

Minutes of the Regular Meeting of Stow City Council held on Thursday, April 14, 2016, at 7:00 p.m.

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

City Officials Present: Mayor Kline, Director of Budget & Management Earle, Director of Planning & Development Kurtz, Project Engineer Dolson, Finance Director Baranek, Police Chief Film, Manager of Information Systems Germano, Parks & Recreation Director Nahrstedt, Law Director Zibritosky, Deputy Service Director Brooker, City Engineer McCleary, Service Director Wren & Clerk of Council Emahiser

Press Representatives: Stow Sentry

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### **Call to Order**

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

### **Approval of Minutes**

#### **MOTION:**

Mr. D'Antonio moved and Mr. Costello seconded to approve the Minutes of the Regular Council Meeting of March 24, 2016 as circulated.

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

No Votes: None. The motion carried.

### **Disposition of Ordinances & Resolutions**

Mr. Rasor introduced Resolution No. 2016-38, entitled:

A RESOLUTION EXTENDING THE OFFICIAL GRATITUDE AND COMMENDATION OF THE CITIZENS OF THE CITY OF STOW TO JOEY ANDRASSY FOR BECOMING THE SECTIONAL CHAMPION IN THE DIVISION I 170-PLACING THIRD AT THE DISTRICT WRESTLING TOURNAMENT, FINISHING FOURTH IN THE DIVISION I 170-POUND STATE WRESTLING TOURNAMENT AND EARNING ALL OHIO HONORS, FINISHING UP HIS JUNIOR YEAR WITH A 33-5 RECORD AND EARNING ALL OHIO ACADEMIC HONORS WITH A 4.16 GPA; DIRECTING THE CLERK OF COUNCIL TO SERVE A CERTIFIED COPY OF THIS ENACTMENT UPON SAID JOEY ANDRASSY; AND DECLARING AN EMERGENCY.

which was read in its entirety by the Clerk for the first time.

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. Costello seconded for the adoption of Resolution No. 2016-38.

Mr. Razor stated he had some high school wrestling experience, so he could attest to his colleagues on Council how grueling of a sport it was. It was almost not comparable to any other high school sport in what you have to go thru.

In terms of being good at wrestling, that takes another huge step up in commitment. Also, to have a 4.16 GPA was just kind of sick. It wasn't fair to the rest of them.

Mr. Razor congratulated Mr. Andrassy on behalf of City Council. They were really proud to have him as someone who went to Stow High School.

Mayor Kline stated unlike Mr. Razor, she had no experience as a high school wrestler. However, she echoed his comments that a 4.16 GPA was outstanding. She had certainly gotten nowhere near that in her own high school career.

She commended him on truly being such a great student as well as such an outstanding athlete. She congratulated him on achieving both of those things.

Mr. Costello stated he had asked for this Commendation. Mr. Andrassy was his neighbor. He was also a member of the Stow-Munroe Falls High School Football Team. He thought his wrestling or football abilities had helped in both sports.

He thought he had done a fantastic job. He looked forward to seeing a higher finish next year in the wrestling tournament.

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

No Votes: None. The motion carried.

Resolution No. 2016-38 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

A copy of this Commendation was presented to Joey Andrassy.

Mr. Razor introduced Resolution No 2016-39, entitled:

A RESOLUTION EXTENDING THE OFFICIAL GRATITUDE AND COMMENDATION OF THE CITIZENS OF THE CITY OF STOW TO THE STOW-MUNROE FALLS HIGH SCHOOL BOYS BOWLING TEAM FOR FINISHING 11<sup>TH</sup> IN THE OHSAA DIVISION I STATE BOWLING TOURNAMENT; DIRECTING THE CLERK OF COUNCIL TO SERVE A CERTIFIED COPY OF THIS ENACTMENT UPON SAID TEAM; AND DECLARING AN EMERGENCY.

which was read in its entirety by the Clerk for the first time.

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. Pribonic seconded for the adoption of Resolution No. 2016-39.

Mayor Kline congratulated everyone on the team. Much like she was not a wrestler, she was not a bowler either, so she couldn't really put forth any personal experience.

However, it has always looked like a difficult sport to her and one froth with lots of challenges.

She congratulated both of the teams they were recognizing tonight on their dedication, their winning record and their commitment to being a high school athlete. That was no small feat to manage school, a possible after school job, sports, family life and friends. That was a really big accomplishment.

She stated they appreciated and recognized all of the efforts put forth in managing all those things by all of the students they were recognizing this evening.

Mr. Rasor thanked the team for coming. The community was proud of them. They may not recognize it too much directly, but they read the paper, they saw what they were doing, they talked to people who knew what they were doing and there was a lot of pride in our community about what they did this year. He thanked them for coming in and asked them to keep up the great work.

Mayor Kline wanted to also extend a special thank-you to Mr. and Mrs. Duncan for everything that they had done.

Mr. Duncan had contacted her because he wanted to make sure, as he always did, that we knew how well the bowling teams were doing and he wanted to make sure that we knew how proud they were of them and insure that we were aware of all of your accomplishments.

They really had two of the biggest cheerleaders ever in Mr. and Mrs. Duncan. She wanted to single them out for all of the work they did and all of the pride that they had in every one of them.

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

No Votes: None. The motion carried.

Resolution No. 2016-39 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Resolution No. 2016-40, entitled:

A RESOLUTION EXTENDING THE OFFICIAL GRATITUDE AND COMMENDATION OF THE CITIZENS OF THE CITY OF STOW TO THE STOW-MUNROE FALLS HIGH SCHOOL GIRLS BOWLING TEAM FOR FINISHING 13<sup>TH</sup> IN THE OHSAA DIVISION I STATE BOWLING TOURNAMENT; DIRECTING THE CLERK OF COUNCIL TO SERVE A CERTIFIED COPY OF THIS ENACTMENT UPON SAID TEAM; AND DECLARING AN EMERGENCY.

which was read in its entirety by the Clerk for the first time.

