

Minutes of the Regular Meeting of Stow City Council held on Thursday, May 12, 2016, at 7:00 p.m.

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

City Officials Present: Mayor Kline, Law Director Zibritosky, Finance Director Baranek, Service Director Wren, Director of Planning & Development Kurtz, Director of Budget & Management Earle, Police Chief Film, Fire Chief Stone, City Engineer McCleary, Economic Development Coordinator Trenner & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

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

Approval of Minutes

MOTION:

Mr. Costello moved and Mr. Adaska seconded to approve the Minutes of the Regular Council Meetings of April 14, 2016 and April 28, 2016 as circulated.

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

No Votes: None. The motion carried.

Reading of Communications

The following correspondence was read or referred to by the Clerk:

1. Proclamation by the Mayor designating May 2016 as "Milkweed for Monarchs Month". This item was read in its entirety.

Mayor Kline stated this was a very important ecological crisis that the northern hemisphere is in. The Monarch butterfly population is projected to decrease by 90% in the next 20 years because of lack of habitat and migration opportunities.

Monarch butterflies are part of the pollination efforts for plants to grow and to continue our healthy ecological system in North America. So, partnering with the National Wildlife Foundation, Mayors across America have been asked to proclaim their communities Monarch Butterfly Friendly Communities to encourage the planting of milkweed and other plants which are friendly to Monarch butterflies.

They would be engaging in milkweed planting at the fire stations on Wednesday, May 18th in the early afternoon. They hoped to offer low-cost milkweed plants to residents. They were working with the National Wildlife Foundation because they have the opportunity to get plants to municipalities who then in turn sell to residents. They were finalizing that.

It is something that actually could have serious consequences for plants and animals across North America to allow the Monarch butterfly population to continue to decline.

Honestly, Monarch butterflies are really pretty. Therefore, they are also worth saving from an aesthetic point-of-view too.

Committee Reports

Mr. Riehl reported on the Finance Committee Meeting of May 12, 2016 as follows:

1. Two items would be introduced in motion form.
2. One item was held.
3. One item would be introduced in legislative form.

Mr. Pribonic reported on the Planning Committee Meeting of May 12, 2016 as follows:

1. One item would be introduced in legislative form.

Mr. Adaska stated that his wife and him have been planting milkweed plants for over 30 years. They supported the Monarch butterfly. They thought it was very important.

City Officials' Reports

Mayor Kline reported as follows:

1. This Saturday, from 10:00 a.m. until 2:00 p.m., there would be a drive-up collection in the parking lot of City Hall for Bulldog Bags, Inc. This was a group that has organized very successfully a weekend food program for students in the district grades K-4 who were food insecure.

They were hoping to collect individual bars of soap and instant Oatmeal along with food that the children could pretty easily prepare on their own by using a microwave or with no preparation needed.

Bulldog Bags also sends home a hygiene bag once a month. That could include soap, toothpaste, shampoo and those types of items that families may struggle to purchase for their students.

If you are interested, again, there would be a drive-up drop-off here in the City Hall parking lot this Saturday, from 10:00 a.m. until 2:00 p.m. They would welcome bars of soap and instant Oatmeal.

Someone would be there to unload the items from the cars if people would like.

2. There has been some conversation in Council and certainly a tremendous amount of conversation in the community about the burgeoning opiate crises in Summit Council and especially in Stow and Cuyahoga Falls.

She just wanted to kind of update Council and the community on some things that have been occurring at the municipal level with the Administration in an effort to try and better wrap their arms around a problem which seems to be ever-growing and no one truly has a great handle on how to solve entirely.

They have been in meetings with the Community Health Center and the Summit County Public Health District to talk about ways that they could best serve their residents and families who were dealing, whether directly or indirectly, with opiate addiction and overdoses.

They were looking at their internal protocols to insure that when their police and fire departments respond to a call, they not only offer the best immediate emergency medical and law enforcement services possible, but that they also do their best efforts to link up that individual and that family with appropriate treatment options.

Obviously, their concern extended not only to the individual who was using the substances, but to the family that was also involved and, by extension, the community.

They were looking at ways that they could better incentivize people to get into treatment. Mrs. Zibritosky has been working on some initiatives with the municipal court to implement some items there. They were looking at these pilot programs to make sure that there was a handoff from their emergency services to treatment options and to make sure that the county agencies that offer treatment were aware of and invested heavily in the City of Stow and providing options here.

