

THE CITY OF STREETSBORO, OHIO
SERVICE COMMITTEE MEETING MINUTES

Monday, April 11, 2022

[Prior to the meeting Mr. Lampa welcomed the high school students in the audience and explained the evening's proceeding to them.]

This Service Committee Meeting was called to order on Monday, April 11, 2022 at 7:00 p.m. by Mike Lampa, Vice Chairman. Mrs. Field gave an invocation and Mr. Ring led the Pledge of Allegiance.

PRESENT: Mike Lampa, Justin Ring, Anthony Lombardo, Jennifer Wagner, Julie Field, Steve Michniak

ABSENT: Jon Hannan

ALSO PRESENT: Glenn Broska, Mayor
Frank Beni, Law Director
Patricia Wain, Police Chief
Robert Reinholz, Fire Chief
Matt Miller, Finance Director
Kara Dolansky, Financial Assistant
Justin Czekaj, Municipal Engineer
John Cieszkowski, Planning Director
Greg Mytinger, Parks and Recreation Director
Shawna Lockhart-Reese, HR Manager
Mike Kuhstos, Bicentennial Committee Chairman
Caroline Kremer, Clerk of Council
[by Zoom video conferencing:]
None.

MOTION: TO EXCUSE MR. HANNAN.

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

Disposition of Minutes

MOTION: TO ACCEPT THE REGULAR SERVICE COMMITTEE MEETING MINUTES OF FEBRUARY 14, 2022 AS WRITTEN.

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

Old Business

None.

New Business

T-7226 Zoning Text Amendment Relating to Civil Enforcement of the Zoning Code

Mr. Beni explained this was a compilation of changes the administration was requesting for the Zoning and Business Code. He said the current Code was kind of narrow and restricted the City in what it could do, so he had contacted other community Law Directors to see what would work best for Streetsboro. Streetsboro was looking for a civil enforcement where a judge could structure a remedy of the condition/violation. Currently, there was just a criminal penalty, and some individuals that violated the Zoning Code had emotional disabilities, physical disabilities, or were elderly and the criminal penalty just wasn't working. A civil remedy would give the City more opportunity to possibly go in and possibly correct the problem; the City could tailor-make an entry as long as the judge agreed. That's why this legislation was proposed.

Mr. Ring noted specific time frames for a remedy were removed from the ordinance and this proposal just said a reasonable time for compliance as issued by the Zoning Inspector. Mr. Ring thought this might open the City to liability or civil litigation if two similar cases were given different time frames to complete the work. Mr. Beni said the object wasn't to charge people with a crime but to work with them to remedy the situation, so he expected the Zoning Inspector would initially give the same time frame to remedy the situation and then he would start to work with the property owner based on the individual circumstances. Mr. Ring suggested maybe including an initial minimum amount of time in the legislation to close the liability gap. Mr. Beni said he could do that; it was not an unreasonable request. Mayor Broska said it was usually 30 days from the notice of violation.

Mr. Ring also noted that checks and balances were being removed from the ordinances and limiting the enforcement to just the Zoning Inspector. He thought the Planning Director, Service Director and/or Mayor should also have the ability, so it wasn't limited to just one person who might not be able to do it for some reason. The current ordinance had Council, the Mayor, Law Director, Service Director, Zoning Inspector, or any person (even a citizen per the State code) but this proposed ordinance removed everyone but the Zoning Inspector. Mr. Michniak and Mr. Cieszkowski agreed it made sense to add the specific positions back in.

