

THE CITY OF STREETSBORO, OHIO
SERVICE COMMITTEE MEETING MINUTES

Monday, August 9, 2021

This Service Committee Meeting was called to order on Monday, August 9, 2021 at 7:13 p.m. by Michael Lampa, Chairman.

PRESENT: Justin Ring, Chuck Kocisko, Anthony Lombardo, Julie Field, Jon Hannan, Mike Lampa

ABSENT: Jennifer Wagner

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

MOTION: TO EXCUSE MS. WAGNER.

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

Disposition of Minutes

MOTION: TO ACCEPT THE REGULAR SERVICE COMMITTEE MEETING MINUTES OF MAY 10, 2021 AND THE SPECIAL SERVICE COMMITTEE MEETING MINUTES OF JUNE 28, 2021 AS WRITTEN.

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

Old Business

MOTION: TO ADD AN AGENDA ITEM REGARDING FOREST VALLEY SINCE THERE WERE CITIZENS HERE TO SPEAK ON THIS TOPIC.

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

Update on Forest Valley Development

Mr. Lampa noted that Citizens' Comments were usually at the end of the meeting, but he would allow comments at this point in the meeting on this topic. Mr. Ring said this item had been removed from the agenda at the last meeting because the project was almost done and there wasn't really a need for monthly updates, but because there were so many people (about 15) in the audience it was added back tonight and he asked for an update from the administration.

Mr. Beni said Mrs. Fagnilli had handed the issue off to Mr. Czekaj, the new City Engineer, who was checking on the progress of the project. The City had notified the bonding company who put some pressure on the developer who then hired an excavating company to finish the ponds and fencing, which is all the City was told was left to do on the development agreement. Mayor Broska mentioned that the covers on the storm drains had not been removed because the City had not inspected the road for accepting it into the City. The excavator company that was going to work on the ponds got about half way done with one of them then walked off the job, so the developer had to go find another excavator company and they couldn't get there right away because they were busy with other jobs. They were to work on the ponds as soon as possible, and those were the last items on the list of things to be completed.

Eugene Young, 9988 Forest Valley Lane, said he'd lived there about three years and it had been an unending saga and a source of frustration the whole time. The neighbors wanted to get a timeline on when the items to be done would be closed and when the Homeowners Association would be transferred to them. It was taking a very long time and had been very frustrating. Mayor Broska said he understood there were three items still outstanding: the retention ponds, the repair of the fence, and the covers over the catch basins. The other items had been addressed (sidewalks, street lighting). Mayor Broska said the City administration was as frustrated as the Forest Valley residents and had even taken steps to approach the bonding company. He said the HOA was not the responsibility of the City and was a civil matter between the residents and the developer. He added that traditionally the HOA was turned over to the residents when 80% to 90% of the homes were built, and the Mayor didn't know why it had not been done yet. He said the City had tried to be sure things were getting done so when the residents did get the HOA they would not be responsible for things that were not complete yet. Mr. Young said another frustration of the residents was that the common areas had not been maintained well. Mr. Young also mentioned that some of the inspection pipes for the water lines had not been properly put in place and there were other shortcomings that needed resolved before the HOA was turned over to the residents. Mayor Broska noted that the City's previous engineer [GPD] had checked on many of the items that were being complained about and found that they were built to the elevations they were required to be built to. Mr. Miller added that before the road was dedicated the Water Department would walk through every house and check every curb box and all the main valves, then a list would be generated for the developer to fix, but that typically didn't happen until the road was getting ready to be dedicated. Mayor Broska added that there would be an inspection before the road was dedicated. The developer was aware that the City was not afraid to go to his bonding company. The Mayor said the City was as frustrated as the residents with the time this had taken.

Mr. Young said the neighbors appreciated the City's efforts but really wanted a resolution and an

end. He asked what would be the next steps. Mayor Broska said the City could go after the bonding company, but everything would take time, nothing was quick. Even after the City would get the money, then the City would have to find a contractor to do the work. He hoped things were progressing and would be done in a couple months.

Mrs. Field understood the frustrations, it had been a lengthy process. She wanted to be able to set an end date when it had to be done; they residents had been waiting years already. Mr. Beni said the City could not do that; the bonding company had processes and steps they had to go through. The City had already notified the bonding company three times.

Mr. Young wondered if the developer still needed to repave the road. Mr. Miller said the City would do the inspection before the road was accepted for dedication and provide the developer a list of issues. Mr. Lampa asked if a preliminary inspection could be started so everyone would know the issues ahead of time.

