

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

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

City Officials Present: Mayor Kline, Law Director Zibritosky, Service Director Wren, Deputy Service Director Anderson, Director of Budget & Management Earle, Police Chief Film, Fire Chief Stone, Economic Development Coordinator Trenner & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

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

Disposition of Ordinances & Resolutions

Mr. Rasor introduced Resolution No. 2016-63, entitled:

A RESOLUTION EXTENDING THE OFFICIAL GRATITUDE AND COMMENDATION OF THE CITIZENS OF THE CITY OF STOW TO THE STOW-MUNROE FALLS HIGH SCHOOL SPEECH AND DEBATE TEAM FOR TAKING FIFTH PLACE SWEEPS OUT OF 83 SCHOOLS AND RECEIVING "TOP SCHOOL IN PERFORMANCE" FOR FIRST PLACE RANKINGS IN THE DRAMA, HUMOR AND DUO INTERPRETATION EVENTS AT THEIR STATE TOURNAMENTS; 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. Pribonic seconded for the suspension of rules.

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

No Votes: None. The motion carried.

Mr. Lowdermilk moved and Mr. Pribonic seconded for the adoption of Resolution No. 2016-63.

Mayor Kline stated it is often underrated in today's society that it is a critical skill to be able to think logically, speak clearly and articulate your point eloquently. She knew that all of them were able to do that.

There are schools that are powerhouses in sports and there are schools that are powerhouses in speech and debate. Stow is a powerhouse in speech and debate. She was constantly impressed by the performance of all of them. She had had the opportunity to see many of them speak this year or in past years. She was very proud of all of them.

She thought that speech and debate didn't necessarily get all the splashy media coverage of some other high school activities, but it was definitely one of the things

that would carry them thru life. She was very proud of all of them and wished them all continued success.

Mr. Pribonic echoed the Mayor's sentiments. He also wanted to tell Suzanne Theisen what a fantastic teacher she was. He knew they all knew that. She was totally an inspiration. He had known her for many years. Not just these students, but all of the previous classmates of theirs, have gone thru that. Her students were just spectacular. It was just remarkable what they did.

He loved watching them on Facebook. Mrs. Theisen made sure that their names were out there all the time - from when they boarded the bus to when they got home. She really had a true love for each and every one of her students. She was very dedicated.

He also wanted to thank the students' parents for their dedication. He knew it was not easy all the time to drive kids here and there. They were a big part of that too.

He congratulated the students. He would echo what he had said two weeks ago. They had had the football team here, the bowling teams here and now the speech and debate team here. Stow-Munroe Falls High School constantly makes our City proud – well-rounded and proud. He congratulated them all.

Mr. Riehl congratulated the students. What an amazing job. He asked for a round of applause for Mrs. Theisen. She had been his teacher. The dedication that she put into it was unbelievable. You wondered how a human being had that many hours in a day and a week to dedicate to the craft. She had been his speech and debate teacher back in 2000. He was in Oratorical I Interpretation. There was no one in the audience who was in that.

He thought they had done an amazing job. When he first showed up for speech and debate he was still reading speeches off of his paper, shaking and all that stuff. It gives them the skills that they need in life. There was a poll taken annually that says that still more Americans are afraid of giving a public speech than they are of dying.

He congratulated the students and Mrs. Theisen for a wonderful job. He thought they were all on the way to great success.

Mr. D'Antonio also wanted to congratulate the students. He only wished they had been here a half-hour earlier. He didn't know if it was a great speech or debate, but they had missed some good stuff.

He also thanked the advisors. He understood how hard it was and how much time they put into it. He also knew there was a trip coming up. He thought there would be some legislation coming to Council for some well-deserved money. He was sure they could help out there.

Mr. Costello wanted to echo what everybody else had said. The high school does a fantastic job with all of the students. The parents have done a great job with helping out. As the Mayor had said earlier, the ability to articulate what you were trying to say in a given time was an excellent character to have and it would take them far. He congratulated all of the students.

