

Minutes of the Regular Meeting of Stow City Council held on Thursday, February 24, 2022 at 7:36 p.m.

Any members of the public wishing to have a public comment read at a standing committee or Council meeting must provide their name, address, and comment in writing to the Clerk of Council no later than 3 P.M. the day of the meeting. Comments may be delivered in person, by mail or emailed to clerkofcouncil@stow.oh.us. Any written public comments will be read by the Clerk of Council or another appropriate meeting participant during the requested meeting.

Public comments must come directly from the person requesting the comment to be read and cannot be compiled or vetted by a third-party representative. Any public comments requested to be read shall provide their name and address for the record and shall be read in the same reasonable time permitted to those speaking in person. Any public comments submitted by persons other than the indicated (signed) party will not be read.

Council Members Present: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison

Council Members Absent: None

City Officials Present: Mayor Pribonic, Chief of Staff/Service Director Wren, Finance Director Costello, Police Chief Film, Fire Chief Stone, City Engineer McCleary, Law Director Syx, Planning Director Leppo, Parks & Recreation Director Nahrstedt, Information Director Paxton, Deputy Clerk of Council Mottram and Clerk of Council Villers.

Press Representatives: None

Call to Order

President McIntire called the meeting to order. Mrs. Harrison led the prayer and Pledge of Allegiance.

Approval of Minutes

Motion made by Lowdermilk seconded by Fiocca for approval of Minutes of the Regular Council Meeting of February 10, 2022. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Oral Synopsis by Committee Chairpersons of Committee of Council

- Planning Committee – Chairman Fiocca – Three pieces of legislation
- Public Improvements Committee – Chairman Lowdermilk – Meeting cancelled this evening.
- Roads & Safety Committee – Chairman Feldman – Meeting cancelled this evening.
- Finance Committee – Vice-Chairman McIntire – Several legislative items.
- Committee-of-the-Whole – President of Council McIntire – One legislative item and two motions.

Public Comment Period (§123.14)

Jeffrey Berghoff, 4574 Diplomat Drive, President of the Wyoga Lake Conservation Association, requested the following read into the record. “The residents of the Wyoga Lake Estates and the Wyoga Lake Conservation Association are concerned regarding the further proposed development along Seasons Road to the north, which is upstream to our allotment. Given the recognized climate change now occurring added to the many currently existing business developments along Seasons Road, we have experienced several major

flood events during the last 15 years and have yearly smaller flood events, particularly along the shores of Wyoga Lake and along Mud Brook. We have read that remediation efforts for the proposed new development will take the current 100-year storm zone to a two-year storm zone which is much appreciated. We request that the Mill Pond-Mud Brook Greenway Master Plan be updated to now include the Stow portion of this watershed. This extensive study was done by the city of Cuyahoga Falls in 2015 at the time of the Menard's store development. However, the aim of that study only included the Cuyahoga Falls portion of the watershed. We believe the citizens of Stow deserve such a comprehensive study of the impacts of further development in the Mud Brook watershed and ways to remediate any adverse effects.”

Reports, Advice or Recommendations of the Mayor

- Read a Proclamation for the Summit County Board of Developmental Disabilities

Report of the Finance Director

- No report

Report of the Law Director

- No report.

Report of the Director of Public Service

- No report.
- At the request of the Public Improvements Chairman Lowdermilk, Mrs. Nahrstedt displayed presentation updating everyone on the SKiP Park aka the City Center Project.

Comments from other City Officials

Director of Budget & Management Earle:

- Not present.

City Engineer McCleary / Deputy City Engineer Jones:

- No report.

Chief Film:

- No report.

Chief Stone:

- No report.

Parks & Recreation Director Nahrstedt

- No report; gave a presentation under Report of the Director of Public Service.

Old Business

None.

