

Minutes of the Regular Meeting of Stow City Council held on Thursday, March 10, 2016, at 7:00 p.m.

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

Council Members Absent:                      Costello

City Officials Present:                      Mayor Drew, Finance Director Baranek, Director of Budget & Management Earle, Law Director Zibritosky, Service Director Wren, Police Chief Film, Fire Chief Stone, Director of Planning & Development Kurtz, Manager of Information Systems Germano, Parks & Recreation Director Nahrstedt & Clerk of Council Emahiser

Press Representatives:                      Stow Sentry

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**Call to Order**

Mr. Rasor called the meeting to order and Mr. Lowdermilk led the prayer and pledge of allegiance.

**Approval of Minutes**

**MOTION:**

Mr. D'Antonio moved and Mr. Adaska seconded to approve the Minutes of the Regular Council Meeting of February 25, 2016 as circulated.

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

No Votes:   None. The motion carried.

**Committee Reports**

Mr. Pribonic reported on the Planning Committee Meeting of March 10, 2016 as follows:

1.   Discussed three items. They would all be introduced in legislative form this evening.

Mr. Riehl reported on the Finance Committee Meeting of March 10, 2016 as follows:

1.   Three items would be introduced in legislative form.
2.   One item would be introduced in motion form.

Mr. Adaska reported on the Public Improvements Committee Meeting of March 10, 2016 as follows:

1.   One item would be introduced in legislative form.

### **Comments from Other Persons Present**

Jeremy McIntyre  
3630 Darrow Road

Mr. McIntyre stated he just heard the tail end of the Committee meeting where the proposal for the Stormwater Management Fee was to be discussed. He had some questions regarding that.

He asked how much more money was this increase going to bring in? Does the City have anything projected or already planned out to accommodate that money? Right now, with what they did pay, he hadn't seen much going on in the City. That wasn't to say that there wasn't anything going on. However, he asked what the City was doing to maintain what they had?

He had had issues a few weeks ago. It seemed like the City was more reactive than proactive when these issues came about. He asked how much more money this was going to bring into the City and what did the City have in terms of 5-10 years from now to improve the structures? He asked if there were things right now that were on hold because the money wasn't there?

He hadn't seen anything going on within the City in terms of stormwater management. His biggest question right now was what was the City doing to maintain what they did had? They brought out the vac truck. He didn't know how new it was, but it looked pretty unused to him.

He was looking to see the City be a little more proactive than reactive. He asked if the City had an accurate count of their culvert system? Did they know exactly how much they had out there underneath the roadway?

If they were sitting here trying to do new projects but they didn't even know what was out there...He asked if they knew what 100% of their culvert inventory was? He asked if anyone could answer that question?

Mr. Razor asked Mr. McIntyre to talk to Mr. McCleary. He had all those answers. Council had asked them themselves.

Mr. McIntyre thought the biggest thing right now was maintaining what they had. He didn't really see that going on in the City. However, now they were asking for an increased fee. He wouldn't have a problem paying for it, but he didn't see much going on in the City with the money that they paid for it right now.

### **City Officials' Reports**

Mayor Drew reported as follows:

1. Reminded everyone that Primary Election Day was Tuesday, March 15<sup>th</sup>. Early voting was occurring right now at the Board of Elections in Akron on Grant Street. She encouraged everyone to either take advantage of early voting or remember to vote on Tuesday, March 15<sup>th</sup>.

If people needed information on where their precinct polling places were, that could be obtained from the Board of Election's website at [summitcountyboe.com](http://summitcountyboe.com) or by calling the Board of Elections or they would certainly be happy to assist people here at Stow City Hall.

Finance Director Baranek reported as follows:

1. Highlighted the following items from the Bill Listing:

Total - \$1,594,616.  
Of that:  
\$654,943 was for one payroll;  
\$133,234 was for employee benefits;  
\$116,533 was for bulk purchases;  
\$98,085 was for street construction expenditures; and  
\$76,270 was for capital improvements.

Law Director Zibritosky reported as follows:

1. Asked for City Council's favorable consideration of the amendments to the Civil Service Rules they had discussed in Committee.

Mr. Razor apologized for implying that Mrs. Zibritosky did not have the skills or experience to lead our City's Law Department. She absolutely did. He asked her to please accept his humble apology for that. Mrs. Zibritosky stated she did take some offense to it, but she accepted his apology. Mr. Razor thanked her for that.