Mr. Lowdermilk wanted to add his congratulations. They would be amazed as they got older how often that would come in handy. They would use it.

Mr. Razor echoed what everybody else had said. They were developing skills that would translate to whatever profession they chose. The obvious ones were law, they had to argue for a living like he did, or politics. But, really in every profession, you have to be able to articulate your position and you have to analyze and think on your feet.

The City and this Council were incredibly proud of what they had accomplished on the road to developing those skills.

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

No Votes: None. The motion carried.

Resolution No. 2016-63 was declared to be adopted by Council, and, upon its signature by the Mayor, shall take effect immediately.

A copy of the Commendation was presented to Mrs. Theisen.

Mrs. Theisen, on behalf of this team, thanked the City of Stow for recognizing them. They often felt they were a forgotten group in the back because you can't buy tickets to see what they did.

She wouldn't be here without two wonderful individuals. Those were Shelby Denton, her Assistant Coach, and Jimmy Miller, who writes for the Akron Beacon Journal and is now the Head Editor of the Kent Stater. Both of them had a great deal to do to help her with the individual event side of the team. She couldn't be here without them. And, of course, she couldn't be here without these wonderful students and the great parents that support them.

She truly thanked the City of Stow for recognizing them.

Mr. Pribonic asked to see what the poster said? Mr. Stebbins stated their poster was for the National Tournament in Salt Lake City, Utah. Several of them that would be attending were present this evening. The poster was something they had been using to help raise funds for that. It was a way of getting their faces out there. Mayor Kline wished them lots of luck.

Mr. Rasor stated there was going to be public comments in a few minutes. If somebody wanted to speak about it, the listening audience at home could hear how to donate to the team.

Comments from Persons Present

Cameron Stebbins
2012 Crestdale Drive

Mr. Rasor stated Council had asked Mr. Stebbins to stick around to explain how residents may be able to donate.

Mr. Stebbins stated they had six national qualifiers to the National Speech and Debate Association Tournament in Salt Lake City, Utah this summer. It was a super, awesome opportunity for the six of them. However, it did come at quite a cost, as well as their regular season's fees for attending the normal tournaments within their district.

On top of the normal fund raising that they did all year, they had a series of fundraising events going on currently to, hopefully, raise almost the \$10,000 that it would cost them to travel to South Lake City, Utah.

If anyone was interested, as a Council or individuals, in making a donation to this, they had a Go Fund Me page that would be on the Stow-Munroe Falls Speech and Debate's Facebook Page within the next 24-hours, as well as the ability to send a check made out to the Stow-Munroe Falls High School Speech and Debate Team.

Either of those options were perfectly viable. People should also keep their ears open for fundraisers that were going on at the high school that support the Speech and Debate Team. Those were also excellent ways of accepting donations.

Mr. Razor asked when the tournament was? Mr. Stebbins stated June 11th. Mr. Razor asked when they needed to raise all their money by? Mr. Stebbins stated they would hopefully like to have that money a week prior to that (June 4th).

Mr. Razor congratulated the students again. He thanked them for indulging them.

Kevin Clark
2291 East Gilwood Drive

Mr. Clark stated that two years ago the Mayor had made a State of the City speech. In that speech she told everybody about the rebuilding of SKiP Park, put out a timeline for it, etc. That was fine. However, in that speech she said that she was going to raise money – 100% donations.

After that speech he walked up to her, shook her hand, congratulated her and said that was the way it should be done. A couple of months later he saw in the paper that she wanted \$252,000 coming from different funds.

The Stow Sentry didn't get it right. People didn't speak in opposition to rebuilding SKiP Park, it was how it was going to be funded when people saw what was happening. Also, the lodge wasn't rebuilt at Adell Durbin Park. That was kind of a priority.

He thought Mayor Kline had knowingly misled the people of Stow when she made her speech. She knew at that time that she was going to ask for cell tower and different fund money. In fact she willingly lied to the people of Stow. He didn't care what excuse she had. That was wrong.