New Business

T-251 ORDINANCE NO. 2022-41 AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF A 2022 FORD F150 SUPERCREW 4WD TRUCK FROM VENDOR, KLABEN FORD LINCOLN, INC., FOR USE BY THE POLICE DEPARTMENT, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

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Clerk read by title as instructed.

Motion made by McIntire seconded by Fiocca for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licata, Harrison. Nays: None. Motion carried unanimously.

Motion made by McIntire seconded by Licata for the adoption of Ordinance No. 2022-41. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licata, Harrison. Nays: None. Motion carried unanimously.

T-250 RESOLUTION NO. 2022-42 A RESOLUTION TO ACCEPT THE SETTLEMENT WITH OPIOID DISTRIBUTOR/PHARMACY CHAIN, GIANT EAGLE.

Clerk read by title as instructed.

Motion made by Harrison seconded by McIntire for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licata, Harrison. Nays: None. Motion carried unanimously.

Motion made by Harrison seconded by McIntire for the adoption of Resolution No. 2022-42. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licata, Harrison. Nays: None. Motion carried unanimously.

Legislative Agenda

T-135 ORDINANCE NO. 2022-XX AN ORDINANCE AMENDING CHAPTER 173, C.O.S., ENTITLED “BOARD OF CONTROL,” IN ORDER TO UPDATE SECTION 173.06 “AUTHORIZATION OF EXPENDITURES; BIDS REQUIRED” AND SECTION 173.10 “STATE BIDDING PURCHASE” THEREOF, GOVERNING PURCHASES FOR THE CITY OF STOW.

Clerk was not instructed to read by title.

This evening, Mr. McIntire stated T-135 was considered a “Withdraw” from the Finance Committee and City Council.

[FC: 10/14/21-10/28/21-11/11/21-12/1/21-12/16/21-1/13/22-1/20/22-1/27/22-2/10/22-2/24/22]

T-200 ORDINANCE NO. 2022-2 AN ORDINANCE AMENDING CHAPTER 1133, C.O.S., ENTITLED, “DEFINITIONS,” PARTICULARLY AMENDING SECTION 1133.01(b)(61) AND 1133.01(b)(82) THEREOF; AND AMENDING CHAPTER 1145, C.O.S., ENTITLED, “COMMERCIAL DISTRICTS,” PARTICULARLY AMENDING THE SCHEDULE FOUND IN SECTION 1145.02 THEREOF ; AND AMENDING CHAPTER 1147, C.O.S., ENTITLED, “INDUSTRIAL DISTRICTS,” PARTICULARLY AMENDING THE SCHEDULE FOUND IN SECTION 1147.02 THEREOF, SO AS TO PRODUCE IDENTICAL REPEATED TERMINOLOGY THROUGHOUT THE CODE.

Clerk read by title as instructed.

Ordinance No. 2022-2 was scheduled for a Public Hearing on February 24, 2022.

Motion made by Fiocca seconded by McIntire to remove Ordinance No. 2022-2 from the table. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licata, Harrison. Nays: None. Motion carried unanimously.

Motion made by Fiocca seconded by McIntire for the adoption of Ordinance No. 2022-2. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licata, Harrison. Nays: None. Motion carried unanimously.

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T-218 ORDINANCE NO. 2022-XX AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH SOUTHEASTERN EQUIPMENT CO, INC., AND AUTHORIZING EXPENDITURES FOR THE PURCHASE OF A 20-TON EQUIPMENT TRAILER, FOR USE BY THE WATER DEPARTMENT, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

Clerk was not instructed to read by title.

On January 27, 2022 and February 10, 2022, T-218 remained in Finance Committee.

On January 27, 2022 the Planning Committee referred this item back to the Planning Commission to amend the zoning to "C-3" Community Retail District.

This evening, Mr. McIntire stated T-135 was considered a "Withdraw" from the Finance Committee and City Council.