Mr. Ring wondered when the City would say “enough is enough” and go after the bond. Mr. Beni said the City had gone after the bond three times, then it’s a civil matter, and the bonding company has to determine whether or not they are going to uphold the claims of the City, and each time the developer had done more work toward getting the things done and just a few things remain. A civil matter in the court system is a very low priority and takes a long time to get heard in court. Mr. Young said the residents would appreciate any efforts by the City to accelerate the process to get everything completed and end the frustrations. Mr. Ring related a story he and his HOA neighbors experienced with their developer at Meadow View, so he understood the frustrations. Meadow View was able to get an executive committee of 4-5 neighbors even before they could get the HOA.

Mr. Young said he and his neighbors would be better stewards of the common areas, so the sooner they could get the HOA the better. He appreciated Mr. Ring’s suggestion and thanked City Council for listening to the Forest Valley neighbors tonight. Mr. Lombardo said he drove through Forest Valley often since it was his Ward and he noticed the neighbors mowing the common areas and taking care of things, so he hoped to get things resolved as soon as possible. He asked the neighbors to keep in contact with him.

Mr. Beni said the City should wait until the developer’s contractor finished the pond and the fencing, then check on what the road may need, and if there was some road work that needed done and the developer refused to do it, then the City would go to the bonding company again.

Richard Kelly, 9975 Forest Valley Lane, was concerned that if the road needed another layer paved and that work cost more than the bond, then the developer would probably just walk away. Mayor Broska said the developer would have to meet the construction agreement because the road had not been accepted yet. Mayor Broska thought the road was even with the curb and did not need another coat, but that would all be inspected. Mr. Ring noted that if a developer lost their bond, it would be very difficult to get another bond for any other future project.

Mr. Lampa said he would add this topic on the next Service Committee agenda for an update from Mr. Lombardo and the administration.

Deborah Demming, 9951 Forest Valley Lane, asked who was in charge of the silt screen in the backs of the homes across the storm drains. She said there was silt in the drain from years ago. Mayor Broska said that would be looked at as part of the final inspections. The City now had an in-house Engineer who could check things more thoroughly more often and he had helped to get a post-construction site review established to check that the final grading was per plan. Mr. Ring noted the City was doing the Site Development Regulations ordinance to help future developments avoid issues that have been encountered in the past. Mayor Broska emphasized that stuff takes time, the City was still working on this and had not forgotten Forest Valley.

Ms. Demming asked if the sidewalks were all done and acceptable because they were not straight. Mr. Beni said they had passed inspection and were built per spec; the sidewalks were not done at the same time as the driveways which was unusual so the sidewalks had to match the driveways that were already there so there may be elevation changes.

Constance Rudolph, 9964 Forest Valley Lane, said her neighbors had communicated with the City over the years asking for help and understood the City was working on it, but the neighbors wanted to be solution driven and wanted a timeline of what to expect in 30 days, 60 days, 90 days, so they wouldn't have to keep coming to Council meetings to complain about the same things. She wanted a timeline and not just wait for a solution; it had been three years already; it wasn't fair. She said it seemed like the developer was running things and not the City. Mayor Broska said the contract was supposed to start on the ponds last week or this week, and Mr. Czekaj would stay on top of it.

Mrs. Field said the City had gone after the bond three times and should go after the bond for a fourth time. Mr. Beni said the developer was already poised to finish the last items on the list (pond, fence, and covers on catch basins). The condition of the street was a whole different topic. Once the construction agreement was completed, Mr. Miller could inspect the street. Mrs. Field suggested checking on the street now even before the other items were done and the developer made application to have the street dedicated because it seemed these remaining items might be done in the next couple of weeks. Mr. Miller said the inspection shouldn't be done until it was ready to be dedicated because something else could fail in the meantime while the developer was completing the last remaining items. Mr. Miller clarified for the residents that he could do a preliminary check on the road layer and the water line and curb boxes this week or next week.

Mr. Lombardo wanted a target date for the start and end for the pond work and fence. Mayor Broska said Mr. Czekaj had talked to them last week and they were planning on starting last week or this week to fix the ponds and fence (which should be done in about 14-21 days), then the developer would have to make application to have the road dedicated, and then the Service Director and the Municipal Engineer would take a few days to inspect it and create a report.