There has been a group at the high school, made up of the Chiefs, the elected Mayors and school personnel, that has been meeting for a period of time to try and develop some protocols at the high school. One of the challenges was that the average age, at least in Stow, of people they saw who were overdosing on opiates were post-high school. However, when students were still in high school, at least they still had them as a captive audience.

So, if they could do some prevention programming that was more targeted to the crisis as they were seeing them, they hoped that would be beneficial. The ADM Board has been involved in that as well.

She just wanted to update the community and Council of the fact that they were certainly looking and doing lots of things. She didn't believe that any of them were going to be a panacea to the crisis that they find themselves in as a county, a state and as a community, but they were certainly doing all that they could at the local level to address the issue.

Mr. Adaska asked for the current status of the parks and recreation building? He asked if the City still owned the building? Mayor Kline believed they were still in the phase of the contract where the City still owned it. She believed it was seven years that they owned it before it fully transferred to EnviroScience.

Mr. Adaska asked how much time did they have left on that? Mayor Kline stated off of the top of her head, she believed it was done in 2012, so approximately three years. In the agreement, she believed, and she didn't have it in front of her so she may be off by a bit, they had five years to clear out Building C, so they would be coming up on that much more quickly than the actual final transfer to EnviroScience of ownership of the building.

Finance Director Baranek reported as follows:

1. Highlighted the following items from the Bill Listing:

Total - \$1,804,468.

Of that:

\$635,918 was for one payroll;
\$386,614 was for employee benefits
(\$166,603 of which was for medical charges
and \$220,021 was for pension systems);
\$186,473 was for capital improvements; &
\$88,044 was for a Bureau of Workers'
Compensation premium payment.

City Engineer McCleary reported as follows:

1. Many construction projects were going on in the City. Several more were going to start. He asked the general public to be very careful driving thru construction zones. Right now there were barrels on S.R. 8 and work going on on Treeside, Springdale, S.R. 91, Norton, Fishcreek at Graham Road, Marsh Road, North River Road and Seneca.

Service Director Wren reported as follows:

1. To piggyback on what the Mayor had said, the lease on Building C runs out in August of 2017.

Mr. Lowdermilk asked if our crews were out on S.R. 8 today filling potholes? Mr. Wren stated both them and Hudson had been out. They did a joint effort work so they could close it down and make it as painless as possible.

Mr. Lowdermilk asked if the machine they were using was the one they did a joint purchase on? Mr. Wren stated no. They were using the Durapatcher, which was the City of Stow's.

New Business

Mr. Costello stated he was going to exercise his right to bring forward an item out of Committee, i.e. the lease agreement with the Board of Education, for its first reading.

Mr. Costello introduced Ordinance No. 2016-67, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH THE STOW-MUNROE FALLS CITY SCHOOL DISTRICT BOARD OF EDUCATION FOR LEASE OF A PORTION OF THE CITY OF STOW'S CITY HALL BUILDING LOCATED AT 3760 DARROW ROAD IN THE CITY OF STOW AND DECLARING AN EMERGENCY.

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

Ordinance No. 2016-67 was declared to be read for the first time.

Mr. Costello stated he agreed with Mr. Lowdermilk that the devil was in the details. However, he felt it should be before Council for discussion, not just the Committee.

Mr. Costello stated that at the end of April, a gentleman by the name of John Ziegler, who was the Stow Applebee's Manager, died from cancer. He was taken within two weeks.

They were having a family cancer benefit dinner for him at the Acker-Moore Memorial Post on May 21st from 2:00 p.m. until 10:00 p.m. The donation was \$25 per person to participate.

The Stow Sentry had done a nice article on that. He appreciated that.

MOTION:

Mr. D'Antonio moved and Mr. Riehl seconded to authorize the donation of \$500 from Council's Contingency Fund to the Stow-Munroe Falls High School Speech & Debate Team for their trip to their tournament in Utah.

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

No Votes: None. The motion carried.

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded to authorize the hiring of one replacement Firefighter.

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

No Votes: None. The motion carried.

Mr. Adaska stated that he thought Mr. Costello's motion to move the lease agreement to the Council floor was premature. There was no Memorandum of Understanding connected with it as yet.

The devil was in the details. He thought it was way premature. The School Board had not even met and discussed it with their groups of people that might be concerned about it. He felt that legislation had no business being on the floor of Council yet.

