

Minutes of the Regular Meeting of Stow City Council held on Thursday, January 28, 2016 at 7:00 p.m.

Council Members Present: Adaska, Costello, D'Antonio, Lowdermilk, Pribonic & Riehl

Council Members Absent: Rasor

City Officials Present: Mayor Drew, Finance Director Baranek, Director of Budget & Management Earle, City Engineer McCleary & Acting Clerk of Council Daerr

Press Representatives: Stow Sentry

Call to Order

Mr. Riehl called the meeting to order and Mr. Costello led the prayer and pledge of allegiance.

Committee Reports

Mr. Pribonic reported on the Planning Committee Meeting of January 28, 2016 as follows:

1. Two items would be introduced in legislative form.

Mr. Riehl reported on the Finance Committee Meeting of January 28, 2016 as follows:

1. Four items would be introduced in motion form.
2. One item was approved.

Mr. Riehl reported on the Committee-of-the-Whole Meeting of January 28, 2016 as follows:

1. Recessed into executive session to discuss pending/imminent litigation.

Comments from Other Persons Present

John Durkos
2516 Mallory Lane

Mr. Durkos stated based on what he had seen in the newspaper, it appears that we have all reached the point where we are at a checkmate as far as the Dollar General situation goes.

Everyone had heard him speak before. He had tried to express the opinions of the people that he had spoken to – his friends and neighbors locally.

He understood where they were at. It was unfortunate that they were where they were. He understood. He was terribly disappointed. It was a sad day if that Dollar General goes up at the proposed location.

He had heard some discussion thru different meetings that there was some consideration and some comments that were offered by others about the possibility of offering Dollar General another location in an existing facility. He had never heard if there were any proposals by City Council to them to offer any incentives.

He didn't know if this was the time for comments or questions, but he at least wanted to lay a question on the table. He asked if there has been any discussion to offer them any incentives to give them any reason to consider another location?

They had offered a petition. They had offered comments. Council had heard them. He thought one of the neighbors that had spoken had spoken from the heart in asking them to please reconsider. Obviously, they hadn't done that, so they were where they were.

He understood. It was disappointing. It was a sad day in Stow if it goes that way. However, he asked if there was ever an opportunity or an offer made to give them any incentive to try to do that? He didn't necessarily need an answer now, but he would like to put that question on the table.

He wasn't involved and didn't really hear much about it until after-the-fact when Conrads was proposing a facility. He was told that there was a noise ordinance and for whatever reason, they weren't accepted because of the noise or whatever it was. Maybe it was a different type of business, but a question certainly came to his mind why was that excuse or that situation good enough to keep Conrads out, but not Dollar General?

Again, he didn't need a lot of discussion and he didn't want to disrupt the meeting, but those were some comments and questions that he and some other people had. It was going to go wherever it goes.

He thanked everyone for listening to his comments and reading his emails. He had a lot of one-on-one comments from each and every one of them. He knew, like him, some of them had mixed emotions. The law is what it is.

There was a comment in the paper that somebody had made which said: I think this is a fantastic compromise between the two parties. That was one opinion. However, it certainly was not his.

He thanked Council for their time.

Mr. Costello stated that he wanted to address Mr. Durkos' comment about the tire store. Basically, the tire store decided not to build there. The City had nothing to do with that. There was no change from the City's standpoint.

They had talked to them about water retention and other things there. After the second reading, Conrads was the one that decided to pull out. It was not the City that made that change per se. It was the developer that did.

Kelly Kingston
4726 Hillary Circle

Mrs. Kingston didn't want to repeat what Mr. Durkos said, but she basically came for that same kind of question – to ask if anybody ever had a conversation with Dollar General about a different location and if there were any incentives that were given to the company to look at some of the empty buildings in Stow or some of the other areas in Stow that might be a better location for them?

Stow is a great community. It wasn't so much having it, but it was the location. The location was close to schools and some pre-schools that were in the area. It was very busy. She had been in a car accident in that intersection before. To draw more traffic there didn't seem like a great idea.

She asked if any incentives were given to the company to say we have these other buildings and we have these locations, would you consider going somewhere else and not that location? That was just something that she wanted to bring up.

City Officials' Reports

Mayor Drew reported as follows:

1. In the Community Room in the Safety Building, as we are conducting our meeting, is packing for the first round of food bags to be distributed to students in the district who are food insecure thru Bulldog Bags, Inc. There are over 500 students in grades K-4 in all of the elementary schools who will receive these bags tomorrow.

If you haven't read about the effort, it is to assist food insecure children with some food over the weekend. It is a program that has been done in many other communities, including Kent, Akron and some other area cities.

Bulldog Bags is officially kicking off this month. It is really quite an undertaking. It is impressive that Bulldog Bags is able to organize this effort. She found it quite sad that we have that many children in grades K-4 in our school district who are food insecure. It was something to keep in mind.

2. Wanted to make Council aware that we are undergoing a thorough review of our economic development strategies, tools and how we conduct economic activities in the City.

We intend to look at the practices of incentives, which were mentioned tonight, as well as the CIC and take a look at what the best practices are for area CICs, if they are doing those in Stow and if there are ways that we can diversify or expand the role of the CIC to make it, perhaps, a little bit more independent as it is in many communities.

We will be conducting some surveys and doing interviews. So, you may be hearing from people from Edgewood Solutions or the staff for comments and opinions. We will also be having some presentations to City Council, the CIC and some other organizations in the coming months.

3. She would not be doing a State of the City Address to City Council this year. She was scheduled to do a State of the City Address at the Chamber of Commerce Meeting on February 16th.