Mr. Lampa said this topic would be on the next Service Committee Meeting agenda in 30 days and if things were not complete by then, Council would direct the Law Director to go after the bond again, and Mrs. Field agreed. Other Council Members suggested adding a Special Service Committee meeting at the next Council Meeting night, August 23, 2021, for another update.

New Business

Discuss Recycling Costs

Mr. Ring said this item had come from the discussions at the last meeting where there was discussion about the change in the recycling service. Mayor Broska had contacted the County Commissioners about Portage County Recycling continuing service for the next two months because the new service was to start in October. Portage County only planned to collect recycling every other week, so the Commissioners reduced the monthly cost from \$3.50 per home to \$1.75 per home which would be reflected (in arrears) on the sewer bill for those that had a sewer bill or reflected on the tax duplicate.

Discuss Further Revisions to the Zoning Code re Backyard Chickens

Mr. Ring said Council had struck most everything from the last chicken ordinance that was presented by Planning Commission except for some small changes for setback changes in the R-R, etc. because Mr. Ring had wanted to develop something that had a better balance between who could have the chickens and those that couldn't because of small lots, etc. Mr. Ring said he did a lot of research and looked at Codes of a lot of different cities. He ended up selecting Kent's Code that was implemented in 2017. When he talked to the staff at Kent, he learned they had taken the best demonstrated practices from a lot of different cities and put it into their own Code. Mr. Ring liked Kent's Code because it didn't restrict by specific lot size, or by the Zoning District; it restricted chicken keeping by setback. People had to have a big enough piece of property in order to fit the run and coop within the property within the established setbacks. The smaller properties in the developments (like Meadow View) that were really close to their neighbors wouldn't be able to have chickens because they could never meet the setback requirements. Mr. Ring had asked Kent about any complaints about chickens they may have had since the Code was implemented and Kent said they had no complaints.

Mr. Ring said they took Kent's Code and worked with Mr. Cieszkowski to tailor it to Streetsboro. In the proposed Streetsboro Code there was a requirement to have the yards with chickens bordered by evergreen trees or fences as buffers to cut down the visibility from other yards or the street. With Kent's Code which limited the size of the coops and runs and required certain amounts of sanitation and cleanliness, there wasn't really a problem with dust, etc. and if there were problems, there were penalties for being in violation of the Code.

Mr. Ring had described all this to explained why a new proposed Code would be before Council. He felt it struck a better balance because it allowed chicken keeping in all residential districts as long as the property owner met the setback requirements. Mr. Ring, Mr. Hannan and Mr. Cieszkowski thought it would require about 0.5 acres minimum to meet the setback requirements, and most HOAs did not allow chicken keeping. The maximum size of the coop and the run was 100 square feet with a maximum height of 7 feet, so the structures were not intrusive.

Mr. Cieszkowski added that he appreciated the conversation with Mr. Ring and Mr. Hannan. He had felt a lot of the previous text had been relatively close to a majority of the Kent regulations, but Kent's Code was a little more specific, i.e. prohibiting chicks and defining chicks. Mr. Cieszkowski said recommendations were made to City Council and Council could accept, reject or modify any recommendations, and in this case Council had wanted to change what was originally put before

them. Because they had changed in such a wholesale fashion, he thought it would be proper to refer this back down to the Planning Commission for study and recommendation back to City Council.

Mrs. Field summarized that any property, as long it was approximately 0.5 acres and followed all these guidelines and setbacks, could have chickens. Mr. Ring clarified that it would have to be a single family, detached dwelling and the chickens could only be in the backyard, so if the home was set back on the lot, they may not be able to meet the setback requirements. No roosters were allowed and the chickens needed to remain contained within the 100 square feet area, not free range. Mrs. Field didn't think 10' setback from each side property line was enough. Mr. Cieszkowski said there were deed restrictions in the Stonegate development (Mrs. Fields' neighborhood) that prohibited chickens on any lots in Stonegate, but Mrs. Field was concerned about other similar sized neighborhoods. She preferred to go back to 0.7 acres minimum as was presented in the previously considered legislation, but Mr. Ring said that was rejected because it only impacted less than 4% of the town, and the acreage didn't really matter, it was the setback distances. Mrs. Field still wanted the 10' side yard setback increased, but Mr. Lampa noted there would be 4' tall bushes or fencing for screening.

Mrs. Field noted this proposal still needed to go back to the Planning Commission for review. She appreciated that the issue had been brought back up because there were enough residents interested in the topic that it needed to be revisited.

