. Mr. Lombardo said Ms. Russo had been in touch with him and still had concerns, but there were no other changes in what was going on. Mr. Lampa confirmed with the lawyers that City Council couldn't do anything to have the builder turn over the HOA; that was between them and the developer. It was recommended to not include this item on the next agenda and let Ms. Fagnilli report to City Council when it was actually completed and done. Mr. Lombardo would stay on top of the issue.

### **New Business**

#### **T-7066 Replace Streetsboro Salt Barn Roof**

Mr. Miller said earlier this year the Board of Control had approved A&B Roofing to replace the salt barn roof, but since then they have said they did not bid it correctly and it would cost more. Mr. Miller suggested Council approve Roy Bender to replace the Streetsboro Salt Barn Roof for a price not to exceed \$10,600. Mr. Bender had previously done a very good job at the cemetery. This was for the old salt barn which was currently being used for storage, but would be used again for salt that had to be purchased last year.

**MOTION: TO FORWARD TO TONIGHT'S REGULAR COUNCIL MEETING AS EMERGENCY LEGISLATION.**

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

#### **T-7067 Authorize Purchases for Streetsboro Salt Barn Improvements**

Mr. Miller said as they cleaned up the old salt barn they realized the old salt had pushed some of the walls and rafters out. They repaired a section, but there was more to do, about \$5,200. He expected to put money in the 2022 budget to fix the rest of the old salt barn before it was refilled with salt next year. They needed to put steel girders down to straighten the whole barn out then side the whole thing and then it would be strong and look good.

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

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

#### **T-7068 Accept BWC Trench Safety Grant**

Mr. Miller said Shawna Lockhart-Reese and Geoff Willa had done well to secure this grant. The grant would pay \$9,576.92 out of the \$12,616.15 cost. Mr. Miller asked that this be passed as emergency legislation to get this equipment ordered quickly because during the process to secure the grant the prices had gone up and the City would have to pay an additional \$600.

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

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

### T-7069 Zoning Code Amendment to Establish Site Development Regulations

Mr. Czekaj provided a detailed executive summary about this legislation to Council. He said currently there was no procedure set forth in the ordinances on how these site plans were handled. This legislation would provide an easy flow chart for builders to follow when they submit site plans for individual lots. Once those site plans were submitted the Engineering Department would review the plan, issue referred construction, and have this as as-built documentation so once the house and the lot were completed, the City would do a final grade inspection to ensure that what they said would be built was built accordingly. It would also establish standards of exactly what the documentation would look like, it would provide for fees and deposits so the City would have leverage should the developer default or not be responsive to corrections that may be needed on the lot.

Two questions had arisen at the Planning and Zoning Commission meeting. One was regarding the cost of the reinspection fee. It seemed there was an ordinance passed in January 2021 for the Building Department increasing fees for this type of work, that Mr. Czekaj was not aware of when he prepared this legislation for the Planning Commission's review. Planning Commission had stated that the reinspection fee, in the proposed legislation at \$250, was too high, but Mr. Czekaj thought it may be too low. The January legislation actually made the reinspection fee \$500, so he would be asking Council to amend the language on the floor in two Code Sections of this proposed legislation to match the fee ordinance that was currently in place. He would then adjust the fee schedule in the other ordinance so it would make a little more sense. The other question from the Planning and Zoning Commission was about seasonal occupancy because there were certain months of the year when it was too wet and muddy to grade, so there would be a policy that would set forth that once the Engineering Department determined that final grades could not be completed, the Building Department would be able to issue a temporary occupancy, and that temporary occupancy would expire once the weather turned. Anyone holding a temporary occupancy would be required, by a certain date, to come in and finish the final grades.

Mr. Czekaj explained the amendments he would request on the floor for Sections 1165.07 b and 1165.07 c to make this proposed legislation match the already adopted fee schedule

Mr. Ring asked, what happens if a temporary occupancy was issued and then the developer never came back to finish the final grade and someone was already living in the home. Mr. Czekaj said with this ordinance there was a \$10,000 deposit from each builder. If the builder did not finish the work, the deposit would be forfeit, and that should be enough to cover any repairs, grading, etc. to make the site into compliance with the Code.

**MOTION: TO AMEND SECTIONS 1165.07 B AND 1165.07 C IN T-7069 TO \$500 EACH.**

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

Mayor Broska said the benefit to this was a final grade inspection which would make sure the lot complied with the site plan that was submitted. He said often it was found lately that people alter their yard, which caused problems to their neighbors, and they say it's the City's fault, but it was not the City's fault. With this legislation the City will be able to show the people with the complaint the

as-built plans and that it was graded per the plans, and they would need to discuss any issues with the neighbor that made the alterations. Any time there were flooding concerns residents wanted to blame the City, but this legislation should help stop that. Mayor Broska said the City could not fix everything that may have happened before, but going forward this legislation would make things easier for the City.