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

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

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. Adaska seconded for the adoption of Resolution No. 2016-40.

Mr. Rasor stated the majority of the members of Council were Stow High School graduates. He wanted to say to the girl bowlers what he had said to the boy bowlers. They were really proud.

When they saw their alma mater do it, it gave them a little bit of a boost and confidence. They felt like they could brag to their Cuyahoga Falls' colleagues and friends. They had just about every program on them at this point.

Mr. Pribonic wanted to hold his comments to the end because what could they say – WOW.

Whether it was the academics or the athletics, he knew they had the senior class play coming up, no matter what, when you opened up the paper or listened to the radio, you always make us proud. We couldn't be any more proud than this – to have a high school with students as qualified as you are. You even blend academics with everything else.

He thought they had all done the City proud. He congratulated all of them.

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

No Votes: None. The motion carried.

Resolution No. 2016-40 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Copies of the Commendations were presented to each member of both bowling teams.

Mr. Riehl stated it was hard to believe, but it has already been two months since the City of Stow lost a dedicated public servant, a friend to many and a hero to all of us when our beloved former Police Chief Lou Dirker passed away after a courageous bout with cancer.

He had first met Lou on election night in 2001. Lou was running for Cuyahoga Falls City Council. He was a senior in high school running for the School Board. They both lost that night. However, Cuyahoga Falls' lost became Stow's gain when a little more than a-year-and-a-half later he was hired on as our Police Chief.

They began working together in 2008. He was in awe. He had so many qualities that sadly you don't see in a lot of people today – honesty, courage, heart, bravery, integrity and simply doing the right thing.

If you proposed something that he felt was right, he supported you all the way. If he thought you were wrong, he wasn't afraid to tell you and be open and honest with you. Everything was upfront and out-in-the-open.

He was a Marine thru-and-thru. That was evident to anybody who ever knew him, who had ever spoken to him or even heard about him.

He remembered one time Chief Dirker and him were at...and Joe Tomci's older brother Jason was there. That was a few years after Joe was killed in Iraq and Jason Tomci recalled the story that when Joe Tomci was killed and his body was brought back to Cleveland, it was Lou Dirker, a Marine, who escorted Joe Tomci's body back to Stow. That meant the world to Joe's family. To Chief Dirker it was simple. It was the right thing to do.

Another one of those key principals was that he lived and he led by example. One of the quotes that he remembered him saying a lot obviously related to the Marines. A Commandant was approached and was asked about his service as the Commandant of the Marine Corp. The Commandant replied simply that he was a Marine doing a Commandant's job. Lou considered himself to be a Police Officer doing a Chief's job.

In 2009, the City was going thru quite possibly its darkest time financially. It was the great recession. There was fear that it could be the next great depression. The State was cutting back. Cities were cutting back. There was a fear of lay-offs.

One of our K-9s retired and we simply didn't have the money to replace him. Lou called him and asked him what they could do? He knew the value of a police dog not only thru their service to the community, but as a community policing tool.

Many animal lovers will tell you that when they are walking down-the-street, they may or may not even look another human being in the eye. However, if there is a dog, they will bend over and say hello to that animal before even acknowledging that other person. Animals bring people together.

Well, together they made up a K-9 fund. He took charge immediately. They formed a team of other officers in the department. They made T-shirts and sold them. They held events. They even held a retirement party for the dog that was retiring as a fundraiser for the dog.

Even during those dark financial times not only did they hit that fundraising threshold, but they crushed it. Officer Jon Bastock, who passed away a few years ago, was Treasurer at the FOP at the time. He called it one of the most successful fundraisers in FOP history. That was because Chief Dirker had took charge.

On a personal note, he was going to miss their long conversations over coca cola, no ice, and cigars. He was going to miss the debates over who was the best classical composure, the mischievous grin he had on his face when he was up to something, and the absolutely horrified looks and sheer terror on his face when he played him the latest pop or rap song. Most of all, he was going to miss his leadership, his guidance and his friendship.

Miriam was probably wondering why she was here tonight. Maybe, she already knew. However, Eric wasn't Sergeant of the Month. They were here to honor Chief Dirker, her husband. Other people were going to speak. But, right now, he wanted to introduce Resolution No. 2016-62, entitled:

A RESOLUTION CHANGING THE NAME OF CITY CENTER BOULEVARD,  
WHICH RUNS BETWEEN GRAHAM ROAD AND DARROW ROAD (S.R. 91)  
PAST THE STOW SAFETY CENTER, TO LOUIS A. DIRKER JR. BOULEVARD.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-62.

Mayor Kline stated she wouldn't say much, but she felt Lou was great. She loved working with him. She loved getting to know him.

This was entirely Matt's doing. He gets all the credit for this. However, we are happy to join in with him and happy to honor him tonight.

She thought his family knew how she felt about him. She thought this would help a lot of people remember him and she thought that was a good thing.

Mr. Pribonic echoed every word that Matt had said and more. When he went to Lou's funeral, he saw what a family they had. They couldn't be any prouder. It was from the heart.

Lou touched so many people in so many ways. This was just a small token of everything this gentleman has done. He was a great guy and they really appreciated him.

Mr. D'Antonio thanked Matt for bringing this to Council. It was a great thing. He also thanked the family for attending tonight.

Obviously, John had touched on it. He didn't think he had seen calling hours anything like Lou's. It was amazing to him. He still told people they wouldn't believe the amount of people who wanted to come and pay their respects.

He knew they had heard it all before. Lou was a great father, husband and grandfather. He was looking forward to approving this legislation.