When they kept an item in Committee, they all knew they had more time to talk about it. When a resident comes to the microphone, they are given three minutes during a Council Meeting. During a Committee Meeting, there was more time to discuss issues and they had more time to take and make comments as opposed to at Council Meetings.

Mr. Razor stated he would be happy to have the lease as a discussion item at a Committee-of-the-Whole Meeting. He couldn't speak for the Finance Committee Chairman, but he presumed that he wouldn't mind him doing that. Mr. Riehl stated that was fine. It was already out of the Finance Committee.

Mr. Razor stated for discussion purposes procedurally he didn't mind what time it was discussed in an evening.

Mr. Adaska stated he appreciated that.

Mr. Lowdermilk stated he received a copy of a visitors' policy for the City of Stow. It had been circulated to several residents. He had received emails from residents raising several concerns. He thought in the future they would probably need to look at that as a Council.

He assumed that any visitor policy that was written also applied to City employees. Mrs. Zibritosky stated that it did. They had been notified by Mayor Kline.

Mr. Lowdermilk asked if the handbook had been updated? Mrs. Zibritosky stated it hadn't been included formally as part of the handbook, but it had been emailed and posted conspicuously. Every employee had been informed that they were bound by it as well as visitors.

Many of the behaviors in there were already in the handbook. For example, you can't commit a criminal offense and keep your job. Sexual harassment was mentioned in the visitors' policy. There was a whole separate policy for employees.

Mr. Lowdermilk stated he wasn't sure why some of it was mentioned twice. However, he assumed that visitors and that would be held to certain standards too.

The other item that seemed to have gotten most of the attention and seemed to be getting a lot of attention across the country today was the use of restrooms.

He had had a couple of emails and some residents had approached him with concerns about safety, especially of children, in the privacy of women using the restroom when there seemed to now be a policy of a free-for-all – that whatever you seem to identify with or whatever you think you are you can go into that bathroom.

He thought the residents and the employees, men and women, should have a right to a certain amount of privacy without the possibility of somebody who was now of another gender but may want to be of another gender coming in there.

They all are aware that there are predators that have made Stow their home. By saying if they decide to be this today or they thought they were going to be this, it opens up a gray area that was going to be very tough to police and potentially puts some children in harm's way unnecessarily.

Mayor Kline asked Mr. Lowdermilk if he was equating transgender individuals with predators? Mr. Lowdermilk stated no. What he was equating was that predators obviously may take advantage of such a policy or an ordinance to say they were going to be a woman this time so they could follow a young girl into the bathroom. That was what he was saying.

Target had announced that they were chasing a guy out of a store for the very same thing. That was his concern – that they didn't have people taking advantage or trying to take advantage of this.

He still believed that people should have a right to a certain amount of privacy in the bathroom. For hundreds of year it had not been a problem. He thought what gender you were was what bathroom you should use. There were many reasons for that.

Mrs. Zibritosky understood there were a lot of political concerns about all that. She wasn't going to comment on that. That was for you guys to comment on and debate our elected officials elsewhere.

Part of the reason why that was included in there was because, like it or not, the EEOC and many boards right now look at that and require that not just for visitors, but for their own employees.

Her job was to advise the Administration, who actually has the power to make policies, rules and procedures for employees and visitors in the building, on what is the best legal way to handle things.

Obviously, they knew there has been lots of news. In North Carolina, they had chosen to do that - their legislature. God bless them she guessed. However, they were facing a lot of legal consequences for that.

First of all, that was the Mayor's and Mr. Wren's decision because they are in charge of the building. If they want to take on that kind of liability, that was up to them. If City Council wants to pass some kind of ordinance saying what they feel on a certain issue, that was up to them. However, her advice was that they follow the law as it is currently being applied by the federal government.

That was the reason why it was in there. You will also notice that it mentions that there is a separate family bathroom. That opens that up to help ease some of the issues about there only being a men's or women's restroom. There is a third option available that people could take advantage of. If someone was really worried about his/her child because of this restroom facility issue, that restroom was welcome to him/her too as well. That would keep them separate from even having to encounter that issue.

Mr. Lowdermilk stated that was his point for bringing it up. He thought that the solution was just as Mrs. Zibritosky had mentioned. We need to make the restrooms that we have more like the family restrooms so that one person goes in there. Mrs. Zibritosky stated some of them were.

