This Regular Meeting of Council was called to order on Monday, January 23, 2023 at 7:26 p.m. by Jon Hannan, Council President.

- PRESENT: Anthony Lombardo, Justin Ring, Jon Hannan, Mike Lampa, Jennifer Wagner, Julie Field, Steve Michniak
- ABSENT: None.

ALSO PRESENT: Glenn Broska, Mayor Frank Beni, Law Director Patricia Wain, Police Chief Robert Reinholz, Fire Chief Matt Miller, Finance Director Bill Miller, Service Director Justin Czekaj, Municipal Engineer John Cieszkowski, Planning Director Patrick O'Malia, Economic Development Director Greg Mytinger, Parks and Recreation Director Shawna Lockhart-Reese, HR Manager Melissa Procop, Mayor's Executive Assistant Caroline Kremer, Clerk of Council

The Council President jumped to the Mayor's Report agenda item. **Mayor's Report**

Mayor Broska appointed the members of the Master Plan Review Commission (MPRC) as selected per the Charter. The members selected who were in the audience stood to be recognized. Mayor Broska said this was a very important board that convened every five years, and last time the Commission was very detailed. Mr. Cieszkowski noted that the City needed to contract with a consultant (which should happen tonight), set a kick-off meeting with the Commission members, and then could set the meeting dates for the MPRC. Mayor Broska surveyed the appointees that were present in the audience and learned that Tuesday afternoons may be a convenient time for the MPRC to meet.

President of Council's Comments

Mr. Hannan said City Council needed to select one more member for the Community Reinvestment Housing Council and he had a recommendation. He suggested Chris Markowitz for the CRA Housing Council since Mr. Markowitz had done it before and some of the other applicants were already on other City boards.

MOTION: TO APPOINT CHRIS MARKOWITZ TO THE CRA HOUSING COUNCIL.

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

MOTION: TO RECESS THIS MEETING TO GO BACK INTO TONIGHT'S FINANCE COMMITTEE MEETING.

Moved by Mrs. Field, seconded by Mr. Lampa. Upon voice vote, motion carried and the meeting recessed at 7:33 p.m.

MOTION: TO RECONVENE THIS REGULAR COUNCIL MEETING.

Moved by Mr. Lampa, seconded by Mr. Ring. Upon voice vote, motion carried and this meeting reconvened at 8:47 p.m.

Disposition of Minutes

MOTION: TO ACCEPT THE PUBLIC HEARING MINUTES OF JANUARY 9, 2023 REGARDING POOL FENCES AS WRITTEN.

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

Citizens' Comments

None.

Reports/Communications from Depts/Boards/Commissions

Chief Reinholz said the firefighters delivered a baby last Friday; mom and baby are doing fine now. There was also a small fire last Friday. Chief Reinholz was pleased to report that the Streetsboro firefighter who had a cardiac medical emergency at the station two weeks ago was now home from the hospital. The Department had recently completed the HAZMAT refresher training. The Department was arranging CPR training and AED instruction for all the City staff at the direction of the Mayor, and Council Members were invited to participate too. They were also planning to offer a CPR training session night, maybe in April, to the public through the Parks and Recreation Department. If it was popular, they would schedule additional sessions. Each session could only accommodate about 8 participants because that's how many mannequins were available.

Mr. O'Malia commented he was aware the City wanted an Olive Garden type restaurant in town (as was mentioned earlier this evening), but he currently didn't have a location that would accommodate it. He announced that the Happy Moose would be re-opening soon and would arrange for a soft-open with which the Council Members could assist. There was a ribbon cutting scheduled for 8:30 a.m. for Raising Cane's that would open tomorrow. Mr. Ring, and his constituents in the Shady Lake Apartments, were concerned about the Raising Cane's traffic backing up into Shady Lake Drive and blocking their ingress and egress from home. There was some discussion about arrangements that had been made to avoid that; Cane's could stack 31 cars on their lot. Popeyes was now planning to have their building completed no later than June 2023. They had unexpected supply line delays regarding getting the fryer equipment.

Mr. Czekaj said construction season this year would start with a bang. On social media it was mentioned that Dominion Gas was relocating their transmission line on SR 43 underneath the Turnpike. In order to do so, they would need to be in the roadway for 4-12 days. The traffic on SR 43 would be signalized starting on Wednesday in both directions, so he recommended finding another way around because there would be delays. The traffic light at Pike Parkway and Cherokee would be covered. After the 4-12 days, depending on the weather, they would have flaggers for the rest of the project, but at night they would open two lanes of traffic and plate the road. The City's SR 43 widening project would kick off concurrently with Dominion or shortly after. The snow plows would be made aware of the plates in the road if there was a snow event. Chief Wain added that this information would be posted to the Police Department social media sites tomorrow to make the public aware of the construction project and traffic changes.