Mr. Lampa invited comments from the audience. Terry Horne, 859 Diane Drive, said she had been very vocal with the City regarding her situation. She had sent an email with a very stern complaint to the elected officials and department heads about a habitual issue at 849 Diane Drive. She didn't understand why there were laws on the books that were not enforced. She understood the agenda topic today was for legislation to make it easier to enforce the laws so that she and her neighbors could live on a nice quiet street. She asked the Council Members to pass the legislation. The neighbors' main objective was to have a nice, quiet, pretty street again. She said they had been complaining to the City since 2008 when she bought the property at a Sheriff's sale and remodeled the house to rent it. She moved from Florida into 859 Diane Drive about 1.5 years ago when her mother got sick, but she needed to sell the property and couldn't. She said there were neighbors who were scared of the neighbor and they felt the City didn't care about them because they weren't in a "rich" part of town. She said she had called the City multiple times over the years. She had made a public records request and received it, but thought it was incomplete because there should have been many more letters sent. She said a lot of the fault for the situation was with the son, Carl,

who lived at the property at 849 Diane Drive, but a lot of it was there before the son lived there. Ms. Horne said it was the owner of the property, the mother, Judy Carey, who was responsible to maintain the property. She added that the neighbors on the street have been suffering with this mess for 14 years. She said there was a lot of criminal activity there which the police knew about (drugs, stolen property, chop shop). She said all the junk and garbage in the yard ended up going into her yard and the street too, also gas and oil and mud from cars, and there were people there at all hours of the day or night that played music or revved engines and woke up the neighbors on the street. This was a constant problem and it affected everyone on the street and impacted their property values.

Ms. Horne had spoken to the mother at times over the years to offer her help to clean up the yard, but she won't accept the help. Ms. Horne said this house created an effect throughout the entire neighborhood and it did not help her illness (lupus). She said if this problem house was next to the Mayor's house it would get cleaned up, but Diane Drive was a little side street and nobody cared about them and nothing was being done. She said it was embarrassing for the City. She wondered why there were so many notations of misdemeanor offenses since 2011 and no fines.

Mrs. Field thanked Ms. Horne for coming to the meeting tonight to address her concerns. Mrs. Field said she could feel Ms. Horne's frustration. Mrs. Field said there had been a lot of clean up of the City, and more "teeth" put into the ordinances over the last several years so the City could enforce the rules. She said if there was criminal activity and noise problems, there were other ordinances on the books where those things would be recorded handled through the police department. Today there was proposed legislation before Council to help the City be better able to do what needed to be done to take care of the residents.

Ms. Horne said her biggest concern was the garbage/trash and propane tanks and gasoline that were a dangerous fire hazard. She said there was a letter within her public record request from March 2021 telling them to move a car from the driveway of 849 Diane Drive, but the vehicle was still there. The photos in the file show that the yard was cleaner 10 years ago than it was now. She said there was so much trash that they don't even use their driveway anymore and drive through the yard which gets mud on the street. She said she didn't find anything about fines in her public records packet although there were threats of fines. After talking with Ms. Horne, Mr. Lampa said he drove past the home and agreed it was pretty bad.

Chief Wain said in regards to the criminal activity, they had arrested the son multiple times for a variety of reasons. The noise complaints were difficult for the police officers because they needed to be able to hear the noise and locate the source and often it was quiet by the time they arrived for a complaint, but the neighbor that heard the noise could sign charges themselves. Ms. Horne said no one had ever offered her the option to file charges although she had called the police department at least 25 times in the last 1.5 years. She said she often didn't even call because she knew nothing would happen, so she tried to ignore it as much as possible, but it had been going on long enough and she had become the "village spokesperson" for the neighbors. She said she was very disappointed that nothing was being enforced and there were multiple 30 day notices in her public record packet.