Mr. Lowdermilk thought if Council wanted to dictate that, they had that prerogative. Mrs. Zibritosky thought they could dictate their position, however, the use of that facility would ultimately be, per the City's Charter, up to Mr. Wren. They could dictate their position on any type of issue, but...

Mr. Lowdermilk stated they could require, as a Council, that the City's bathrooms,... just like the federal government could require that you allow anyone who wants to use whatever bathroom...

Mrs. Zibritosky stated they could pass something, but it would be in conflict with the City's Charter, which gives Mr. Wren the ability to make rules and procedures on the City's buildings. They could pass something citywide. She didn't know how enforceable it would be or what kind of liability they would have from the government, the Department of Justice, for passing it, but if they had four votes, they could surely do that.

Mr. Lowdermilk asked if the family restroom behind the Council Chambers was handicapped accessible? Mayor Kline stated it was. Mr. Lowdermilk asked if it met the current requirements for the handicapped? Mayor Kline stated to the best of her knowledge all of the bathrooms across the City met current requirements for ADA accessibility.

Mr. Adaska recommended as part of this discussion that the bathroom that normally the Council Members have used in the past be redesignated as part of the Mayor's directive with signage being put up. Mayor Kline stated it has been. Mr. Adaska stated however there was no signage.

He had already received a complaint that if the door was closed, nobody knew the bathroom was behind the door. So, if you were in the hallway and the door to that corridor was closed, no one knows that that private bathroom is there.

Mayor Kline stated they would put a sign up. Mr. Adaska stated they should put a sign up and put a plaque on the door saying that it is a family restroom. That way anybody could use it.

Mayor Kline stated that anybody could use it at any time even before the visitors' policy came out. Mr. Adaska stated he understood that.

Mayor Kline thought Mr. Adaska's suggestion was well put. They would increase the signage so that it was more obviously visible. Mr. Adaska thought they should make it for visitors too.

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 third time.

Mr. Lowdermilk stated he had expressed his concerns over this. He thought they were leasing office space. However, part of this project was to accommodate some offices.

We have fewer employees than what we had in 2005. He understood they had closed the parks building and those types of things.

They were running a deficit budget. He was just not sure that he could vote for spending money to build any type of new office space or lunchrooms or showers at this point still running a deficit.

He wanted to make an amendment to the legislation.

MOTION:

Mr. Lowdermilk moved and Mr. Adaska seconded to amend Ordinance No. 2016-47, specifically in the title and Section 1, to change the words "Service Center Bay Enclosure Project" to "Service Center Bay Enclosure Only".

Mr. Lowdermilk stated he wasn't sure he was sold on that, but a case might be able to be made on the vehicles. Therefore, he was willing to look at that.

Mr. Pribonic asked Mr. Wren to re-review the project. Mr. Wren stated basically this was the enclosure of six bays on the back of the service building – the footers that were put in at the time the building was built.

At the time the building was designed, in 2002, the water department was in its infancy. This area was to house the equipment and people in the water department and all of the pieces and parts that come along with that.

That, obviously, was just a projection at the time the building was designed. Now, having had the water department for 14 years at this point, they knew they had stuff stored in the water tower and at Marsh Road and it was inefficient the way they were doing it.

This project had been planned since Mr. Koehler was the Service Director. The footers were put in-place three years ago when the garage doors were taken off of the parks building. They saved all those garage doors. They have been in storage waiting for this project for the last several years.

In addition, they took the two beaters to help temper this area as well. That was also off of the parks building. That occurred about three years ago. That was how long, at least in his auspices, this has been a focus of what they wanted to do.

They, obviously, have looked at several different alternatives. One of those was being underneath Silver Springs Lodge. He thought that was a terrible option. Another one was doing a Clearspan structure on an area in their yard in back of the service building. That price got into the six figures to do that, so they then decided for an additional amount they could have a tempered area that would be more than basically for temporary storage.

That was why this was coming thru. Basically, as he had mentioned, the lease on Building C was up in August of 2017. They needed somewhere to house the items that were in that area. That was basically a portion of their parks maintenance equipment that was housed out there. This would help incorporate that into their storage bays at the service center.

Mr. Lowdermilk asked Mr. Earle for the numbers for the first quarter of 2016 for the City's income versus 2015? He asked if they were ahead of schedule? Mr. Earle stated our major source of income was the income tax. We can't really get a trend on that until completion of the month of June because when returns are filed, the speed with which we post them could give a false impression either way.