Mr. Ring thanked Mr. Czekaj and the administration for doing this. Mr. Ring had been a little surprised when the Forest Valley issues arose that there was not a final grade inspection required.

**MOTION: TO MOVE THIS TO TONIGHT’S REGULAR COUNCIL MEETING FOR FIRST READING AS AMENDED.**

Moved by Mr. Ring, seconded by Mr. Kocisko. Mrs. Kremer mentioned there was a Public Hearing scheduled for this topic on Monday, August 9, 2021. Because this legislation had been amended and was now different than what the Planning Commission had recommended to City Council, it would need 5 of 7 votes to pass. Upon voice vote, **motion carried.**

Discuss Mandatory Participation in Recycling

Mr. Ring said he asked for this agenda item after the discussions at the last Service Committee Meeting regarding the trash and recycling service contracts. He strongly felt that government should not mandate its citizens to purchase a product or service from a private company. He wanted to discuss removing the mandatory subscription from the Code; or at least change “shall” to “may.” He said it may change the way things get bid, etc. but he felt it was the right thing to do for our citizens, to give them a choice on what they participate in as far as a service from a private entity.

Mr. Lampa asked why it was made mandatory a few years ago. Mr. Ring said it was so that everybody would subsidize everybody else so it gave a better price for the residents, but at the time the City was going to be using a government entity to provide the recycling service. He said the fee itself was more of a “tax” for a government service than it was a service from a private company. Now that the City was looking to change to a private entity that dynamic had changed and it was no longer a “tax” it was a requirement to purchase a service from a private company, and some people may not want to purchase from that company if they didn’t like that company or something. The citizen’s/consumer’s choice shouldn’t be forced by a government. Mr. Ring wondered, if the City changed the mandatory requirement, what impact it would have legally to the recycling program. He said he had researched the Ohio Revised Code regarding whether the municipality was required to recycle; he could only find that a Waste District was required to make sure the service was offered. He couldn’t find where a municipality was required to use the service; he said there were a number of municipalities in Portage County’s Waste District that did not use the service. It’s not that he didn’t want to offer recycling for residents, he just didn’t want to force people to pay a company.

Mr. Lampa said it seemed it was made mandatory to get the best bulk pricing. He felt the Streetsboro citizens were used to recycling and used to paying for it. He did not like that it was made mandatory by City Council (prior to him being on City Council), but now that he has had to do it, he liked doing it; he felt like he was adding value to the world. Mr. Lampa wondered if Mr. Ring wanted to change the requirement now, in the middle of the contract process, or for the next round of

bidding. Mr. Ring said he wanted it removed immediately. Mr. Lampa wondered if Mr. Ring would feel differently if Portage County was in this bidding process. Mr. Ring said he was always against the mandatory subscription requirement, but was a little more comfortable with it being a government agency/a government provided service with a “tax;” he drew the line at a private company.

Mr. Beni said it could not be removed from the current contract legislation; there would have to be separate legislation to repeal the mandatory subscription requirement it from the Code.

Mr. Kocisko gave some history on the subject. He’d seen changes in fees over the years. It was made mandatory for the trash/recycling companies to have everyone participate to keep the fees down for everyone and benefit all the residents. Keeping the costs down was important for those on fixed incomes (i.e. retirees). Mr. Ring said it was communism. Mr. Kocisko said there had been issues in the beginning with educating the public on what could go into the recycling collection because people would sometimes mix trash and food with the recyclable materials.

Mr. Kocisko said Council needed to speak up for the folks because of Council’s knowledge of the big picture. He said a little personal attention went a long way for most folks. He mentioned that in the past Council did not want multiple companies handling these services because there would be too many heavy trucks breaking up the roads, so Council decided to bid the services and select one provider for trash and one for recycling. He said keeping the costs down for the residents, even if it was mandatory, was a benefit to the citizens. Mr. Kocisko preferred to go with one company for both recycling and trash.

Mr. Lampa said he’d been thinking about this issue over the last week or so, and he didn’t like “playing tennis” with the residents by going back and forth on whether it was mandatory or not. He agreed that bundling the services was the best option for the residents for the best price.