Mayor Broska explained that the way the City code was written was that it was a criminal offense and a criminal offence applied to the owner of the home, not the son, so even if the City took the mother to court and applied fines, it really did nothing to ameliorate the situation if the son continued. He said the City had noticed it had gotten worse over the years, that's why the Zoning Inspector had been out there. There were periods when they would clean up, but then it would get bad again. There was an issue with the court system where the City could prove its case and the court would tell the homeowner to clean up. They would make some effort to clean up and then it would deteriorate again and the City would have to go back to court; it seemed never ending. Ms. Horne said if this process was started back in 2008 when they neighbors started complaining it could maybe be resolved. She understood some things had been done, but it kept getting worse and worse. She said she heard a lot of excuses from the City on why 849 Diane Drive was still a mess and the neighbors did not get to live on a nice clean street and she couldn't sell her house and move on. She said it was really sad that the neighbors had come to believe "oh well, we're poor and the City don't care about us." Ms. Horne said she heard a lot of sympathy for the mother, but the mother was an able-bodied woman and she was the property owner who had the responsibility to maintain her property per the law. Ms. Horne also said the mother and the son did not have cancer as they may have said to avoid being charged. Ms. Horne also suggested this may be an elderly protection issue if the son was making the place uncomfortable to live.

Mr. Ring wondered why the City was not fining the homeowner \$100 per day per the ordinances. Mr. Beni said the Code section was misleading and the City would have to file new charges. He said what happened in court was the judge would fine them \$150, suspend \$100, and tell them to work on cleaning it up. The City didn't fine the homeowner, the judge did. Then the City would have to file a new charge every day; that's one of the problems/issues with our Code. Mrs. Field asked if this proposed ordinance would alleviate that problem, because whatever system was currently in place was clearly not working. Mr. Beni said the City wouldn't go the same route, now the City could go with a civil violation and the City could get an order from the judge to go in a clean it up.

Ms. Horne said it wasn't just the garbage and the crime, it was a big health issue too. She said if there was a fire at 849 Diane Drive the neighboring houses would burn down too because there was so much garbage, oil and gas.

Ms. Wagner asked Ms. Horne if she had ever reached out to adult protective services. Ms. Horne said she had, but nothing had really happened. Chief Wain added that there were limits to where the police or adult protective services could intervene when they do a welfare check. Even if the conditions were not what most people would be comfortable living in, it was not up to that officer to say, and if the mother said she was fine, there wasn't anything the officer could do.

Mrs. Field said the condition of the yard was unacceptable for the neighbors and she was sorry it had gone on so long. She wanted to know what the City was going to do tonight/tomorrow to clean up the situation in the next couple of days. Mr. Beni said it could not be done in the next couple of days; after the legislation was passed after three reading, then the City could file a civil action with the court to get an order to clean it up.

Mr. Cieszkowski clarified that the owner had been cited several times under the property maintenance code and given 30 days to clean up the garbage. When they didn't, it went to the Law Department, and the City has realized that the City needed to add the civil side because it seemed the criminal side was not enough for direct action to be taken. Under the current Code if the property was not clean up in the 30 days it turned into a first degree misdemeanor with \$1,000 fine and six months in jail, but the judges would not send the people to jail. The Portage County Municipal Court would not accept a complaint filed by a City representative, it had to have a police officer badge number on it. Chief Wain clarified that the complaints were typically signed by the Zoning Inspector and the report went through the Police Department because it was a criminal complaint, but a police officer was not the one that initiated and signed a complaint, and it would be the person that signed the complaint that would have to go to court and explain to the judge what they saw.

Mr. Lampa explained the procedure for the legislation on today's agenda. Because it was a change to the Zoning Code, it could not be passed as emergency legislation and would have to go through three readings and then 30 days to take effect (about June 9, 2022). Mrs. Field wondered what could be done between now and June outside of this legislation; she asked for a follow up report on the status of previously filed criminal complaints. Mr. Beni noted that the family had due process rights and nothing would happen immediately. It was noted that other cases in town were notified of property maintenance violations and in order to avoid any potential court action or fines, they clean up their yards; this property did not.