Introduction of Legislation Containing Statement of Emergency

T-7363	AN ORI	DINANC	CE AN	MENDING	ORDINANCE	NO.
	2022-185,	THE	2023	ANNUAL	APPROPRIAT	ΓΙΟΝ
	ORDINANCE. [#1]					

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Lampa, seconded by Mrs. Field. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-04.

Moved by Ms. Wagner, seconded by Mrs. Field. Upon roll call, motion carried unanimously.

T-7364 A RESOLUTION ESTABLISHING RATES OF COMPENSATION FOR THE MAYOR FOR THE MAYOR'S TERM OF OFFICE COMMENCING DECEMBER 15, 2023, AND DECLARING AN EMERGENCY IN ORDER TO FIX THE SALARY PRIOR TO CANDIDATE FILING DEADLINES.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mrs. Field. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT RESOLUTION NO. 2023-05.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7365 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH THE REA & ASSOCIATES, INC. TO PREPARE BASIC FINANCIAL STATEMENTS FOR CITY FOR FISCAL YEARS 2022, 2023 AND 2024, AND DECLARING AN EMERGENCY IN ORDER TO COMMENCE SUCH SERVICES AS SOON AS POSSIBLE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-06.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7366 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO Α CONTRACT WITHOUT COMPETITIVE BIDDING WITH CIVICA NORTH AMERICA, INC. dba CREATIVE MICROSYSTEMS FOR THE PURCHASE OF COMPUTER CMI AND LICENSING, SUPPORT SOFTWARE MAINTENANCE SERVICES FOR THE FINANCE DEPARTMENT DURING 2023, AND DECLARING AN ORDER TO EMERGENCY IN MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-07.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7367 AN ORDINANCE AUTHORIZING THE MAYOR TO CONTRACT ENTER INTO A WITHOUT COMPETITIVE BIDDING WITH **INSURANCE** SPECIALISTS GROUP, INC. dba LOVE INSURANCE AGENCY FOR THE CITY'S CYBER SECURITY LIABILITY INSURANCE FOR A PERIOD OF ONE YEAR COMMENDING JANUARY 1, 2023; AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF COVERAGE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-08.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7368 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE PORTAGE COUNTY REGIONAL PLANNING COMMISSION TO ADMINISTER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR PROGRAM YEARS 2022-2024 AND DECLARING AN EMERGENCY TO ENSURE THAT CITIZENS CAN TIMELY ACCESS NEW PROGRAMMING.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-09.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7369 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE AND UPFITTING OF NOT TO EXCEED TWO FORD F-750 DUMP TRUCKS, AND DECLARING AN EMERGENCY IN ORDER TO RESPOND TO TIME-SENSITIVE PROPOSALS.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-10.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7370 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER CONTRACT INTO А WITHOUT COMPETITIVE BIDDING WITH SIGNAL SERVICE COMPANY FOR THE PURCHASE OF THE CITY'S ANNUAL REQUIREMENTS FOR MAINTENANCE AND REPAIRS TO THE CITY'S TRAFFIC SIGNAL SYSTEM DURING 2023; AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-11.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7371 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CLARK EQUIPMENT COMPANY dba BOBCAT COMPANY FOR THE PURCHASE OF A T770 T4 BOBCAT TRACK LOADER AND RELATED EQUIPMENT AT A PRICE NOT TO EXCEED SEVENTY-SEVEN THOUSAND DOLLARS (\$77,000.00) FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY TO EXPEDITE THE PURCHASE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-12.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7372 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO **CONTRACTS** WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE OF NOT TO EXCEED TWO 2023 10' SWENSON ALL PURPOSE BODY PLOW UPFIT KITS AND RELATED SNOW AND ICE CONTROL EQUIPMENT PACKAGES, AND DECLARING AN EMERGENCY IN ORDER TO **RESPOND TO TIME-SENSITIVE PROPOSALS.**

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, **motion carried unanimously**.

MOTION: TO ADOPT ORDINANCE NO. 2023-13.

Moved by Ms. Wagner, seconded by Mr. Lombardo. Upon roll call, **motion carried unanimously**.