Mr. Ring clarified that he was not suggesting ending the franchises and having multiple trash companies. He liked Kimble and used them for his home trash service. He wondered, “if recycling was mandatory, why was trash collection not mandatory?” people did not have to pay for trash service if they didn’t use it. He said they couldn’t use another trash hauler, but they didn’t have to use Kimble, they could take their trash to a dump, or burn it (not legal) or do whatever with it but they were not required to pay for the service. Mr. Ring said he wanted to represent the people that did not want to recycle; “why should they have to subsidize the people who do.” He said when the government required people to take money out of their pocket to pay a private company to provide for somebody else at no choice for a service they may not be using – that’s communism, and he would not support that, but he was just one of seven on City Council. Taxes were paid to a government for government services. Even if the cost was more expensive, he felt people should have the choice to pay for the service.

Ms. Wagner wondered what the cost would be to the households if they could choose to not use the recycling service to save on that cost; everyone would still need the trash service. It was mentioned that the cost for the trash service would go up because there would be more trash if people didn’t separate out their recyclables.

Mayor Broska commented that the participation in the recycle program would decrease dramatically and none of the trash/recycle haulers would be able to offer a price without knowing a customer base. If someone did not subscribe with the City's contracted trash hauler, they would have to find some other way to dispose of their trash, and he did not think that would be 75% or 80% of the residents. In order for a company to provide the City with a reasonable price for the service, they would have to know what the customer base was. These bidders had provided prices and if the customer base decreased by 50% to 80% they would not be able to provide that service for that stated price. The people that would subscribe, if the City could even get a bid for recycling, would have to pay substantially more, and then those people would opt out also and the City would end up not offer recycling at all. And then, if the City did offer curbside recycling, it would be in the large bins the City would have to pay for, which would turn in to dump sites. Mayor Broska said he was not a fan of a mandatory requirement either, but in this circumstance, since the County was mandated to provide a recycling program, Streetsboro had chosen to have curbside collection. He said Portage County Recycling had been able to negotiate from the podium last time, which he thought was wrong, and recycling was mandatory for them and the "tax" was imposed. Now the City was offering a service to the residents, which was a discounted service because there was a mandatory portion to it, but it was being discussed to remove the mandatory requirement and then the 20% to 50% that did want to recycle would have to pay a lot more, and then they would not want to do it either and the City would end up without a recycling program. Mayor Broska was not a fan of mandatory either, but he felt if it was going to be changed, it should be in five years for the next contract.

Mr. Ring said if the Mayor expected 70% of the people who currently paid for recycling to drop it and not recycle, that proved his point: 70% of the people don't want to recycle but are forced to pay for it to subsidize the other 30% of the population. Mr. Lampa wondered if they would stop recycling if it caused them to pay a higher trash bill. Mr. Ring understood that the more people participating, the lower the price for each, but still felt each person should have the choice. Mr. Lampa wondered why Mr. Ring wasn't this emphatic at the previous meetings where the mandatory requirement was discussed and put in place (even though he wasn't on City Council at that time).

Mr. Kocisko commented that the City ought to encourage people to recycle to preserve the environment so people needed a little push so the mandatory requirement (forced participation) was put in place; it was really the right thing to do. It might offend a few people, but this was different, the world was changing and this mattered. Mr. Ring agreed the people could be encouraged to participate, but not forced to participate.

Mr. Lampa said he was forced to buy car insurance that he didn't use. Mr. Ring responded that he was only forced to buy insurance if he drove; he did not have to drive.

Mayor Broska said he recycled because it was mandatory and he paid for a service for it to be picked up at the curb whether he put it out once a week, or every other week. He said, if it was not mandatory, he would not recycle at all. He felt, because it was mandatory, the City had the level of participation it did and people did decide to separate their recyclables from the trash and put them out for collection. For those fewer people that wanted to recycle even without the mandatory

requirement, if the cost became too much for them to bear (which it would), the recycling participation would fall off. Mayor Broska repeated that he recycled because he was forced to pay and he would continue to recycle and he would continue to pay.

Mr. Hannan said he was concerned that this was being considered very late; it should have been brought up in February so the bids could have been done based on whether it was mandatory or not. He was concerned that if this was changed now, it would have to go to bid again which would delay everything. He felt that even if it was not mandatory, people would still participate in recycling, but because the bidders could not be certain of the people participating the bids (if any) would come in much higher and then there would be a lot of angry residents complaining. Mr. Hannan said he was on City Council when it was made mandatory, and he doesn't remember there being a lot of people that were angry because they had to pay for it, he just remembers a few being angry because they had to pay for it on their sewer bill. Mr. Hannan said he did not have much trash or recycling at his home, so he probably wouldn't recycle if it wasn't mandatory, but it was very late in the process and the City had a bid that was a lot better than the other companies. He agreed with Mr. Ring that it made more sense when it was a government entity but right now that wasn't really an option and there was a private company that had submitted a good bid and he felt the City needed to move forward with that. The franchise agreements were up for third reading tonight, and this could have been planned out a lot better if people felt so strongly about the mandatory requirement. Mr. Ring said Portage County had upset the schedule because they wanted out of their agreement. Mr. Hannan said the new recycling franchise agreement was to take effect in October and if a change was to be made to the mandatory requirement, new bids would have to be collected which would delay a new agreement further and the City would go into the winter without an agreement, which he thought would upset a lot of residents. Mr. Hannan was in favor of keeping recycling mandatory and keeping the best price.