They had to be thru the tax season and have everything posted before they would know what the trend in the income tax was. As far as anything else, they weren't behind in any other revenues at this point in time. They were doing okay compared to the budget. They expect the income tax, when it is all said and done, to perform consistently with how they had budgeted it for the year.

Mr. D'Antonio asked what the amendment would do to what used to be the project? Mr. Wren stated it would certainly hamper them.

Their goal in the end was to put their water division, two restrooms, a laundry area for their items that were used in the field as well as two tool cribs and three offices there. Those offices would be for their Water Superintendent, their Water Engineer and then a plan review room where they would also stick their Water Inspector.

At times, admittedly, communication in that area was not the best. This was to try to encourage that and have the people that actually have to deal with each other deal with each other on a daily basis. That was the end game of why those offices would be put in.

He had taken several of the Council Members thru the facility on tours. He knew some may support it and some may not. However, this was what they felt was their optimum operations when it came to their water division. And, it would allow that interaction between their Engineers, Inspectors, Water Superintendent and Water Specialists.

Mr. Riehl stated there was talk in the community that this was related to the schools somehow – that this was necessary in order for the schools to move into Stow City Hall. He asked Mr. Riehl if that was correct or not? Mr. Wren stated that was not correct.

He could design a plan that would encompass people in this new enclosure that would go in those offices or he could have a plan when the schools come in that they are not in those offices. One was not contingent on the other.

Was he certainly going to take advantage of space that exists? Absolutely he would because to not use our 26' ceilings was a waste of space. Therefore, if there was an opportunity to do that, he was going to absolutely take advantage of that. However, one plan was not contingent upon the other.

Mr. Razor stated Mr. Wren had answered his question about an hour-and-a-half ago, but he was going to ask it anyway. He asked how much of the total cost of the \$170,000 was attributable to this project relating to breakrooms, offices and restrooms? Mr. Wren stated their estimate was \$40,000. Mr. Razor stated so that would be the net effect of Mr. Lowdermilk's amendment. Mr. Wren stated that was correct.

Yes Votes: Riehl, Adaska, Lowdermilk & Razor

No Votes: Costello, D'Antonio & Pribonic.
The motion to amend carried.

Mr. Razor asked Mr. Earle if it would be inconsistent with the project's usefulness and purpose to have the water fund pay for the remaining portion of this enclosure? Mr. Earle stated it would not be inconsistent, it would be compatible with it.

Mr. Razor stated they had seen a capital budget. He presumed everything out of the capital budget was a capital expense.

MOTION:

Mr. Razor moved and Mr. Lowdermilk seconded to have the remaining funds be paid for out of the City's Water Fund.

He stated that the purpose of that amendment was to protect their precious resources in road repairs and to protect their budget deficit in the operating fund.

Mr. D'Antonio wanted to be clear. Now they had the legislation state service bay enclosure only and an additional \$40,000 from the water fund. Mr. Costello stated no it would be the whole \$170,000. Mr. Razor stated that the original project was \$170,000. It was

now going to be about \$130,000. All that was going to come from the City's water fund and not the capital or operating fund if his amendment passed.

Mr. Riehl stated he was going to vote no on the motion. He thought unlike income taxes generated for general City purposes, the water fee was put on by Council and it was understood to be for water projects not City Administration buildings. Therefore, he was going to vote no on that motion.

Yes Votes: Costello, Lowdermilk & Rasor

No Votes: Riehl, Adaska, D'Antonio, Pribonic.
The motion failed.

Mr. Rasor asked Mr. Earle to confirm where the funding would come from for this project? Mr. Earle stated they would have to think about that.

In the absence of any discussion by Council, it was going to be charged to the City's water fund. There was no prohibition on the record of charging it to the water fund. It was just not an affirmative motion. So, he didn't know.

They would have to think about it and discuss it with the Mayor to see exactly where it stood because of this. If Council hadn't had a motion, it would have been a natural charge that could have been made to the water fund. However, he believed that still stands.

Mr. Rasor stated so it could still be the water fund or the capital fund. Mr. Earle stated it would probably be the water fund. That was the intent.

He believed it was designated as such on the capital information that was distributed to Council Members. Mr. Wren stated that was correct.

Mr. Rasor asked if it was on Mr. Wren's original letter? Mr. Wren believed it was. Mr. Earle believed it was if that was the intent at the time.

Mr. Rasor thought in the absence of something in this legislation Mr. Earle was right. His motion was an anility anyhow.