T-7373 AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE QUOTE OF AND ENTER INTO AN AGREEMENT WITH RKS MANAGEMENT, INC. TO PROVIDE CLEANING SERVICES TO CITY BUILDINGS; AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE AGREEMENT AND PREVENT A LAPSE IN SERVICE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-14.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7374 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITHOUT COMPETITIVE BIDDING WITH MICHAEL H. WILDERMUTH TO PROVIDE THE CITY'S REQUIREMENTS FOR BACK-UP PLANS EXAMINER SERVICES DURING 2023; AND DECLARING AN EMERGENCY IN ORDER TO MAINTAIN CONTINUITY OF SERVICES.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-15.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7375 Hire Consultant for Master Plan Review was not forwarded from tonight's Finance Committee Meeting.

T-7376 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MARSHALL POWER EQUIPMENT LLC FOR THE PURCHASE OF A NEW EXMARK LAZER Z MOWER WITH STRIPING KIT, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE PURCHASE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-16.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7377 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH MARSHALL POWER EQUIPMENT LLC FOR THE PURCHASE OF A NEW Z-SPRAY MAX STAND ON SPREADER/SPRAYER, AND DECLARING AN EMERGENCY IN ORDER TO EXPEDITE THE PURCHASE.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-17.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

T-7378 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE AND UPFITTING OF ONE 2023 F-350 PICK-UP TRUCK FOR USE BY THE PARKS AND RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY IN ORDER TO RESPOND TO TIME-SENSITIVE PROPOSALS.

Clerk read by title as directed.

MOTION: TO SUSPEND THE RULES.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

MOTION: TO ADOPT ORDINANCE NO. 2023-18.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon roll call, motion carried unanimously.

First Reading

None.

Second Reading T-7358

AN ORDINANCE DECLARING THE CITY'S INTENTION TO SELL UNNEEDED AND UNCLAIMED PERSONAL PROPERTY IN POSSESSION OF THE CITY THROUGH INTERNET AUCTION DURING CALENDAR YEAR 2023, AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GOVDEALS, INC. TO CONDUCT

ONLINE AUCTIONS ON BEHALF OF THE CITY.

Clerk read by title as directed for second reading.

T-7359 AN ORDINANCE ENACTING NEW SECTION 1159.27 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE) OF THE CODIFIED ORDINANCES AND AMENDING SECTIONS 1103.02(a), 1159.01, 1159.04, 1159.05, 1159.06, AND 1159.09 THEREOF, RELATING TO REGULATION OF ELECTRONIC MESSAGE CENTER AND CHANGEABLE COPY SIGNS, AND REPEALING SECTION 1159.26 THEREOF.

Clerk read by title as directed for second reading.

T-7360 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVEBIDDINGWITHVARIOUSVENDORSFORTHEPURCHASEOFTHECITY'SREQUIREMENTSFORWATERLINEREPLACEMENTANDREPAIRPARTSDURING 2023.

Clerk read by title as directed for second reading.

T-7361 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE OF THE CITY'S REQUIREMENTS FOR FIRE **HYDRANT REPLACEMENT AND REPAIR PARTS DURING 2023.**

Clerk read by title as directed for second reading.

T-7362 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITHOUT COMPETITIVE BIDDING WITH VARIOUS VENDORS FOR THE PURCHASE OF ASPHALT PAVING PRODUCTS AND INCIDENTAL PAVING SERVICES NECESSARY FOR THE CITY'S 2023 ASPHALT PRESERVATION PROGRAM.

Clerk read by title as directed for second reading.

Third Reading

T-7346 AN ORDINANCE PLACING A TEMPORARY MORATORIUM ON THE ISSUANCE OF PLANNING, ZONING AND BUILDING PERMITS, APPROVALS AND CERTIFICATES RELATED TO HOTELS, MOTELS, AND CAR WASHES.

Clerk read by title as directed for third reading.

MOTION: TO ADOPT ORDINANCE.