He thought if anybody sitting on Council goes along with that, they should just leave. They didn't elect them to do stuff like this. They were exactly what was wrong with Washington. They say one thing and they do another.

He was sick and tired of it. So were a lot of other people. If they can't change it here in Stow, to get some honest politicians to do what they are supposed to do, fix the roads, fix the sewers, that's it...

We have a police department which is great. We have a fire department which is great. SKiP Park is nice. However, when you say you are going to rebuild it with 100% donations, do it. You have had two years and you haven't raised a nickel.

He had said it before, two months after the Mayor gave her speech and said she wanted this, he said she was looking for a photo-opt for her re-election. Seven months after she said it, he came to a Council Meeting and asked her again. She hadn't done anything to collect a nickel. He said if every time she went out for a photo-opt she put out a box, a jar or a can to collect donations, she would have half the money. It's been two years now and she hasn't collected a nickel.

She promised to rebuild with 100% donations - nothing else. We piss away enough money in the City on a golf course that loses money, we didn't rebuild the lodge at Adell Durbin Park, which made more money than the golf course did, and then the Stow Sentry, like he said, when they write things in the paper they sure do cut short the comments that people make.

He had had his comments either neither mentioned or eliminated. When he had written letters, he mentioned names. When he asked our Budget Director point blank about certain things, the Editor took out the names. Then, she gives him an excuse. The Stow Sentry is supposed to inform the people in Stow on both sides of the story, not just one. If it makes the City look bad, so be it. Maybe we need another newspaper or a newsletter.

Council has an obligation to stand-up for the people of Stow. Mrs. Zibritsky is the Law Director. She is hired and elected by the taxpayers of Stow, not to represent the Mayor

or Council, but to represent the taxpayers. When she writes an opinion, it should be in their favor to protect them, not the Mayor or Council.

He asked Mrs. Zibritosky where her office was located? He asked if it was in the Safety Building? By Charter, it is supposed to be in City Hall. We are supposed to follow the Charter in this City too.

City Officials' Reports

Mayor Kline reported as follows:

1. Council has before them for its second reading this evening authorization for bids for the Service Center Bay Enclosure Project. It was a critically important project for the service department and for operations.

She was personally making an appeal to Council Members to not only support this measure, but to please support suspension of the rules, vote and pass the legislation this evening so that they could get started obtaining bids and getting the project underway.

It was something that has been needed, desired, asked for and in the plans for many, many years. The time and the hour is here that they need to do that.

2. Tomorrow morning at 9:30 a.m. Mr. Anderson, Mr. Wren and her have a meeting scheduled to finalize what roads will see repaving, resurfacing or overlay of concrete roads.

She knew Mr. Adaska had made some requests. She believed other Council Members were certainly interested in that. With the resources and needs that they had, they would do their best to insure that they make sure everyone's requests were accommodated.

Again, that will be first thing tomorrow morning. They were anxious to release that list to the public and City Council as soon as it is finalized.

New Business

Mr. Riehl wanted to thank everyone for their support of renaming City Center Boulevard after Chief Dirker at the last Council Meeting. It meant a lot to the family. It was a nice surprise.

Piggybacking on that, he had talked to Chief Film and Chief Stone after the meeting regarding a way of honoring other police officers and firefighters. He had also talked to Mr. Wren about that earlier this week.

They had been in contact with many community organizations, the F.O.P., the Rotary and things like that. They came up with a Reflection Area to honor police officers and firefighters in the City of Stow. It would be located on the island nearest the Safety Center.

It was going to be 100% privately funded thru donations thru the community. Essentially it was going to be two concrete pads with benches facing each other and granite with a slogan honoring police on one side and fire on the other.

In order to go out to pitch in the community, they needed to get some drawings designed. They had been in contact with some people in Columbus who were eager, ready and willing to do this.

MOTION:

Mr. Riehl moved and Mr. Pribonic seconded to donate \$1,000 from Council's Contingency Fund so they could get going with this project.