Mr. Costello stated he really had nothing to add. Everybody had said it. Lou was a fantastic individual.

Mr. Lowdermilk thought the words "integrity and honesty" were the words that summed up his knowing Chief Dirker. They didn't always agree on everything. However they could respectfully disagree, which happened so seldom any more.

He was very proud of his family – a family who has served. When you looked at the history of not just Lou but the rest of his family, it was commendable. He knew he was very proud of that. He was very proud of his family. He knew he would be sorely missed. He was by this body.

Mr. Adaska stated Lou Dirker was an excellent role model for all of them. He was going to be sorely missed. He had excellent behavior anytime he was around him. He was a proud man. He was proud of his children. He was a great guy.

Mr. Razor just wanted to sum it up briefly. He could go on and on and on about Lou. It was nice to have this as a surprise. However, he wished he could have prepared something, because he was deserving of a very glowing statement.

All he could really say was there was not a man on this planet who he respected as much as Lou Dirker and that was not an exaggeration.

Chief Film stated he found out about this yesterday. He thought it was a great tribute to Lou Dirker. Everybody said a lot of great things about him.

As his mentor, he had learned a lot from him. As far as summing him up in one word, he was "unbreakable" with his ethics, his morals and his leadership.

He would be forever grateful for what he had taught him, what he had done for this organization and what he did for the law enforcement officers that served under him. Very thankful.

Mr. Razor asked if anyone in the family wished to say anything?

Mariam Dirker thanked Matt. The kids and her missed him more than they could imagine. It was almost unbearable.

Lou and her grew up together. He was 52 years of her life. She thanked Matt. She didn't know what she was going to do.

Matt stated they loved Mariam and Lou. They were here for whatever she needed. Mr. Razor stated the whole community was here for her family.

Mr. Pribonic stated that he wanted to share one thing. He grew up in Cuyahoga Falls. He remembered Mariam and Lou with their kids. They all went to IHM. They were a family then and they are a family now. It was something to be proud of – what they had all accomplished - the siblings too.

Mayor Kline stated in the spirit of Lou, she was sure he would find it quite funny that they made up something that Eric was Sergeant of the Month. She apologized to Eric.

Eric thanked Matt and the rest of Council. He thought this was a huge honor. One thing he had always feared with his dad was that time would pass and people would forget him because that was what happened – people forget decades past. You can etch his name in stone somewhere, but it may be covered by Mother Nature.

A street name was something that people saw, especially at that location, on a daily basis, not only on Darrow Road, but on Graham Road. This was a tremendous honor. He thanked Council from the bottom of his heart and his family's. They felt this was a huge honor.

Mr. Pribonic asked Eric to tell them about the run that was going to happen. Eric stated that the Chief Louis A. Dirker Jr. Memorial 5K, the first annual run this year, would be held on August 20<sup>th</sup>. That was a Saturday this year, which was actually his birthday. Therefore, that would be special. It would be held every Saturday of that weekend on an annual basis. They were going to try to keep that going as many years as they could.

It would start near the City Center and, hopefully, they could actually list the location as Louis A. Dirker Jr. Boulevard. That would be tremendous. The run would benefit the leukemia and lymphoma society. All proceeds would go to them. That was what his father wanted. That was where he received benefits from to help him thru his time.

He didn't know the unveiling date. Mayor Kline thought it was going to be August 20<sup>th</sup>. Eric thought that would be great. He thanked Council for doing this.

Mr. Riehl thanked Eric for letting them borrow his dad.

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

No Votes: None. The motion carried.

Resolution No. 2016-62 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

MOTION:

Mr. Riehl moved and Mr. Lowdermilk seconded to have a five-minute recess.

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

No Votes: None. The motion carried.

The meeting recessed at 7:35 p.m.

The meeting reconvened at 7:41 p.m.

### Committee Reports

Mr. Adaska reported on the Public Improvements Committee Meeting of April 14, 2016 as follows:

1. Mr. Dolson reported on upcoming water projects.

### Comments from Other Persons Present

Kevin Clark  
2291 E. Gilwood Drive

Mr. Clark stated he had met Chief Dirker a few times. He thought he was a great guy.

He had been over at the Safety Building a couple of years ago and saw the Community Room. He thought Council ought to consider renaming that Community Room for the men and women that serve this community and our country. He thought that would be even better than putting the former Mayor's name on there. He thought that would be more appropriate.

Getting back to what he came for, which was the stormwater fee Council had been talking about, he could understand it going up some. However, he thought it should go up a percentage equal across-the-board to businesses and homes.

The Target parking lot alone had more stormwater runoff, salt, and everything else, than his whole neighborhood, because they had yards and skinny little driveways. He thought if it was going to be done, it should be done to businesses too.

He had read the meeting minutes and was really stunned when he saw this. It was a comment made by Mr. Costello. His comment was: if they couldn't really afford to give up a McDonald's meal for the betterment of the City for their area, then they shouldn't be where they are at.

Basically what he was saying was if you don't agree with raising the stormwater fee this much, you should move out of Stow. You shouldn't be here. He thought maybe we should stick a sign up saying that you have to have a minimum household income to come live in Stow.

He asked how about for the betterment of Stow maybe all the Council Members should give up their paychecks and their public employee pensions that people have no idea that they get? The City Council in Hudson gets \$10/month. He asked how about for the betterment of Stow Mr. Costello, you give up your paycheck? That would go a real long way.

He didn't think that the City of Stow should raise it that much anyway. That was a 166.667% increase. Every time government gets that much money at one time, what do they do? They waste most of it.

Take a look at City Hall. It was one-third empty. They wanted to lease out space. Take a look at the size of the Safety Center. Did they get a chance to vote on it? The golf course. That was another issue. That was a nightmare.

