

REQUESTED BY ADASKA &
LOWDERMILK
APPROVED BY PUBLIC IMPROVE.
INTRODUCED BY ADASKA

ORDINANCE NO. 2016-36

AN ORDINANCE AMENDING ORDINANCE 2012-59 TO REMOVE EQUIPMENT, EMPLOYEE SALARIES, AND OHIO EPA STORMWATER QUALITY PROJECTS FROM THE LIST OF IDENTIFIED STORMWATER MANAGEMENT PROGRAM ACTIVITIES.

WHEREAS, the City of Stow previously passed Ordinance 2012-59 clarifying and establishing through legislation what constitutes “identified stormwater management program activities” for which the stormwater utility funds may be properly spent pursuant to C.O.S. 927.09;

WHEREAS, the City Council now desires to further restrict and clarify Stow’s existing Stormwater Management Program Activities Policy by removing equipment, engineering department salaries and Ohio EPA stormwater quality projects from the list of activities for which stormwater utility funds may be properly spent pursuant to C.O.S. 927.09;

WHEREAS, further restricting the availability of stormwater utility funds will help the City of Stow by providing more funds for stormwater projects.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STOW, COUNTY OF SUMMIT AND STATE OF OHIO:

SECTION 1. That Ordinance 2012-59, particularly Section 1 thereof, which formerly read:

"SECTION 1. That Council specifically establishes that “identified stormwater management program activities expenditures” include:

- a. Expenditure of funds for materials, equipment, and/or any other project related items.
- b. Contracting for labor for the installation of materials, equipment, and/or any other project related items and/or construction of qualifying stormwater projects.
- c. Funding of salaries and associated benefit costs of employees who are directly administering the stormwater management program in the Engineering Department, employees who are directly involved in stormwater management program functions and/or who are maintaining, repairing, or constructing stormwater management projects, and/or seasonal employees and/or interns assigned to stormwater management program functions and/or who are maintaining, repairing, or constructing stormwater management projects.
- d. Debt service for any qualifying expenditures.
- e. In addition to stormwater management activities that are identified as City of Stow responsibility, City personnel are authorized to provide advice on all drainage issues. This advice may include design, including advice on drainage issues that do not qualify for City of Stow financial assistance, provided that personnel are available to do so. Any advice or design will be offered with the explicit understanding that the City of Stow accepts no responsibility for its completeness or effectiveness.”

be, and the same is, hereby amended to read henceforth as follows:

"SECTION 1. That Council specifically establishes that “identified stormwater management program activities expenditures” include:

- a. Expenditure of funds for materials, and/or any other project related items.
- b. Contracting for labor for the installation of materials, equipment, and/or any other project related items and/or construction of qualifying stormwater projects.
- c. Debt service for any qualifying expenditures.

- d. In addition to stormwater management activities that are identified as City of Stow responsibility, City personnel are authorized to provide advice on all drainage issues. This advice may include design, including advice on drainage issues that do not qualify for City of Stow financial assistance, provided that personnel are available to do so. Any advice or design will be offered with the explicit understanding that the City of Stow accepts no responsibility for its completeness or effectiveness.

SECTION 2. That Ordinance 2012-59, particularly Section 2 thereof, which formerly read:

“SECTION 2. That Council specifically establishes that “identified stormwater management program activities expenditures” include:

- a. Engineering studies for stormwater drainage areas and projects; and
- b. Potential projects designed to protect and manage water quality by controlling the level of pollutants in stormwater runoff; and
- c. Potential projects designed to protect and manage the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types.”

be, and the same is, hereby amended to read henceforth as follows:

“SECTION 2. That Council specifically establishes that “identified stormwater management program activities expenditures” include:

- a. Engineering studies for stormwater drainage areas and projects; and
- b. Potential projects designed to protect and manage the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types.”

SECTION 3. That all other terms and provisions of Ordinance No. 2012-59 not amended herein, be, and the same are, hereby reaffirmed as if fully reappearing herein.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees and subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. That this ordinance was adopted pursuant to Section 4.11 Charter, and shall take effect thirty (30) days after its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL _____

ATTEST _____
Bonnie J. Emahiser
CLERK OF COUNCIL

Mike Rasor
PRESIDENT OF COUNCIL

FILED WITH MAYOR _____

APPROVED

FILED WITH CLERK _____

Sara Kline
MAYOR

APPROVED AS TO FORM

EFFECTIVE DATE 2.

Amber K. Zibritosky
LAW DIRECTOR