Mr. Costello asked for the amount? Mr. Riehl stated \$1,000 from Council's Contingency. Mr. Costello stated he had no problem with that at all.

Mr. Adaska stated he did have a problem. He thought all the money was going to be raised privately.

Mr. Riehl stated this was seed money to get it going. If not, they could try to work it out so that they could get the thousand dollars back from the private donations if it mattered to Mr. Adaska that much.

Mr. Adaska stated that all residents' tax money mattered to him. It was just a question.

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

No Votes: None. The motion carried.

Mr. Rasor wished the people involved in the fundraising efforts the best of luck. He was sure Council Members individually would also chip in.

Disposition of Ordinances & Resolutions

Ordinance Nos. 2016-35, 2016-36 and 2016-37 were held.

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 second time.

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

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

No Votes: Lowdermilk & Adaska. The motion failed.

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

Mr. Riehl moved and Mr. Pribonic seconded to remove Resolution No. 2016-56 from the table.

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

No Votes: None. The motion carried.

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 second time.

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

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

No Votes: None. The motion carried.

Mr. Lowdermilk asked if this was the piece of legislation Mr. Rasor was looking to amend? Mr. Rasor stated it was.

Mr. Rasor stated in the interim of the past two weeks he had had some discussions with the applicant, the Mayor and Economic Development Coordinator Trenner, all of whom agreed to some extent that we should have a workable formula, but all of which were persuasive in convincing him that this project merits the maximum timeframe for property tax abatement.

MOTION:

Mr. Rasor moved and Mr. Pribonic seconded to amend Resolution No. 2016-56 to expand the timeframe back to 15 years.

Mr. Rasor called on Mr. Trenner to explain what the second half of this proposal entailed.

Mr. Trenner thanked Mr. Rasor for affording him the opportunity to address Council on this issue. His comments would be brief and relate to the scoring schedule that was discussed at the April 14th Finance Committee Meeting for the Seasons Business Center.

In his report to Council on CRA Tax Incentive Agreements he had summarized the details of the project and always mentioned several pieces of information, including the projected payroll and property taxes, the number of jobs, the school compensation payment, as well as the scoring schedule that was used to determine the length of the agreement that would be recommended to Council.

He had mentioned when the Seasons Business Center was being reviewed at the April 14th Finance Committee Meeting that a new project, no matter how large the project was, would not be able to receive enough points to qualify for a 15 year Tax Incentive Agreement without using discretionary points. People could look at the scoring schedule and see that.

Review of the CRA Agreements for both buildings at the Seasons Business Center really highlighted that fundamental problem with the current scoring schedule. That had not been an issue previously.

After the last Council Meeting he started looking at the scoring schedule in more detail and ran a few real and hypothetical projects thru the schedule. He wanted to point out a few things.

The first was that, hypothetically speaking, if our largest private employer currently in Stow was located outside of Stow and was considering moving into Stow, they wouldn't qualify for a 15 year Tax Incentive Agreement based on our current scoring schedule. That was significant.

In order to compete for a project of that magnitude or any other really large project a community would have to be able to offer a 15 year Tax Incentive Agreement to attract that project.

The second issue that he wanted to point out was with the real property investment and how that scored in the schedule. The real property investment was the investment in the building. There was one category in the scoring schedule where the larger the investment in the building, the more points a project scores. That was because the higher the building valuation the more property taxes were generated.

The immediate benefit of that property tax was to the school district because of the annual compensation payment they receive. Later, the City benefits when the abatement expires and the City receives the full amount of property taxes.

We do have a group of CRA Agreements that should be expiring in the next few years. Then the City and the schools would be receiving the full amount of taxes.

While there is one category that awards a project for a high level of investment in the building, there are two categories that actually penalize a project for a high level of investment. That is because the calculation that measures the benefit to the City in these two scoring categories subtracts the projected City property tax that will be abated from the payroll tax.

The penalty is because the greater the level of investment, the higher the property tax. The higher the property tax, the less points. It was just the way the calculation works out. It actually provides a disincentive for a high level of investment in a building.