MOTION: TO REFER THIS DRAFT ORDINANCE TO THE PLANNING COMMISSION FOR STUDY, REVIEW AND FURTHER RECOMMENDATION.

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

Discuss Use of Personal Emails for Committee Members

Mr. Lampa said all of the people appointed to the various boards and committees had City email addresses and they should not be using personal email addresses for City business, unless there was a problem with their City email and they needed to use a personal email address temporarily until the City email was fixed. Mr. Ring agreed because all City business was all public record.

Mr. Lampa said he had asked Mrs. Procop to set up distribution lists for each of the committees so everyone could use those distribution lists to reach the City emails of the committee members. Mrs. Procop clarified that when someone sent a message to the distribution list, it went to every member of that committee, i.e. messages sent to council@cityofstreetsboro.com went to all 7 Council Members. If someone wanted to send a message to one member of a committee, they should use that member's City email address lastname@cityofstreetsboro.com. A couple of weeks ago Mr. Lampa had wanted to send a message to all of the Planning Commission members and had to look up their individual City email addresses, now it would be easier to reach the Planning Commissioners.

Mrs. Procop said all the board and committee members were now set up with City email. When the City changed to Office365 recently it became much easier for the committee members to check their City email from home.

Mr. Lampa emphasized that all the board and committee members had City email and that's what should be used for communicating City business. Mr. Cieszkowski would remind the Planning Commission members and the Board of Zoning and Building Appeals members at their next meetings the need to use the City email addresses. He expected them to comply now that accessing that mailbox would be easier for them.

T-7079 Grass Mowing Violation Liens

Mr. Miller said this was the yearly liens that were submitted to the County. He said the Service Department had posted 25 violations in 2021, which was less than past years. The Service Department had mowed 5 total. These 3 properties with proposed liens were actually vacant homes. Mr. Miller asked that this proposed legislation not be passed at Council tonight, but be forwarded to the August 23, 2021 Council Meeting because there would be one more mow and that cost would be added to these liens. The deadline to get this to the County for the liens to be applied to the tax duplicate was not until September 13, 2021.

MOTION: TO FORWARD THIS TO THE AUGUST 23, 2021 REGULAR COUNCIL MEETING AS EMERGENCY LEGISLATION.

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

T-7080 Authorize 9.11 20th Anniversary Remembrance Run Donations

Mr. Mytinger said this was the 20th anniversary remembrance run that the Parks and Recreation Department was looking to offer to residents and local runners. The individuals who had presented this idea wanted to donate the monies (after expenses were covered) to the police and fire associations, so this was an ordinance allowing the City to do that.

Mr. Ring asked what expenses there would be and wondered if the City could donate those as well. Mr. Mytinger explained the expenses were the T-shirt costs and the medals. He said as long as the expenses were covered from the 205- Recreation Fund, the remaining money could be distributed between the police and fire associations. There were sponsorships available for outside organizations or companies to cover some costs.

Ms. Esarey commented that the donation line item had not been created yet; it would be part of the August 23, 2021 budget amendment. This remembrance run was not scheduled to happen until September 2021.

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-7081 Authorize MOU with Portage County re Recycling Carts

Mayor Broska explained the City had received a Memorandum of Understanding from the Portage County Commissioners regarding the use of the recycling carts. The County would retain ownership

of the carts, but would cede them to the City for the duration of the contract, and then determine what to do with them. Mr. Beni noted it was a tax donation; the County would donate them at the current market value, not the market value in the future.

Mr. Lampa wondered, if a new development was built in the next couple of years, how would those new residents get recycling carts? Mr. Beni said it was under the contract with Kimble; they would have to supply carts to all new residents. If people were leaving town or wanted to get rid of their recycling cart, they would contact Portage County, or the City who would contact Portage County.

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

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

T-7082 Adopt 2021 1st and 2nd Quarter Code Updates

Mrs. Kremer explained the City changed the updates to the Code from annually to quarterly. The City used to adopt all the changes that had been made the previous year in January of each year. Now the City would adopt the changes quarterly so the online version of the Code was updated more often to be more accurate. The City would need to pass this legislation to make it official and enforceable and to adopt the State level changes to the traffic and criminal codes along with the City’s changes.

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

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

Citizens’ Comments

None.

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. Hannan, seconded by Mrs. Field, this meeting adjourned at 8:34 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Michael L. Lampa, Chairman