She believed all of the Council Members were members. If they were interested in hearing the State of the City, she hoped, as always, that they would come to the Chamber Luncheon to hear her address which would be delivered at that time.

4. Thanked Mrs. Daerr for filling in for Mrs. Emahiser. She knew she had had a long week because the Planning Commission also met this week. Therefore, she had a lot of late nights. She had done a great job. She thanked her for filling in while Mrs. Emahiser was out.

Finance Director Baranek reported as follows:

1. The Bill Listing encompassed all the bills that they have processed since the last Council Meeting in December (December 10th). He highlighted the following items from that Bill Listing:

Total: \$4,617,112.

Of that:

\$2,005,994 was for three payrolls;

\$564,655 was for employee benefits;

\$501,800 was for capital improvements;

\$473,690 was for bulk purchases of water;

\$174,491 was for utilities;

\$167,465 was for refunds;
\$137,854 was for street construction
fund expenses; &
\$103,006 was for outside consultants/renewals
of normal annual contracts.

Mr. Lowdermilk believed the City was saving a significant amount of money on overtime with the weather. He asked if Mr. Baranek had any thoughts on that?

Mr. Baranek thought we had been pretty lucky so far with not having a lot of snowy weather. He didn't believe that the street department had gone thru the overtime that they had asked for towards the end of the year. Mr. Earle stated they had not. Mr. Baranek stated so they would see some below spending on overtime in that area.

He knew they hadn't had any major expenditures for salt purchases. Our salt dome was fairly full. As long as they keep a mild winter, he didn't foresee them having a problem this year.

New Business

MOTION:

Mr. D'Antonio moved and Mr. Lowdermilk seconded to excuse the absence of Councilman Rasor.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Disposition of Ordinances & Resolutions

Mr. Riehl introduced Ordinance No. 2016-13, entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING THE LAW DIRECTOR TO ENTER INTO A CONSENT JUDGEMENT ENTRY WITH CGP ACQUISITION AND DEVELOPMENT, LLC AND ALBRECHT INC. RESOLVING ALL PENDING LEGAL CLAIMS AGAINST THE CITY IN ACCORDANCE WITH THE SETTLEMENT TERMS SET FORTH THEREIN, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the second time.

Mr. Riehl moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
& Riehl

No Votes: None

Abstentions: Pribonic. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No 2016-13.

Mr. Costello moved and Mr. Adaska seconded to amend Ordinance No. 2016-13 to Version No. 2, which includes the stipulation that that portion of the property is converted to R-3 Residential along with a deed restriction for conveyance of said property.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
& Riehl

No Votes: None

Abstentions: Pribonic. The motion to amend carried.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
& Riehl

No Votes: None

Abstentions: Pribonic. The motion to adopt carried.

Ordinance No. 2016-13 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Ordinance No. 2016-14, entitled:

AN ORDINANCE ACCEPTING THE FINAL PLAT FOR THE SEASONS
BUSINESS PARK, IN THE CITY OF STOW, UNDER THE TERMS AND
PROVISIONS OF SECTION 1119.04, C.O.S.

which was read by title by the Clerk for the first time.

Mr. Pribonic moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-14.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Ordinance No. 2016-14 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Riehl introduced Ordinance No. 2016-15, entitled:

AN ORDINANCE ENACTED BY THE CITY OF STOW, SUMMIT COUNTY,
OHIO, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVE-
MENT, SUM-SR8-4.26, PID 84658, UNDER THE SUPERVISION OF THE
DIRECTOR OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. Costello seconded for the suspension of rules.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Adaska seconded for the adoption of Ordinance No. 2016-15.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Ordinance No. 2016-15 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-16, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF PARTS AND REPAIR OF FIRE EQUIPMENT FROM STATE OF OHIO COOPERATIVE PURCHASING PROGRAM OHIO MACHINERY FOR THE CALENDAR YEAR 2016, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Adaska seconded for the adoption of Ordinance No. 2016-16.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Ordinance No. 2016-16 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-17, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE FLEET REPAIR/MAINTENANCE OF VEHICLES FOR THE POLICE DEPARTMENT, FROM PREFERRED SOURCE AND SOLE SOURCE VENDOR KLABEN FORD LINCOLN, INC., WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-17.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Ordinance No. 2016-17 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-18, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH HALL PUBLIC SAFETY CO., WITHOUT THE NECESSITY OF PUBLIC BIDS, FOR EQUIPMENT AND INSTALLATION ON THE POLICE DEPARTMENT'S CURRENT VEHICLE FLEET AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Riehl moved and Mr. Costello seconded for the suspension of rules.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-18.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Ordinance No. 2016-18 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Ordinance No. 2016-19, entitled:

AN ORDINANCE APPROVING THE REPLAT OF PAMBI FARMS ESTATES PHASE II, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

which was read by title by the Clerk for the first time.

Mr. Pribonic moved and Mr. D'Antonio seconded for the suspension of rules.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-19.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Ordinance No. 2016-19 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Disposition of Bills

MOTION:

Mr. D'Antonio moved and Mr. Costello seconded to approve the release of the checks for the current Bill Listing.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, February 11, 2016
at 6:00 p.m.

Finance Committee
Thursday, February 11, 2016
to Follow the Planning Committee

C.O.W.
Executive Session
Thursday, February 11, 2016
to Follow the Finance Committee

City Council
Thursday, February 11, 2016
at 7:00 p.m.

Adjournment

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to adjourn.

Yes Votes: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic & Riehl

No Votes: None. The motion carried.

The meeting adjourned at 7:24 p.m.

Bonnie J. Emahiser
Clerk of Council

Matt Riehl
Vice President of Council