For his own information, he cut the investment in half for two projects that had a relatively large investment in Stow. When the investment in those two projects was reduced by 50%, they actually scored higher than they would have with their actual investment. That suggested to him that there was a problem with the scoring schedule. He wanted to bring that to Council for their consideration.

Mr. Razor thanked Mr. Trenner for his thorough report. He thought City Council was right two weeks ago to be discouraged and wary of discretionary points and the chance that it didn't adequately protect the taxpayers' dollars.

So, in the coming weeks and months, the Tax Incentive Review Committee is going to review what they have and try to tease out all of the factors that may merit discretionary points, but actually build them into the formula so there is no real discretion here. That would make Mr. Trenner's job easier and it gives the taxpayers more assurance.

It was his hope that they could bring in some private sector people to help them with this formula and bring us inside of their minds as to how they could better the formula to make it more effective.

They had a motion pending to amend the Seasons Road II Project to a 15 year term. That had been seconded. He asked if there was any other discussion on that?

Mr. Lowdermilk believed in their conversation last week that the income tax and things that this was going to generate were going to be a net positive to the City as far as cash coming into their coffers. Mr. Trenner stated it was. This project was committed to a \$2,000,000 annual payroll by the third year of the agreement. That generates on its face \$40,000 in payroll taxes.

The issue, which he had pointed out in his remarks, was for this building, if the investment equals the valuation, it will be \$5.5 million, which generates a lot of property taxes. So, when you consider a high amount of property tax being subtracted from that amount of income tax, there weren't a lot of points awarded for that project. That was one of the things he hoped they would address when they looked at the schedule.

Mr. Lowdermilk asked what the City received of the property taxes? He asked if it was 17% that actually came to them? Mr. Earle stated that was a fairly close estimate. He didn't remember offhand the exact amount, but in calculations over past years, it depended on whether the rates were increasing or decreasing as far as special levies of the school millage, but he would say that was approximately correct.

Mr. Lowdermilk stated when you figure a small amount of property taxes to the City plus what we are going to gain, this was still a good project. Mr. Trenner agreed.

Mr. Razor stated just to be clear, the property taxes that are abated are over and above what they are presently. Mr. Trenner stated that was correct. The property taxes on the land are not abated for any CRA Project. Mr. Razor stated so the City was no worse off by abating new property taxes they didn't currently have.

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

No Votes: None. The motion carried.

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

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

No Votes: None. The motion carried.

Resolution No. 2016-56 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-64, entitled:

AN ORDINANCE ACCOUNTING FOR, ALLOCATING AND DISTRIBUTING
INCOME TAX PROCEEDS ATTRIBUTABLE TO THE INCREASED RATE
OF TAXATION FOR THE CITY OF STOW FOR THE YEAR 2015; 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: Costello, D'Antonio, Lowdermilk, Pribonic,
Razor, Riehl & Adaska

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Ordinance No. 2016-64.

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

No Votes: None. The motion carried.

Ordinance No. 2016-64 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-65, entitled:

AN ORDNANCE AMENDING PART ONE, C.O.S., ENTITLED "ADMINISTRATIVE CODE", PARTICULARLY TITLE NINE THEREOF, ENTITLED "TAXATION", TO AMEND AND CORRECT CHAPTER 194, SECTION 194.013 THEREOF, ENTITLED "ALLOCATION OF FUNDS", 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: Costello, D'Antonio, Lowdermilk, Pribonic,
Rasor, Riehl & Adaska

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-65.

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

No Votes: None. The motion carried.

Ordinance No. 2016-65 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. Riehl seconded to approve the release of the checks for the current Bill Listing.

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, May 12, 2016
at 6:00 p.m.

Public Improvements Committee
Thursday, May 12, 2016
to follow the Planning Committee

Finance Committee
Thursday, May 12, 2016
to follow the Public Improvements Committee

City Council
Thursday, May 12, 2016
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:45 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Rasor
President of Council