MOTION: TO AMEND T-7226 SECTION 1107.10(e) TO REDACT THE STRIKETHROUGH OF "THEN COUNCIL, THE MAYOR, THE LAW DIRECTOR, THE SERVICE DIRECTOR, THE ZONING INSPECTOR, AND ANY PROPERTY OWNER ESPECIALLY DAMAGED BY THE VIOLATION" AND ADD "THE PLANNING AND ZONING DIRECTOR" TO THE SEQUENCE OF NAMES OF WHO MAY INITIATE ANY OF THE ENFORCEMENT PROVISION PROVIDED IN THIS ZONING CODE. ALSO ADD THAT LANGUAGE TO SECTION 1344.06(c) "AND IN THE ABSENCE OF ANY APPEAL OF THE NOV, THEN COUNCIL, THE MAYOR, THE LAW DIRECTOR, THE SERVICE DIRECTOR, THE PLANNING AND ZONING DIRECTOR, THE ZONING INSPECTOR, AND ANY PROPERTY OWNER ESPECIALLY DAMAGED BY THE VIOLATION MAY INITIATE ANY OF THE ENFORCEMENT PROVISION PROVIDED IN THIS HOUSING AND PROPERTY MAINTENANCE CODE." AND ADD THE SAME LANGUAGE ANYWHERE ELSE THAT WOULD BE SIMILAR.

Moved by Mr. Ring, seconded by Mrs. Field. Mr. Beni would discuss this amendment with Mr. Janis who had written the legislation to see if there was any reason this change could/should not be done and then contact Council. Upon voice vote, **motion carried.**

Mr. Ring wanted to add a minimum timeframe to the revised Code sections to make it universal so there would not be any potential for any liability instead of "specify a reasonable time in which to comply with the order to abate or to bring the building, structure or the work into compliance with the Building Code." There was some discussion on the minimum timeframe to set. Mayor Broska noted most complaints were resolved quickly, but there were about six locations in town that were an issue. He said the property owners know how to work the court system, and these cases were

low priority to the overburdened courts. He understood it wasn't what the neighbors wanted to hear, but it was the facts, and the City staff was trying to do something, like this new legislation for civil action. There was further discussion on the minimum amount of time; the citing agent could negotiate and authorize more time for the owner to get the job done and/or file an appeal. Most of the time there were visits and conversations with the owner before a notice of violation was ever issued.

MOTION: TO AMEND T-7266 SECTION 1107.10(d)(3), 1311.06(a)(3), AND 344.06(a)(3), AND OTHER SECTIONS IF APPLICABLE, TO ADD A MINIMUM TIME OF 14 DAYS.

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

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

Moved by Mrs. Field, seconded by Mr. Ring. Upon voice vote, **motion carried.** Mrs. Field said it was good that residents could bring issues to City Council to get things done.

T-7222 Authorize Salt Participation Contract for 2022-2023 Season

Mayor Broska explained that the City needed the authorization to participate in the program with ODOT if it was determined that the program offered the best price.

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

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

T-7223 Purchase 2022 Ford Explorer for Mayor

Mayor Broska said one of the City's 12 year old Ford Escape vehicles was involved in an accident and there was no value in repairing it; just replacing the airbag would cost \$3,000-\$5,000. The vehicle needed to be replaced in the fleet, and the City had an opportunity to get a decent car at a \$9,500 discount, so the Mayor was requesting to purchase a new Ford Explorer to be used by the Mayor's Office. The Mayor often drove visitors/developers around town and needed a better vehicle. These vehicles usually had a 10-12 year life span. The vehicle the Mayor was currently using would be put into the motor pool to be used by the inspectors in the field.

Mr. Ring commented that if the Mayor's vehicle was moved into the motor pool, any red and blue emergency lights would need to be removed, to which the Mayor agreed. The new vehicle for the Engineering Department [next agenda item] would have amber and green lights.

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

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

T-7224 Purchase New Pickup Truck for Engineering Department

Mr. Czekaj said this vehicle would be used by the new Construction Technician because he spent

most of his time April - November out in the field. This purchase was budgeted for 2022, but a small appropriation adjustment would be needed. He asked that it be passed as emergency legislation because it would still take 200 days to get the vehicle.