Mr. Ring wondered what happened if someone did not pay the recycling bill. Mr. Beni said the provider would cut off service and it would go through the private collection process, which could show up on their credit report. Mr. Ring said there may be a potential for someone's financial stability to be impacted if they did not want to recycle and this did not set right with him. Under the current system the recycling charge was part of the sewer bill and if the sewer bill was not paid, it could be put on the property taxes, but didn't impact the credit report. Mr. Ring said he would want to continue to look at this issue regardless of what happened at the third reading of the franchise agreements at the Regular Council Meeting tonight.

Mr. Hannan was willing to look at this mandatory issue for the future, but felt the City should proceed with the current bids as presented. Mr. Lombardo agreed with Mr. Hannan to move forward with what was currently in front of Council; he understood Mr. Ring's concerns and was willing to take some time and revisit the mandatory issue for the future.

Ms. Wagner wondered what would happen with the services if Council did not move forward with the franchise agreements that were before Council tonight. Mr. Ring said the City would have to see what the trash/recycling companies would want to do, if they would rebid or not. Portage County had said they would continue to provide a reduced service at a higher rate until the City could make other arrangements, so there were options. Mr. Ring just would not support something that had the

government require it to be mandatory to buy a service or a product from a private company. Ms. Wagner agreed, but also did not want to have no trash collection service for any length of time.

Mr. Lampa said everyone got Mr. Ring's point, but it was very late, this should have been brought up in February before the bids and not at the third reading to approve the contracts. Mr. Ring said he did bring it up at first reading. Mr. Lampa felt it looked bad for the City as a whole; he didn't want to scramble and make a rash decision. Mr. Ring said the City was put in this position by the County's decision to get out of recycling. Mr. Lampa agreed with Mr. Hannan's position to move forward now and then discuss this again prior to the next contract renewal. Mr. Ring suggested continuing this discussion at the next meeting.

Mr. Hannan noted that Portage County had said they would continue to provide the recycling service for a while, but Mr. Hannan had received a call a couple of weeks ago that Portage County really wanted to be out of the recycling service already. Mr. Hannan was concerned that if there was no recycling service provider for any length of time, the residents would have full bins and nowhere to go with them and they'd get very upset. He wished this had all been done earlier, but this was a unique situation.

**MOTION: TO CONTINUE THE DISCUSSION ABOUT MANDATORY PARTICIPATION IN RECYCLING FOR FUTURE FRANCHISE AGREEMENTS TO THE AUGUST SERVICE COMMITTEE MEETING.**

Moved by Mr. Ring, seconded by Mr. Lombardo. Upon voice vote, **the result was not clear so the Chair called the vote again with a raise of hands and the motion failed 3-3.**

Mr. Ring encouraged discussing and removing the mandatory requirement for recycling now and have it apply to the next contract in five years. Mr. Kocisko noted that some current Council Members may not even be on Council next year. Mr. Hannan felt having the discussion now to affect the contract in five years could be confusing to the residents who would be starting a new contract in October. Mrs. Fagnilli asked if Council was discussing the legislation regarding the franchises that were up for a vote at the Council Meeting tonight. Mr. Beni clarified that this was actually a separate discussion specifically about the mandatory participation requirement. Since the motion to move this discussion forward had failed, Mr. Hannan said someone would need to bring it up again in a year or five years.

T-7070 Authorize Contract w/Teece Bros. Fencing

**MOTION: TO ADD T-7070 AS A NEW ITEM TO THE AGENDA FOR PARKS AND RECREATION FENCING.**

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

Mr. Mytinger thanked Council for adding this to the agenda tonight. He said this was to re do the middle section of the railing on the fishing deck at Thomas Heritage Park. The old railing had deteriorated over time and was vandalized so a new, sturdier one was needed to last for the next few



years. This quote was just received and this cost would put the total expenditures for Teece Fencing for the year over the threshold for the Board of Control to authorize since they had done previous projects earlier in the year.

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

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

**Citizens' Comments**

None.

**Announcements**

A Regular Council 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 8:14 p.m.

ATTEST:

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Caroline L. Kremer, Clerk of Council

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Michael L. Lampa, Chairman