Mr. Lowdermilk asked Mrs. Zibritosky if the fact that there was a motion that was defeated to allow that, if that would mean that it couldn't be taken from that? Mrs. Zibritosky stated that Council speaks thru its legislation typically, except there were some things that they could do by motion. They also speak affirmatively typically.

Mr. Lowdermilk stated that any other time he would say yes it was thru that or what was in the letter was in the letter. However, when there was a motion to affirm that legislation and it was turned down, he asked if that wouldn't change it? Mrs. Zibritosky stated technically no. Mr. Earle didn't think it did from a finance point of view.

Mr. Adaska stated he wasn't going to stand in the way of this. He would change his vote if Mr. Earle meant for the water department or the water budget to pay for the capital improvements for the water department and allow that to proceed because that was the way the budget was laid out to begin with.

The reason he had voted this way was he really didn't want the money to come from the capital budget all along because they needed to focus that money on roads. Mr. Earle stated so did they. They didn't want it.

Mr. Adaska thought it was very important. He was receiving complaints constantly about their roads. He had to tell them that it wasn't even on their radar. That road was falling apart and not even being discussed.

As a Ward Councilman, he was at a loss for words. He didn't know what to tell people any more. If they could protect the capital budget the best that they could, maybe get an extra street in there and take these funds from the water department for water infrastructure they were going to do at City Hall, then he would vote to reconsider.

Mr. Razor stated he would make this easy.

MOTION:

Mr. Razor moved and Mr. Lowdermilk seconded to have the remaining funds be paid for out of the City's Water Fund.

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

No Votes: Riehl. The motion to amend carried.

Mr. Razor stated for clarity and legal sake, they were using water funds if this passed.

Mayor Kline stated this had been a very confusing conversation. She had to point out that Council had now affirmed that they wanted water funds used. However, if she understood the intent of this conversation and these votes, they don't want any funds used to house the people who did the water work.

She didn't understand that reasoning. It was more of a rhetorical statement. It just seemed to be entirely mismatched backwards from what she understood all of their intentions to be during the conversation.

She apologized for the outburst. She thanked them for indulging it. Mr. Razor stated they would put it in the comment box.

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-47 as amended.

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

No Votes: Adaska & Lowdermilk. The motion carried.

Ordinance No. 2016-47 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Pribonic introduced Resolution No. 2016-66, entitled:

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE APPROVAL TO TOM JACOBS, EXECUTIVE DIRECTOR OF SUMMIT HOUSING DEVELOPMENT CORPORATION, APPLICANT, AND RYAN ALLEN OF RSRP STOW, LLC, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A FOUR-UNIT RESIDENTIAL ASSISTED LIVING FACILITY AT 2935 GRAHAM ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: Lowdermilk. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-66.

Mr. Lowdermilk asked the applicants if they would have any issue with holding this? He would be happy to help move this on at the next meeting, however, he would like the residents to be able to at least see it for a second time. They had had no notification to be able to have any comments. He was curious if they were opposed to them holding it for two weeks to give any residents that may want to comment that opportunity.

Mr. Razor stated that Mr. Lowdermilk wanted to yield the floor to one of the gentlemen in the back row. He asked if anyone was interested in giving a brief comment? If so, he needed to come to the microphone so people at home could hear.

Mr. Jacobs, the Executive Director of Summit Housing Development Corporation, said that the only issue that he may have was two individuals present were from Columbus. They came up here for the evening to present this issue to Council and anyone who had questions on it. What they were planning on doing had also been in the Stow Sentry. He would prefer to have Council vote on the issue this evening because it would be inconvenient for them to come back here in two weeks.

Mr. Lowdermilk asked if there was anything that the rest of them couldn't explain? Mr. Jacobs didn't think so. However, they were the two individuals from the two different agencies that were doing the project. They were just doing the construction and management of it.

Mr. Lowdermilk stated, as a Councilman for that ward, he had had a couple of residents who would have liked to have been here this evening, but couldn't make it because of other obligations. Some of these things unfortunately go thru Committee and right thru Council very quickly. Mr. Jacobs stated that he didn't know if those individuals could be here or not.

Ernie Fischer stated that he was with the Ohio Development of Developmental Disabilities. He stated they would certainly be happy to do whatever moved this project along. However, they were certainly here if there were concerns they could address that they had had from their constituents.