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

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

Discuss Going Out for RFQs for New City Center

Mayor Broska said the administration wanted to get started on the City Center project. He said the costs would continue to spiral upward. He had talked to the people at Metis Construction and asked them about the cost expectations and they did not expect an end to increases for the next couple of years. The administration had received the estimate of probable costs for the Field House at \$21 million and were stunned. At this time, Mayor Broska wanted to take the Field House out of the equation; maybe it could be considered again in the future. Even if the Field House was not an option now, the City still needed to do something for the Senior Center. An option would be to add some square footage, at \$380 per sq. ft., to the City Hall project, or look at a possibility of building the senior residents their own facility with the Parks and Recreation offices at City Park. He thought it would cost less per square foot to do an independent, less expensive building than it would be to add it to the City Hall brick and mortar building. Mr. Mytinger had put together a list of needs for a Senior Center Community Complex and it came out around 5,000 sq. ft., which would be a similar cost to adding it to City Hall, but it would give the Seniors and the Parks and Recreation Department about 1,500 more square feet with activity rooms, etc. that could be used for birthday parties and gatherings and it would be at City Park near most of their activities. If it was added to City Hall it would have space for the Seniors, but no space for rentals.

Mayor Broska said they wanted to go out for an RFQ to get a CMR selected to design and work out good solid cost figures. The costs for construction are expensive and will not get cheaper but will continue to escalate. He said he and Matt Miller would meet with bond counsel this week and then could share different options with Council to try to make this project a success. He had wanted to let Council know the administration would go out for RFQs to start the design process.

Mr. Lampa asked where the Parks and Recreation offices/Senior Center/Community Center Complex would go in City Park. Mayor Broska said it would go adjacent to the playground and behind Field 7 near the trees, kind of the alternate location for the proposed amphitheater. Mr. Lampa liked this idea a lot because it would give the Seniors access to the park, a sense of community with the kids there, a volleyball-pickleball-badminton place, a safe walking area, and it was near the police station, so he liked it.

Mr. Ring supported going for RFQs to get prices. He wondered if the RFQs would provide prices for each project or as a whole. If the whole project came in with a really high price, he'd like to know what pieces to cut. Mayor Broska said the administration was looking for a City Hall in the center of town, some greenspace/community gathering space with a splash pad and downtown park sort of in front of the apartments toward the back of the City owned property by the fire station. Although the field house was out of consideration for now this would still give something back to

the residents. There was still the area by the fire station behind SR 14 for more walking paths or park features for the future. No one could have known the field house would be priced so high; \$21 million was just out of the question at this time, maybe someday in the future. But the administration wanted to make sure to give something back to the citizens. Mr. Czekaj said the RFQs would come in with the pieces priced out.

Mr. Czekaj clarified that after the administration received the “blessing” from Council to take the next step to design a City Hall, the administration would select a consultant and have a price for the City Hall piece and the infrastructure needed for the City Hall to function. Then the City would hire a Construction Manager at Risk (CMR) to build it. During the design the City would get a very accurate probable opinion of cost. Then the City could move on to the rest of the site; that would be separate and it would be a project the Municipal Engineer would manage instead of the CMR. The first piece would be to get the City Hall portion designed and ready to start to be built. The most important part of tonight’s discussion was to determine where to put the Senior Center because when he put out the RFQ for City Hall that decision would dictate the square footage being requested.

Mr. Ring understood the Senior Center, Parks and Recreation offices and the City Hall needed to be considered almost as one project because they were all related to each other. He said when this was talked about last year, his intention was to do it with the City’s money with no impact to the citizens (no levy or loss of services). He wanted to keep that goal in mind. He added that the thought process was that for what the City paid in rent for 555 Frost Road and the McMichael Building for the Parks and Recreation offices the City could build something and own it. He wanted to be sure there was a breakdown of each piece so decisions could be made when Council discussed how to pay for all these things. Mr. Czekaj said there would be a break down, but the first piece was City Hall. Mr. Ring said he would want the costs of all the pieces to factor them all together when discussing the City Hall. Mayor Broska said they could do that.