### New Business

#### MOTION:

Mr. Razor moved and Mr. D'Antonio seconded to reduce the Clerk of Courts' allocation in the 2016 Operating Budget by the sum of \$71,000.

Mr. Adaska stated they were three months into the year. He agreed with a lot of the discussion that took place this evening. However, he asked how they could trim back the Clerk of Courts' budget three months into the year when the employees were already hired? He asked what they did? Did they lower salaries? He needed to know that before he voted on it.

Mr. Lowdermilk appreciated the motion. He thought Council understood what his discussion was about.

First of all, the budget hasn't been approved yet. So, although they may have hired people, and he thought Mr. Razor's motion addressed Mr. Adaska's concerns that they already had people in place, there was \$100,000, maybe more, that was associated with that. He thought the sum of \$71,000 addressed his point that they were giving some relief for something that happened that maybe shouldn't have. That would give her time to address the matter and reorganize.

He appreciated this. He thought \$71,000 was fair. He thought that, quite honestly, was the responsible thing to do for the residents.

Mr. D'Antonio wanted to be clear. The overall budget was increasing by \$171,000, so there was still roughly a 5% increase to the Clerk of Courts' budget.

He appreciated the Clerk coming in and talking to them. It wasn't to say that the Clerk wasn't going to find other ways to make those cuts, but it certainly left money to keep those people that she had hired. They understood that they had already done the work for the first three months of the year. He hoped it was a favorable negotiation.

Mr. Razor stated Mr. D'Antonio was correct. This amendment would still provide the Clerk of Courts with a 6% budget increase, which was to his knowledge much larger than any other department increase they had in 2016.

Mr. Pribonic asked Mrs. Zibritosky to go over what they had talked about in Committee as far as doing our due diligence as far as homework and so forth of creating a budget for the Clerk of Courts?

Mrs. Zibritosky stated just to repeat, if lowering the Clerk of Courts' budget was something that was sought, which it must be if a motion to do so was before Council, she suggested that they wait and use the third budget meeting so that she could fully apprise them of all the cases she had looked at concerning some of the legal ramifications that could ensue under two scenarios.

Those scenarios were if she wasn't able to commit her duties. She had nothing else to go on but Mrs. Colavecchio's comments, so she didn't know whether that was true or not. The second scenario was if Mrs. Colavecchio under her official authority was to challenge this decision, she would encourage Council to let her brief them on matters in which that would strengthen their ability to defend the City.

Currently if that were to happen, what has to be proven by the City was what she was requesting was unreasonable and unnecessary. That was one factor. The second factor would be that the City's financial straits were dire enough to warrant this action. That was if it were to come about.

She would love to be able to brief Council on a history of court cases, what factors are and allow them to look at the different numbers so that they could come to the correct decision and make the right decision in accordance with the law that would put the City in the best position to avoid that kind of litigation should it ensue.

She wanted to remind them that if it ensued, because they were technically one City even though they had different branches of government, the City would be responsible for paying for legal counsel for each side. That in and of itself was an expense that could be considerable depending on the type of suit and how long it goes.

She had apprized them of that briefly. She urged if that was something they were thinking, to leave the vote until the next meeting so that their decision would have the best chance of being legally compliant.

Mr. Pribonic stated if this came to fruition, he would be voting no based on Mrs. Zibritosky's advice this evening. She was here to protect the City's interests. They still had the ability for one more reading. He thought if they didn't use it, they weren't being prudent in their decisions.

Mr. D'Antonio stated that he still agreed with the amendment. He would be in favor of having a third reading if the amendment was approved.

Mr. Razor agreed. He thought they should vote on the amendment. Then they could hold the legislation.

He wanted to point out that if they did end up passing the budget with this reduction, the Clerk was welcome to come back to them at any time and explain how things had played out and what their needs were. He couldn't speak for the Finance Committee Chairman. However, he thought he was always open to adding items to his agenda.

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

No Votes: Pribonic. The motion carried.

The 2016 Operating Budget and Ordinance No. 2016-224, the City's Annual Appropriation Ordinance, were declared to be amended.

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded to excuse the absence of Councilman Costello.

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

No Votes: None. The motion carried.

**MOTION:**

Mr. Riehl moved and Mr. D'Antonio seconded to authorize the hiring of 134 seasonal employees as outlined in Mr. Wren's Memo of March 8, 2016.

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

No Votes: None. The motion carried.