\$5.5 million for a golf course that was probably worth about \$2.5 million. We owe another 16 years on the golf course. We have already paid about \$5,000,000-\$6,000,000 in bills, repairs and this and that. We've got 16 more years to pay on that golf course.

That was our roads money. That could be stormwater money. That could be money to hire more police officers, firemen, purchase more equipment, whatever.



What bothered him the most was the comment that Mr. Costello made that if you didn't want to give up your McDonald's meal for the betterment of the community, you shouldn't live here. When he read that, he thought to himself what a jerk.

### **City Officials' Reports**

Mayor Kline stated in light of the hour she would not have a report this evening, but she would be happy to entertain questions or, as always, make herself available after the meeting or on other days if Council needed to discuss anything with her.

Finance Director Baranek reported as follows:

1. Highlighted the following items from the Bill Listing:

Total - \$2,973,685.  
Of that:  
\$1,334,064 was for two payrolls;  
\$230,781 was for employee benefits medical insurance;  
\$214,111 was for pension costs;  
\$455,882 was for bulk purchases  
(of that \$440,334 was our quarterly bulk water purchase);  
\$72,760 was for utility payments;  
\$66,631 was for capital improvements; &  
\$38,722 was for refunds.

City Engineer McCleary reported as follows:

1. The Department of Sanitary Sewer Services, formerly DOES, will start a force main project to complete on Marsh Road next week. The residents have been notified and the SSS website will give updates. Then, they would move to Fishcreek Road when that section was underway.
2. Regarding the Treeside Culvert, they would be moving in the week of the 25<sup>th</sup> of April.
3. The S.R. 91 Projects would be starting early in May. Therefore, there will be a lot of construction projects in the City of Stow.

Mr. Lowdermilk stated he saw the sign at the intersection about a new traffic pattern as of April 19<sup>th</sup>. He asked if people should look for an alternate route?

Mr. McCleary stated no. They were changing the traffic signals that would go to protected left. Right now there was a protected period and then a permissive period. The Stow Sentry had covered the matter very well last week.

### **Disposition of Ordinances & Resolutions**

Mr. Riehl introduced Ordinance No. 2016-32, entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF  
AN INCOME TAX SHARING GRANT AGREEMENT WITH NMG AERO-  
SPACE, INC., TO PROVIDE ASSISTANCE WITH THE EXPANSION OF  
BUSINESS OPERATIONS AT THEIR STOW BUSINESS LOCATIONS,  
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, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-32.

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

No Votes: None. The motion carried.

Ordinance No. 2016-32 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-33, entitled:

AN ORDINANCE ESTABLISHING AN "OPT-IN PROGRAM FOR WATER-LINE INSTALLATION IN RESIDENTIAL AREAS".

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2016-33.

Mr. Rasor stated he had one amendment to this. He had discussed it with the person who had requested the legislation. He referred to Section 2(p) of the legislation.

Mr. Lowdermilk stated this was the program that Mr. Wren had brought to them for the waterlines. He thought the legislation Mr. Rasor was referring to was Ordinance No. 2016-35.

Mr. Rasor stated Mr. Lowdermilk was right. He withdrew his comments.

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

No Votes: None. The motion carried.

Ordinance No. 2016-33 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. 2016-35, entitled:

AN ORDINANCE AMENDING CHAPTER 927, C.O.S., ENTITLED "STORM-WATER MANAGEMENT UTILITY", PARTICULARLY SECTION 927.12 THEREOF, ENTITLED "STORMWATER INFLOW AND INFILTRATION ELIMINATION PROGRAM", SPECIFICALLY SUBSECTION (E) THEREOF, TO EXTEND THE PROGRAM PAST IS ORIGINAL CESSATION DATE.

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

Mr. Adaska introduced Ordinance No. 2016-36, entitled:

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.

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

Mr. Costello introduced Ordinance No. 2016-37, entitled:

AN ORDINANCE AMENDING CHAPTER 927, C.O.S., ENTITLED "STORMWATER MANAGEMENT UTILITY", PARTICULARLY SECTION 927.07 THEREOF, ENTITLED "SCHEDULE OF FEES AND CHARGES", TO ADD A MONTHLY STORMWATER SERVICE SURCHARGE TO BE USED TO FUND IDENTIFIED STORMWATER MANAGEMENT PROGRAM ACTIVITIES.

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

Mr. Lowdermilk moved and Mr. Adaska seconded to amend Ordinance No. 2016-37 to Version No. 2. (the legislation marked Mr. Lowdermilk's Proposal).

He knew Council had received this copy late. Mr. Razor asked if everyone had a copy? Everyone did.

Mr. Lowdermilk stated this would actually address Mr. Clark's comments.

He had gone back and read the meeting minutes for the stormwater legislation when it was first introduced. There was a lot of discussion regarding the fee and how to make it equitable for not only the businesses, but the residents.

There was discussion of what the fee should be. A formula was developed that would make it equitable for both residents and the businesses based on the amount of run-off that each one potentially was responsible for. Those were then referred to as ERUs. That legislation was enacted with appropriate ERUs based on square footage.

He thought going forward, they were given at least 2-3 options on how to raise money for stormwater without raising fees. If Council feels there is no other option other than to raise fees, then he thought it needed to be an equitable increase for both residents and businesses. He thought to put the majority of it on the backs of the residents was wrong.

His revision basically eliminated Section (e) that was added and increased the charge from \$3.00/month to \$8.00/month. The \$8.00 figure was what was proposed by the City Administration. That was what Version No. 2 was.

Mr. Razor asked if there was a reason why they just didn't introduce new legislation instead of changing Mr. Costello's proposal? Mr. Lowdermilk thought either way, it would accomplish the same. However, they had legislation before them. He thought it would be easier to just simplify it and amend it.