T-229 ORDINANCE NO. 2022-XX AN ORDINANCE ENACTED PURSUANT TO SECTION 1137.08, ENTITLED "AMENDMENTS", TO PROVIDE FOR THE AMENDMENT OF THE ZONING DISTRICTS MAP AND ZONING DISTRICTS BY RECLASSIFYING FROM "C-2 LIMITED RETAIL DISTRICT TO R-3 RESIDENCE DISTRICT" OF PROPERTY LOCATED ON FISHCREEK ROAD, 750 FEET FROM THE STOW ROAD INTERSECTION, KNOWN AS 2300 CALL ROAD, ALSO KNOWN AS PARCEL NO. 56-19699; AND AUTHORIZING AMENDMENT TO THE ZONING DISTRICTS MAP THEREFOR.

Requested Version 1 amendment below as follows:

T-229 ORDINANCE NO. 2022-43 AN ORDINANCE ENACTED PURSUANT TO SECTION 1137.08, ENTITLED "AMENDMENTS", TO PROVIDE FOR THE AMENDMENT OF THE ZONING DISTRICTS MAP AND ZONING DISTRICTS BY RECLASSIFYING FROM "C-2 LIMITED RETAIL DISTRICT TO C-3 COMMUNITY RETAIL DISTRICT" OF PROPERTY LOCATED ON FISHCREEK ROAD, 750 FEET FROM THE STOW ROAD INTERSECTION, KNOWN AS 2300 CALL ROAD, ALSO KNOWN AS PARCEL NO. 56-19699; AND AUTHORIZING AMENDMENT TO THE ZONING DISTRICTS MAP THEREFOR.

Clerk read by title as instructed.

Motion made by McIntire seconded by Riehl to place Version 1 of Ordinance No. 2022-43 on first reading. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

T-236 ORDINANCE NO. 2022-XX AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE VILLAGE OF SILVER LAKE FOR STORM WATER IMPROVEMENTS ON ENGLEWOOD ROAD LOCATED IN BOTH THE CITY OF STOW AND THE VILLAGE OF SILVER LAKE; AND AUTHORIZING EXPENDITURES THEREFOR.

Clerk was not instructed to read by title.

On February 10, 2022 and February 24, 2022, T-236 remained in Finance Committee for further discussion.

T-240 RESOLUTION NO. 2022-XX A RESOLUTION AMENDING CHAPTER 123, C.O.S., ENTITLED, "COUNCIL," AND DECLARING AN EMERGENCY.

Clerk was not instructed to read by title.

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On February 10, 2022 and February 24, 2022, T-240 remained in Committee of the Whole for further discussion. Mr. McIntire said he would present a different version of T-240 for the March 10, 2022 Committee of the Whole discussion.

T-243 ORDINANCE NO. 2022-44 AN ORDINANCE DIRECTING THE CLERK OF COUNCIL TO CAUSE A SPECIAL ASSESSMENT TO BE PLACED ON THE PROPERTY TAX LIST WITH THE SUMMIT COUNTY FISCAL OFFICER FOR REAL PROPERTY LOCATED AT VARIOUS LOCATIONS BECAUSE THE CITY OF STOW, AT ITS EXPENSE, RAZED ONE OR MORE DANGEROUS BUILDINGS ON SAID PROPERTY, AND DECLARING AN EMERGENCY.

Clerk read by title as instructed.

Motion made by Harrison seconded by McIntire for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Motion made by Harrison seconded by McIntire for the adoption of Ordinance No. 2022-44. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

T-244 ORDINANCE NO. 2022-45 AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH TAYLOR OSWALD, LLC, A PROFESSIONAL SERVICES PROVIDER, FOR BROKERAGE, PLANNING AND SUPPORT SERVICES TO UPDATE AND REVAMP CITY EMPLOYEE HEALTH BENEFIT OFFERINGS, FOR UP TO A THREE-YEAR PERIOD, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

Clerk read by title as instructed.