Mr. Lampa asked how much square feet was needed if the Senior Center was going to be a part of the City Hall building. Mayor Broska said they had considered between 3,000 and 3,500. Mr. Lampa felt it would be more space with room for exercise classes for about the same amount of money if the City went with a Parks and Recreation/Senior Center Community Complex in City Park instead of adding a Senior Center to the City Hall.

Mrs. Field also like the idea of having a Senior Center in City Park, but she was concerned about having to take down a lot of trees in City Park. Mr. Mytinger said the trees in the area being considered to the right of the path to the police station and Service garage near the Parks maintenance garage were very old trees that were already starting to have branches fall and they would have to be addressed sooner or later before they became too much of a hazard in the park. He wasn’t sure how far back they would have to clear for the building and parking, but there would still be a wooded area to the left of the path behind the playground. This project would add parking to City Park, which was greatly needed and would increase parking for the proposed amphitheater as well. Mayor Broska mentioned that this Senior Center would be about 5,000 square feet and only take up about 50' x 100', so it would not take out that many trees compared to the amphitheater that could have taken up a couple acres.

Mr. Mytinger said the Parks and Recreation/Senior Center Community Complex in City Park was to have a large space with retractable walls to divide it into two or three smaller room for various smaller classes or events, similar as to what was proposed for a field house. They had also proposed a patio space maybe with a fire pit also as a rentable space, but the specifics had not been settled yet. Mrs. Field was just disappointed that the field house wasn't feasible right now because the Senior Center was a more immediate concern with the current lease ending within 12 months. She felt it was prudent to continue to consider the field house potentially in the future instead of dismissing it completely, and having a plan to get to it eventually and saving a space for it to be so it could happen one day.

Council took no action; the administration would move forward to get more information.

Discuss Expanding the Road Paving Program

Mayor Broska said it had been mentioned at a previous meeting to add some roads in Stonegate that needed to be resurfaced to this year's paving program. The cost estimate to add four roads in Stonegate to the paving program would be another \$400,000. The Mayor was hesitant to add them to this year's paving program because of the paving expenses already expected for this year; it would require dipping into the City's reserves. He suggested including the roads in Stonegate to next year's paving program because 2023 did not have the same big paving expenses like 2022 did.

Mr. Ring thought these four roads were going to be included in the paving bids as alternates, but Mr. Czekaj said to put on that big of an alternate onto a bid was too difficult for a contractor and he didn't think the City would get good prices because it was a substantial chunk of the job.

Mr. Czekaj said the City was funded by OPWC this year for Portage Pointe Drive, Maplewood Drive, and Greentree Parkway and he hoped there was an opportunity to get OPWC funding again next year, so he would definitely apply, but either way it would be added to the paving program for 2023. These roads needed work, but they would make it to next year. Mr. Lampa asked that the roads in Stonegate at least be patched by the Service Department this year, to which Mayor Broska agreed, especially since the Service Department had a new pavement grinder for repairs. Mr. Michniak noted there were still homes being constructed and a lot of construction trucks on the Stonegate roads, so it might be better to wait until next year when a lot of the construction was done.

MOTION: TO ADD AN EXECUTIVE SESSION TO TONIGHT'S AGENDA TO DISCUSS PERSONNEL-HIRING/FIRING.

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

MOTION: TO RECESS INTO EXECUTIVE SESSION TO CONSIDER PERSONNEL-HIRING/FIRING.

Moved by Mr. Ring, seconded by Mrs. Field. Upon roll call vote, **motion carried 6-0 and the meeting recessed at 8:26 p.m.**

MOTION: TO RECONVENE FROM EXECUTIVE SESSION.

Moved by Mr. Ring, seconded by Mrs. Field. Upon voice vote, **motion carried and the Service Committee meeting reconvened at 8:48 p.m.**

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 Mrs. Field, seconded by Mr. Ring, this meeting adjourned at 8:49 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Mike Lampa, Vice Chairman