Mayor Kline asked whether Council chooses to amend Mr. Costello's proposal to Version No. 2 or whether Council chooses to have this introduced as a separate piece of legislation that this simply be a consideration for the simple fact that it is very clear what the increase in cost would be to a residential property owner, their fee would go from \$3.00/month to \$8.00/month, that was clear and set. However, she would like to have the Administration and Council be able to examine what were some typical increases area businesses might experience if this alternative proposal would be adopted. They could certainly bring in some examples of what businesses were paying now and what their fee would increase to if the ERU schedule was changed.

Mr. Razor thought that was a fine idea – to put some numbers on paper.

Mr. Costello thanked Mr. Lowdermilk for bringing this up. Actually, he was looking at the same direction, which was scary.

He agreed that it definitely should be equal. He thought the \$5.00/account was a joke for the businesses. He was looking at going back to the ERUs also. Therefore, he had no problem with changing it and going back to the ERUs.

He agreed with the Mayor's statement that they needed to look at what the \$8.00/month per ERU affect would have on a business. He had already asked Mr. Earle to give him figures for \$3, \$4 and \$5. This would only be the second reading of the legislation.

Mr. Razor stated it was Mr. Costello's legislation. If he didn't mind it being amended, it could be. Mr. Costello stated he didn't mind it being amended back to ERUs with the rate to be decided at the third reading.

Mayor Kline stated if Council chooses to amend this to Version No. 2 tonight and after viewing the numbers determines that perhaps a flat rate was a more palatable option, then they would have to go thru the exercise of amending it again. She thought it may behoove this process to simply have Mr. Lowdermilk's proposal be introduced as a separate piece as opposed to amending Mr. Costello's piece. Then Council had two very distinct pieces of legislation to consider and that they could all discuss as opposed to potentially amending one back-and-forth.

Mr. Razor thought that was a fair comment.

Mr. Costello asked the law department to weigh-in on which way would work the best as far as future amendments or future changes? Mrs. Zibritosky stated she had met with the Administration on this. She thought they went about the problem in very different ways. One was a flat rate against all due accounts, which was the Mayor's proposal. Mr. Lowdermilk's was to change the ERUs. They both had their pros and cons policywise and so forth.

From a legal perspective, she tended to think that changing the ERU schedule was better. She didn't know if it had to be \$5.00. That was up to the finance people what would actually result. The reason was that the ERUs was the way you have chosen to allocate the fee in a fair way and she thought it had a stronger likelihood if something was challenged.

Very rarely was anything challenged. However, she did think the ERU method was preferable because it was directly related to or at least in a way that the Ohio Supreme Court has upheld what the stormwater purpose was. It was a fee that was tied into your usage. So, she thought it was a stronger way to do that from a legal perspective. That didn't mean it was the only way. It was just preferable to her.

Mr. Razor stated he was inclined, because they had 3 or 4 proposals before them, he had the Council Rules in front of him, and Section 123.24 gives him the right as Council President, to appoint a Special Committee.

He thought this was kind of a mess with all the proposals out there. He thought there were a lot of divergent opinions. None of them were wrong. He thought everybody had good points. However, everybody had to get on the same page and have one proposal before Council. If it failed, they should go back to the drawing board.

Therefore he was going to appoint a Special Committee and impose upon Jim Costello, Brian Lowdermilk and Mayor Kline, if she would like to serve at her pleasure. Mayor Kline stated that nothing would give her greater pleasure.

She asked that the Administration be able to bring members of their engineering department, specifically Ms. Rayman. Mr. Razor told Mayor Kline she could bring anybody that she wanted.

He stated he would like to see a unanimous vote out of that Committee on the same page. If they couldn't do that, they should report back to Council and he would go to another option. However, this was kind of a mess at this stage.

Mrs. Emahiser stated there was a motion before Council.

Mr. Adaska withdrew his second to amend the legislation.

Mr. Lowdermilk asked if Mr. Razor was proposing sending all pieces of the stormwater issue to this Committee? Mr. Razor stated he was proposing that the three people he had identified come together in a consensus with one plan to put before City Council. If one member didn't like it, he/she could hold up everything.

Mr. Lowdermilk stated they still had three pieces of legislation that eventually would have to be dealt with if they didn't send those technically back to a committee. That was his understanding. However, he could be wrong.

Mr. Razor stated technically speaking, Mr. Lowdermilk was right. He would vote no on all of them until this committee has come to a conclusion. He thought 3-4 weeks would be enough for them to decide if they could get their heads together on it. If not, they should come back and they could assess each piece of legislation. He asked if that was fair?

Mr. Costello asked what if he withdrew 2016-37 from being read and asked that it be held at this time? Mrs. Emahiser stated they had already given it a reading.

Mr. Razor stated they could make a motion to table all of these proposals for at least 30 days.

MOTION:

Mr. D'Antonio moved and Mr. Costello seconded to table Ordinance Nos. 2016-35, 2016-36 and 2016-37 for a period of 30 days.

Mr. Lowdermilk stated Ordinance No. 2016-35 didn't deal with any fees per se. It was helping to disconnect from the sanitary sewer. It was paid for by...Mr. Razor agreed, 2016-36, 2016-37 and the proposed amendment from Mr. Lowdermilk.

Mayor Kline stated Ordinance No. 2016-35 had been correctly identified as not impacting the fees. However, with that said, if it is adopted, it does potentially impact the stormwater fund. Therefore, she respectfully requested that Ordinance No. 2016-35 also be tabled and brought back out as a separate piece of legislation if that is appropriate after the Committee completes its work. If she remembered off of the top of her head, it increases the amount of the potential program to \$75,000/year. That could be a significant impact if that were fully allocated each year.