Motion made by Harrison seconded by Fiocca for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Motion made by Harrison seconded by McIntire for the adoption of Ordinance No. 2022-45. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

T-245 ORDINANCE NO. 2022-46 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CIVICPLUS, LLC, A PROFESSIONAL SERVICES PROVIDER, AND AUTHORIZING EXPENDITURES FOR THE PURCHASE OF WEBSITE DESIGN AND HOSTING, AND CITY-WIDE EMERGENCY COMMUNICATION SERVICES, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY

Clerk read by title as instructed.

Motion made by Harrison seconded by McIntire for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Motion made by Harrison seconded by McIntire for the adoption of Ordinance No. 2022-46. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

T-246 ORDINANCE NO. 2022-47 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CIVICPLUS, LLC, A PROFESSIONAL SERVICES PROVIDER, AND AUTHORIZING EXPENDITURES FOR THE PURCHASE OF WEBSITE DESIGN AND HOSTING,

AND CITY-WIDE EMERGENCY COMMUNICATION SERVICES, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY

Clerk read by title as instructed.

Motion made by Harrison seconded by Fiocca for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Motion made by McIntire seconded by Riehl for the adoption of Ordinance No. 2022-47. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

T-247 RESOLUTION NO. 2022-48 A RESOLUTION GRANTING SITE PLAN APPROVAL TO MIKE MERLE WITH RAY FOGG BUILDING METHODS, LLC, APPLICANT, ON BEHALF OF BH (OHIO) LEASING, LLC, PROPERTY OWNER, TO CONSTRUCT AN APPROXIMATELY 254,474 SQUARE FOOT INDUSTRIAL BUILDING AND PARKING LOT, LOCATED IN THE SEASONS BUSINESS PARK – WEST, ON THE SOUTHWEST CORNER OF STATE ROUTE 8 AND SEASONS ROAD, ON THE EAST SIDE OF GRAY LANE, IN THE CITY OF STOW, OHIO.

Clerk read by title as instructed.

Motion made by Fiocca seconded by McIntire for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Motion made by Fiocca seconded by Harrison for the adoption of Resolution No. 2022-48. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

T-248 RESOLUTION NO. 2022-49 A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND SITE PLAN APPROVAL TO IAN JONES OF MANN PARSONS GRAY ARCHITECTS, APPLICANT, ON BEHALF OF STOW-HUDSON INVESTMENT CO. TO CONSTRUCT TWO DRIVE-THROUGH LANES AND A SMALL COFFEE KIOSK BUILDING, LOCATED ALONG NORTON ROAD NEAR THE INTERSECTION OF DARROW ROAD, IN THE CITY OF STOW, OHIO.

Clerk read by title as instructed.

Motion made by Fiocca seconded by Harrison for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Motion made by Fiocca seconded by Harrison for the adoption of Resolution No. 2022-49. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

T-249 ORDINANCE NO. 2022-50 AN ORDINANCE APPOINTING THE ASSISTANT CITY ENGINEER TO THE POSITION OF ALTERNATE REVIEW AGENT FOR MINOR SUBDIVISIONS FOR THE CITY OF STOW.

Clerk read by title as instructed.

Motion made by Fiocca seconded by Lowdermilk for the suspension of rules. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

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Motion made by Fiocca seconded by Harrison for the adoption of Ordinance No. 2022-50. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Disposition of Bills

Motion made by Harrison by Riehl to approve the release of the checks for the current Bill Listing. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Committee Meetings Scheduled for Thursday, March 10, 2022

(Planning Committee – Roads & Safety – Finance Committee – COW)

Motion made by Harrison seconded by Licate to cancel the previously scheduled March 31, 2022 Council Meeting. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

Adjournment

Motion made by McIntire seconded by Harrison to adjourn. Vote – Yeas: Lowdermilk, McIntire, Riehl, Fiocca, Feldman, Licate, Harrison. Nays: None. Motion carried unanimously.

The meeting adjourned at 8:16 p.m.



Lorree Villers, Clerk of Council



Jeremy McIntire, President of Council