Moved by Mrs. Field, seconded by Mr. Lampa. Upon roll call, Mrs. Field - Yes, Mr. Lampa -Yes, Mr. Lombardo - Yes, Mr. Ring - No, Mr. Michniak - No, Ms. Wagner - Yes, Mr. Hannan - Yes. There was some discussion on whether the legislation had passed. It needed more than 4 votes to pass as non-emergency legislation since it was different than what the Planning Commission had initially sent to City Council. City Council had amended the moratorium to not include warehouses in excess of 150,000 square feet of floor area. Mrs. Field commented that she had no idea that Mr. Ring and Mr. Michniak were opposed to the legislation and asked if they wanted to explain. Mr. Michniak thought it took four votes to pass. He said he wasn't comfortable with the legislation and didn't feel it was necessary right now and was just a kneejerk reaction to complaints about hotels, motels and car washes, which Streetsboro had always had. He said he had asked when this legislation was presented if there were any new hotels, motels, or car washes that had filed plans, and there were not. He felt it seemed kind of kneejerk to cherry-pick these individual businesses and he did not want to get sued over it. Mr. Ring agreed and also thought it opened up legal issues. He also felt the free market should dictate this, not government; it was an overreach of government. He thought, if the City didn't want any more of those businesses, it should change the Code, not just pause them for 6 months or a year to get a study to take them out. Mr. Michniak didn't think specific businesses should be selected; he didn't think the courts would look favorably upon it. If no one even had one of those

businesses pending, he didn't think there was going to be a lawsuit, but he wanted to be on the record as saying a moratorium wasn't necessary at this time.

The Clerk pulled the Charter and read from Section 14.06 that at least 2/3 vote of Council was required to pass an ordinance which differs from the recommendation submitted by the Planning and Zoning Commission. Calculations were made and it was determined that six votes were needed to pass this legislation, so it was declared Failed. Mr. Cieszkowski pointed out that the fourth WHEREAS still mentioned the warehouses and the Clerk clarified that the fourth WHEREAS stated what the Streetsboro Planning and Zoning Commission recommended to City Council at their meeting of December 13, 2022. [During the Executive Session further calculations were made and it was realized that 2/3 of 7 members of Council was 4.66, so 5 votes were enough to pass this legislation.]

T-7354 AN ORDINANCE AMENDING SECTION 6 AND REPEALING SECTION 12 OF ORDINANCE NO. 2016-116, AS AMENDED BY ORDINANCE NO. 2021-34, TO THE OF CLARIFY TYPES RESIDENTIAL FOR STRUCTURES ELIGIBLE COMMUNITY REINVESTMENT ACT TAX INCENTIVES, AND TO REMOVE THE SUNSET CLAUSE ORIGINALLY INCLUDED IN SAID ORDINANCE.

Clerk read by title as directed for third reading.

MOTION: TO ADOPT ORDINANCE NO. 2023-19.

Moved by Mrs. Field, seconded by Mr. Lampa. Upon roll call, motion carried unanimously.

T-7355 AN ORDINANCE AMENDING SECTION 1151.22 OF TITLE FIVE, PART ELEVEN (PLANNING AND ZONING CODE) OF THE CODIFIED ORDINANCES, RELATING TO REGULATION OF SWIMMING POOLS.

Clerk read by title as directed for third reading.

MOTION: TO ADOPT ORDINANCE NO. 2023-20.

Moved by Mr. Lampa, seconded by Mrs. Field. Upon roll call, motion carried unanimously.

Mayor's Report (continued) None.

President of Council's Comments (continued) None.

<u>Council Members' Comments</u> None.

Executive Session

MOTION TO RECESS INTO EXECUTIVE SESSION TO CONSIDER HIRING/COMPENSATION.

Moved by Mr. Michniak, seconded by Mrs. Field. Upon roll call, **motion carried unanimously** and the meeting recessed at 9:26 p.m.

MOTION TO RECONVENE FROM EXECUTIVE SESSION.

Moved by Mr. Lampa, seconded by Mr. Lombardo. Upon voice vote, motion carried and the meeting reconvened at 10:02 p.m.

Announcements

Deadline to file for an elected office is Wednesday, February 1, 2023 at 4 p.m.

There will be a Public Hearing-EMC Signs, a Safety Committee, a Service Committee, and a Regular Council Meeting on Monday, February 13, 2023 starting at 7:00 p.m. in Council Chambers.

The Clerk announced that her thoughts were correct, but her math was not for the moratorium legislation voted on earlier tonight. The moratorium ordinance that was declared Failed earlier tonight did not Fail; it needed five votes to pass the legislation and the vote was 5-2, so it did pass; **T-7346 was now Ordinance No. 2023-21**. The Clerk would email this information to the newspaper reporters tonight before they wrote their articles.

There being no further business to come before this Council, and upon motion by Mr. Ring, seconded by Mrs. Field, this meeting adjourned at 10:03 p.m.

ATTEST:

Caroline L. Kremer, Clerk of Council

Jon Hannan, Council President