Mr. Razor asked Mr. Lowdermilk in the interest of making an opening compromise as a member of this Committee if he would be okay with that. Mr. Lowdermilk stated he was fine with it.

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

No Votes: None. The motion carried.

Mr. Razor stated he appreciated the members of the Committee doing this. He expected to have an update from them over the next few weeks.

Ordinance No. 2016-37 was declared to be read for the second time.

Mr. Riehl introduced Ordinance No. 2016-41, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) FREIGHTLINER M2106 TANDEM AXLE CAB AND CHASSIS WITH TRUCK BODY PACKAGE FROM ODOT VENDOR CLEVELAND FREIGHTLINER, INC. AND NJPA VENDOR HENDERSON PRODUCTS, INC. 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, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-41.

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

No Votes: None. The motion carried.

Ordinance No. 2016-41 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Resolution No. 2016-42, entitled:

A RESOLUTION AMENDING RESOLUTION NO. 1996-124 WHICH GRANTED CONDITIONAL ZONING CERTIFICATE, SITE PLAN AND VARIANCE APPROVALS FOR THE EXPANSION OF THE STOW PUBLIC LIBRARY TO REVISE THE APPROVED SITE PLAN TO PERMIT THE EXPANSION OF THE EXISTING PARKING LOT ONTO PROPERTY LOCATED AT 1862 BEECH STREET, 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. Costello seconded for the suspension of rules.

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

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. Costello seconded for the adoption of Resolution No. 2016-42.

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

No Votes: None. The motion carried.

Resolution No. 2016-42 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Resolution No. 2016-43, entitled:

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND VARIANCE APPROVAL TO GREG BLAZOSKY, APPLICANT AND PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A 1,600 SQUARE FOOT ACCESSORY BUILDING AT 1636 ARNDALE 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. Costello seconded for the suspension of rules.

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

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-43.

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

No Votes: None. The motion carried.

Resolution No. 2016-43 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-44, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE TO KAITLYN JENKINS AS AND FOR SETTLEMENT OF HER MORAL CLAIM AGAINST THE CITY FOR DAMAGE TO HER VEHICLE 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, Razor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-44.

Yes Votes: None.

No Votes: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Razor & Riehl. The motion failed.

Ordinance No. 2016-44 was declared to be defeated.

Mr. Riehl introduced Ordinance No. 2016-45, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF INTERNATIONAL PARTS AND SERVICE NEEDED TO MAINTAIN THE STREET DEPARTMENT'S VEHICLE FLEET FROM ODOT VENDOR CERNI MOTOR SALES, INC. 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, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-45.

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

No Votes: None. The motion carried.

Ordinance No. 2016-45 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-46, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SOLAR TESTING LABORATORIES, INC. FOR GEOTECHNICAL ENGINEERING AND INSPECTIONS FOR THE SUM-91-11.83 PART 1 AND SUM 91 AND NORTON ROAD PART 2 PROJECTS 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, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-46.

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

No Votes: None. The motion carried.

Ordinance No. 2016-46 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-47, 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 SERVICE CENTER BAY ENCLOSURE PROJECT; AUTHORIZING AND ADOPTING PLANS AND SPECIFICATIONS PREPARED BY THE CITY OF STOW THEREFOR; AUTHORIZING 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: Costello, D'Antonio, Pribonic, Rasor & Riehl

No Votes: Adaska & Lowdermilk. The motion failed.

Ordinance No. 2016-47 was declared to be read for the first time.

Mr. Riehl introduced Ordinance No. 2016-48, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF A REPLACEMENT/UPGRADE OF THE CITY'S PHONE SWITCH FROM STATE OF OHIO VENDOR AVAYA, INC. 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, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-48.

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

No Votes: None. The motion carried.

Ordinance No. 2016-48 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-49, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF TWO (2) 2016 FORD UTILITY POLICE INTERCEPTORS AND ONE (1) 2015 FORD SEDAN POLICE INTERCEPTOR FROM STATE OF OHIO VENDOR STATEWIDE FORD LINCOLN MERCURY INC. AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk, Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-49.

Mr. Lowdermilk asked Chief Film for his tenure the number of vehicles that had been reduced? Chief Film stated with the addition of these vehicles, it would be six that they had reduced their total fleet number by.

Mr. Lowdermilk asked approximately how many had 100,000-150,000 miles? Chief Film stated they had one vehicle at approximately 147,000 miles. He probably had 6-7 vehicles that were approaching 100,000 miles right now.

Mr. Lowdermilk thanked Chief Film for the time he spent explaining these to him. He, obviously, was not a big fan of the sedan. Chief Film had swayed his opinion on the utility vehicles.

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

No Votes: None. The motion carried.

Ordinance No. 2016-49 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-50, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2016 GMC 3500 HD PICK-UP UTILITY BODY FROM STATE OF OHIO VENDOR BOB ROSS BUICK, INC. AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-50.

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

No Votes: Rasor. The motion carried.

Ordinance No. 2016-50 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-51, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) MODEL 1390 XP – 15" DRUM STYLE BRUSH BANDIT FROM STATE OF OHIO VENDOR BUCKEYE EQUIPMENT AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-51.

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

No Votes: Rasor. The motion carried.

Ordinance No. 2016-51 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-52, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2016 GMC SIERRA 15 4X4 FROM STATE OF OHIO VENDOR M4 MOTORS 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, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-52.

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

No Votes: Lowdermilk. The motion carried.

Ordinance No. 2016-52 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-53, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2016 FORD TRANSPORT – 150 CARGO VAN FROM STATE OF OHIO VENDOR DONNELL FORD LINCOLN OF SALAM AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-53.