**Disposition of Ordinances & Resolutions**

Mr. Riehl introduced Ordinance No. 2016-24, entitled:

AN ANNUAL APPROPRIATION ORDINANCE PROVIDING FOR THE  
EXPENSES OF THE CITY OF STOW FOR THE YEAR 2016, AND  
DECLARING AN EMERGENCY.

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

Mr. Riehl introduced Ordinance No. 2016-26, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF  
\$2,900,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS,  
FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CON-  
STRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING  
A NEW STOW MUNICIPAL COURT FACILITY AND EQUIPPING AND IM-  
PROVING ITS SITE, 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: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-26.

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

No Votes: None. The motion carried.

Ordinance No. 2016-26 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-27, entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF  
PUBLIC SERVICE TO ADVERTISE AND SOLICIT BIDS, ON BEHALF OF  
THE CITY OF STOW, FOR THE SENECA STREET WATERLINE REPLACE-  
MENT PROJECT; AUTHORIZING AND ADOPTING PLANS AND SPECIFI-  
CATIONS PREPARED BY THE CITY OF STOW THEREFOR; AUTHORIZ-

ING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID SERVICES SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED IN ACCORDANCE WITH SECTION 173.05, C.O.S.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2016-27.

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

No Votes: None. The motion carried.

Ordinance No. 2016-27 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Adaska introduced Ordinance No. 2016-28, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2001-159, AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 2010-60 WHICH WERE ENACTED PURSUANT TO SECTION 12.01, CHARTER, APPROVING THE AMENDMENTS TO THE RULES ADOPTED BY THE STOW CIVIL SERVICE COMMISSION ON FEBRUARY 24, 2016, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Adaska moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-28.

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

No Votes: None. The motion carried.

Ordinance No. 2016-28 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Resolution No. 2016-29, entitled:

A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO RON CARLSON OF UNITED CAR WASH, PROPERTY AND BUSINESS OWNER, TO PERMIT THE CONSTRUCTION OF A NEW CAR WASH FACILITY AT THE EXISTING CAR WASH SITE LOCATED AT 1021 GRAHAM ROAD, 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: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-29.

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

No Votes: None. The motion carried.

Resolution No. 2016-29 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Resolution No. 2016-30, entitled:

A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO MICHAEL J. NOVACHEK OF RAY FOGG BUILDING METHODS, INC., APPLICANT, AND JOSEPH WEBER OF BH OHIO LEASING, LLC, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A SECOND INDUSTRIAL BUILDING IN THE PLANNED SEASONS BUSINESS PARK LOCATED ON SEASONS ROAD EAST OF S.R. 8, 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: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-30.

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

No Votes: None. The motion carried.

Resolution No. 2016-30 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Resolution No. 2016-31, entitled:

A RESOLUTION GRANTING SITE PLAN APPROVAL TO DICK HALL, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A 3,750 SQUARE FOOT WAREHOUSE BUILDING ON A VACANT PARCEL LOCATED AT 1639 COMMERCE DRIVE, 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: Rasor, Riehl, Adaska, D'Antonio,  
Lowdermilk & Pribonic

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-31.

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

No Votes: None. The motion carried.

Resolution No. 2016-31 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Ordinance No. 2016-32 was held.

### **Disposition of Bills**

#### **MOTION:**

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

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

No Votes: None. The motion carried.

### **Committee Meetings Scheduled**

Planning Committee  
Thursday, March 24, 2016  
at 5:30 p.m.

Public Improvements Committee  
Thursday, March 24, 2016  
to follow the Planning Committee

Finance Committee  
Thursday, March 24, 2016  
to follow the Public Improvements Committee

City Council  
Thursday, March 24, 2016  
at 7:00 p.m.

Mr. D'Antonio stated he would not be at the March 24<sup>th</sup> meetings.

Mr. Riehl thanked the Mayor for bringing forward a stormwater plan that wasn't voted out-of-Committee twice, so it wasn't going before Council. He applauded her for taking the initiative to do that. He suggested that any Council Member who wished to address stormwater offer his own solution to address that problem.

Mr. Riehl also congratulated the Mayor and her fiancé on their upcoming nuptials. Mayor Drew thanked Mr. Riehl. A week from today they would be married. Numerous Council Members gave them their congratulations.



**Adjournment**

**MOTION:**

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

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

No Votes:   None. The motion carried.

The meeting adjourned at 7:24 p.m.

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Bonnie J. Emahiser  
Clerk of Council

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Mike Rasor  
President of Council