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

No Votes: Adaska, Lowdermilk & Rasor.  
The motion carried.

Ordinance No. 2016-53 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. 2016-54, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE REFURBISHMENT/RETROFITTING OF V263 1997 INTERNATIONAL EMS UNIT TO A DUMP/CHIP TRUCK BY NJPA VENDOR HENDERSON PRODUCTS, INC. AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-54.

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

No Votes: None. The motion carried.

Ordinance No. 2016-54 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-55, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, INC., AN ENGINEERING, ARCHITECTURE AND PLANNING CONSULTING FIRM, TO ASSIST IN THE UPDATE OF STOW'S COMPREHENSIVE PLAN AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-55.

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

No Votes: None. The motion carried.

Ordinance No. 2016-55 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Resolution No. 2016-56, entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (CRA) TAX INCENTIVE AGREEMENT WITH SEASONS BUSINESS CENTER, LLC FOR THE CONSTRUCTION OF A 114,500 SQUARE FOOT INDUSTRIAL BUILDING ON SEASONS ROAD IN THE SEASONS BUSINESS CENTER AND FOR THE ASSOCIATED SCHOOL DISTRICT COMPENSATION AGREEMENT, 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, Razor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Resolution No. 2016-56.

Mr. Razor felt strongly that we have a lot of great economic advancement tools in our tool belt. However, he felt that the people of this City needed to be protected against arbitrary behavior – not that we've acted arbitrary or not or that this proposal was arbitrary, but it exceeds the length that our formula suggests a tax incentive period should last. He was excited about this project, but he did feel on principal they owed that to the residents. On that basis, he was proposing an amendment.

MOTION:

Mr. Razor moved and Mr. Lowdermilk seconded to amend Resolution No. 2016-56 to grant these exemptions for a period of 12 years.

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

No Votes: None. The motion to amend carried.

MOTION:

Mr. D'Antonio moved and Mr. Adaska seconded for the adoption of Resolution No. 2016-56 as amended.

Mayor Drew requested that this legislation be held until the next meeting. She stated that the Administration would like an opportunity to discuss this with Mr. Fogg. This was a significant change from what they were expecting. She thought they owed it to them to have an opportunity to have a discussion with the understanding that Council would agree to bring it up at the next Council Meeting.

Mr. Razor thought that was fair.

MOTION:

Mr. Razor moved and Mr. Lowdermilk seconded to table Resolution No. 2016-56.

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

No Votes: None. The motion carried.

Resolution No. 2016-56 was declared to be tabled.

Mr. D'Antonio introduced Ordinance No. 2016-57, entitled:

AN ORDINANCE CREATING THE STOW VOLUNTEER PEACE OFFICER DEPENDENTS' FUND BOARD, NOMINATING AND ELECTING TWO MEMBERS FOR THE 2016 YEAR AND AUTHORIZING THE PAYMENT OF ANY AND ALL PREMIUMS AND BASIC CAPITAL CONTRIBUTIONS AS REQUIRED BY THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-57.

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

No Votes: Lowdermilk. The motion carried.

Ordinance No. 2016-57 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-58, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2016 CHEVY TAHOE SUV FROM SOLE SOURCE VENDOR SARCHIONE CHEVROLET AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-58.

Yes Votes: Costello, D'Antonio, Pribonic, Rasor & Riehl

No Votes: Adaska & Lowdermilk. The motion carried.

Ordinance No. 2016-58 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. 2016-59, entitled:

AN ORDINANCE AUTHORIZING AND EXPENDITURE FOR THE PURCHASE OF ONE (1) STRYKER POWER COT LOAD SYSTEM FROM SOLE SOURCE VENDOR STRYKER SALES CORP. 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, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-59.

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

No Votes: None. The motion carried.

Ordinance No. 2016-59 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-60, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF THREE (3) MOWERS FROM SOLE SOURCE VENDOR SHEARER FARM, INC. AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-60.

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

No Votes: Adaska, Lowdermilk & Rasor.  
The motion carried.

Ordinance No. 2016-60 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. 2016-61, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2015 JOHN DEERE 624K WHEEL LOADER FROM STATE OF OHIO VENDOR MURPHY TRACTOR & EQUIPMENT CO. AND DECLARING AN EMERGENCY.

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: Adaska, Costello, D'Antonio, Lowdermilk,  
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-61.

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

No Votes: Rasor. The motion carried.

Ordinance No. 2016-61 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Razor stated Mr. Lowdermilk had told him when he was about to amend Ordinance No. 2016-33 that that was the wrong piece of legislation. Mr. Lowdermilk had been wrong.

MOTION:

Mr. Razor moved and Mr. Adaska seconded to reconsider Ordinance No. 2016-33.

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

No Votes: None. The motion carried.

Mr. Razor stated his amendment was very minor, but he did want to get it in. At the end of Section 2(p) it says "with appropriate interest being charged". He thought that was probably unenforceably vague. Therefore, he wanted to amend that to say "with a rate of interest equal to that on the City's most recent bond issuance".

MOTION:

Mr. Razor moved and Mr. Lowdermilk seconded to amend Ordinance No. 2016-33 as stated above.

Mr. Lowdermilk asked if they did an assessment program if, historically, the interest rate would be what the City's bond rate was? Mr. Earle stated it could be. They hadn't mandatorily tied that yet. However, they could do that.

Mr. Lowdermilk asked if that was directionally correct? Mr. Wren stated the only issue being in Section (r) they had a 3%.

Mr. Razor thought Section (r) was a 3% fee upfront just for the fact that you were financing the purchase. He wanted to charge whatever our bond interest was on the outstanding principal of the loan. It was kind of like paying points upfront and an interest rate over the course of the loan. Therefore, they were not inconsistent.

Mr. Razor asked what the intent of the proposal was? Mr. Wren stated they had about 600 homes in Stow still on wells. This was a program where basically the City goes in and puts a main line down which allows residents to either tap in at the time of construction or eventually tap in at the point where they are compelled to when their well goes bad.

The impetus for this is Seneca where there are 11 potential customers in the stretch that they are doing. To date, three have already called in and have kind of started this process. They wanted to be on-board as soon as this was passed.

The way they basically designed it was to allow residents to opt-in only up to a 10-year period to pay their cost per benefit. It was potential benefit. The Seneca Project, for example, had 11 potential benefits, so the overall cost of the project was divided 11 ways. That was how the benefits were decided.

As far as Mr. Razor's amendment, he wasn't sure what that would do to the overall costs.

Mr. Razor stated what he was trying to do was in the instance where a resident chooses to assess the value of the improvement to his property taxes, using for an example \$50,000, he asked what the rate of interest was they were applying to him? As it currently was written, it says there is an appropriate interest being charged. He wanted to make it concrete what that rate is.



Mr. Earle stated he didn't see any problem with it. It could become outdated in either direction over a period of time if they don't issue any further bonds. However, right now that would be an appropriate rate – what the bond issue was.

Mr. Lowdermilk asked if the APR would be appropriate or the bond rate would be appropriate? Mr. Earle stated the bond rate would be appropriate right now with the latest bond rates we have had. It could become an outdated tie-in to the rate if markets change over a period of time and they don't issue any bonds. Markets will change. We won't have any bond issues, so the latest bonds we might have could be the old market, which is different than the current market. However, right now it was not a problem.

Mr. Lowdermilk stated what Mr. Earle was talking about was if we refinance at a higher rate, which he would hope we wouldn't. Once we lock in the bond, it was going to be paid over that ten years whatever bond they had mixed it into.

Mr. Earle stated what he was saying was that our rate right now, our last bond issue, was on-the-record. The rate could go up and then you would tend to be low.

Mr. Lowdermilk thought their intent was the appropriate bond rate at the time they joined the program. Mrs. Zibritsky stated that would be how it would work.

Mr. Earle stated there was a little bit of an estimation in there if you tie it to general, but they could do that.

Mr. Lowdermilk stated he didn't have a problem either way. All they were trying to do was define if they get charged interest, they are going to have to pay that interest.

Mr. Razor stated he was fine with any rate to be honest. He just wanted it to be enforceable.

Mr. Lowdermilk asked if it would be better if they put in the appropriate bond rate.

Mrs. Zibritsky stated from a legal perspective she got where Mr. Razor was going. It was fine. He just wanted to tie it to some known number of when the people enter the program. It could be the bond rate. That's maybe preferable. They could do the fed rate. They could do any kind of thing. She didn't think that was that big of an issue.

Mr. Razor stated since they were borrowing money in many ways to finance certain things, it makes sense that the same rate they were borrowing, their residents should pay them back from borrowing from them.

Mr. Earle agreed 100%. It was just that they didn't borrow in bonds that often. We might be doing this project every year, but the bond rate could be an older one if you tied it to the current municipal bond rate at the time of the project.

Mr. Razor asked whose municipal bond rate? Mr. Earle stated in the market. There was a market rate. There was more than one. It couldn't be distorted because the municipal rate was pretty standard.

Mr. Razor stated that was fine. Mr. Earle stated he agreed with him. Mr. Razor stated he just wanted people to be able to open this legislation, look at their bill and say this is right.

Mr. Lowdermilk thought instead of APR appropriate bond interest...Mr. Razor deferred to the law department.

Mrs. Zibritsky stated if Council wanted, they could hold the legislation and insert the exact language. She understood where he was going. She thought they all agreed on the concept.

Mr. Wren stated the project was ready. He was trying to match these up. He didn't care what the number was, but...

Mrs. Zibritosky stated they could also put in a number like 2%. They could make a number.

Mr. Razor stated in order for the motion to reconsider to be effective, it has to be done before they adjourn this meeting.

MOTION:

Mr. Razor stated that his motion was to strike the words "appropriate interest" in Section 2(p) and replace it with "interest equal to that assessed in the City's most recent bond issuance".

Mr. D'Antonio seconded the motion.

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

No Votes: None. The motion to amend carried.

MOTION:

Mr. Razor moved and Mr. D'Antonio seconded to adopt Ordinance No. 2016-33 as amended.

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

No Votes: None. The motion carried.

Ordinance No. 2016-33 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Lowdermilk stated he would like to amend his vote on Ordinance No. 2016-57 to a yes. He had been ahead of himself. He thought that was a fine program and he wanted to be on record as supporting it.

He asked if he had to reconsider the legislation to do that? Mrs. Emahiser believed so because it has been so long a time.

Mr. Razor thought the record would show that Mr. Lowdermilk had made a mistake in his vote and he wished to change it. They just weren't going to do it tonight.

**Disposition of Bills**

MOTION:

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

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

No Votes: None. The motion carried.

**Scheduled Meetings**

Planning Committee  
Thursday, April 28, 2016  
at 5:30 p.m.

Public Improvements Committee  
Thursday, April 28, 2016  
to follow the Planning Committee

Finance Committee  
Thursday, April 28, 2016  
to follow the Public Improvements Committee

C.O.W.  
Executive Session  
Thursday, April 28, 2016  
to follow the Finance Committee

City Council  
Thursday, April 28, 2016  
at 7:00 p.m.

**Adjournment**

**MOTION:**

Mr. Riehl moved and Mr. Pribonic seconded to adjourn.

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

No Votes: None. The motion carried.

The meeting adjourned at 8:33 p.m.

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Bonnie J. Emahiser  
Clerk of Council

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Mike Razor  
President of Council