They would certainly be more than happy to address those concerns at this point. He certainly didn't want to stand in the way of anybody having an opportunity, but if Council Members knew of those concerns, they would certainly be happy to try to address them now.

Mr. Lowdermilk stated if he knew what all their concerns were he would not be afraid to ask those questions. He just wasn't sure he knew what their concerns were other than what he had already brought up. As their representative, he would like to give them an opportunity. That would be their second opportunity to show up. If they didn't show up, then they would move on.

He thought they had addressed his concerns as far as security. They would have people there if it dictates it. That was probably the No. 1 concern that he had.

Mr. Razor stated Council had already suspended the rule requiring three readings. If Mr. Lowdermilk wished to make a motion to table the legislation, he could do that.

Mayor Kline stated that many Council Members knew that she could be emotional. Many of them knew that she was not shy about speaking her mind on things that mattered to her. With that said, what she was about to say to all of them was probably the thing that was most meaningful to her that she had ever said in the years she has been in public service in this City.

Her daughter would be someone who qualified to live in this home. People who live with developmental disabilities and people who live with mental health issue are not to

be feared, they are not to be ostracized and they are not people who are outside of our community. They are the people in our community. They are the people we love. They are the people we work with. They are the people we live next door to.

She could assure them that she knew, even though maybe no one in this room right now was brave enough to say it except her, the single reason that this very small home which four people would live in had any kind of question attached to it was because people who were loved by family members who happen to have been born with a developmental disability and a co-occurring mental health disorder, like her daughter, were the people who were going to live there.

So, if anyone in this community or this Council wants to question the validity of those people who were going to be their neighbors and their residents, they should know that they were talking about her family, her daughter, who she loved more than anything.

All of them had met her daughter. They knew how dedicated her family was to her and how dedicated all the families were to the people who would live in this facility. People were people. The people who would live in this home were human beings. That's all they were.

Mr. Pribonic knew Mr. Jacobs and him had had discussions personally. It had been explained very eloquently by him the other day that a person had to be a person who was dealing with the DD Board. He asked if that was correct? Mr. Jacobs stated absolutely.

They have to go thru an intake process. Then, they are given an SSA and have to go thru a whole program. He knew Mayor Kline knew more than he did about the service end of it. However, quite honestly, they were appointed an SSA Service's Board Administrator to work with their plan - what their services were that were needed.

He knew the mental health label might scare some people, but they all had developmental disabilities along with that. They had about ten homes in this community right now living next door to people. They had never had to come to Council for approval for that. It was unusual that they had to for this four unit right now. However, they did.

Mr. Pribonic asked why they had to come before Council? Mr. Jacobs stated the reason was they were obtaining a conditional zoning certificate to build it because it didn't have the proper zoning for a four-unit building. That was why they were before Council. Otherwise, they just would have purchased a lot with the proper zoning, built it and they wouldn't be here.

Mr. Razor asked if this was the same sort of situation that they had had with Dollar General where they could not question the nature of the operation, but they could question the site plan? Mr. Kurtz stated assisted living facilities are conditionally permitted in the C-6 District. If this were in a residential district, it would be considered a group home and not subject to any approval by Council or the Planning Commission.

Mr. Razor asked if the scope of their review was more narrow by Ohio law? Mr. Kurtz stated yes. In terms of does it meet the locational or development standards of C-6 that was correct.

Mrs. Zibritosky stated she understood Mr. Lowdermilk's concerns. She did not mean to downplay anyone's concerns. However, technically, legally, like the Dollar General situation, those concerns do not come into play in what they are doing today and the risk of bringing them up could be litigation.

Mr. Lowdermilk stated he had a nephew that was disabled. He had several friends whose children were similar to the Mayor's. This isn't about they didn't want anybody here.

The part that has made the residents have questions was just what the gentleman had addressed. They wanted to make sure if someone was diagnosed with mental illness that the proper environment was provided for him.

He wasn't saying he was opposed to this. He was just saying he knew people had expressed an interest to him, had questions and expressed an interest in coming to a meeting but couldn't make it tonight. If Mrs. Zibritosky was telling them that they didn't have the right to do that...

Mrs. Zibritosky stated based on those concerns was what she had meant. If he had some other thing that had to do with the statute, but based on that specific concern he was discussing, that could not come into his decision making process.

Mayor Kline stated that one in four Americans live with a mental health disability. Statistically, there were several of them in this room living with a mental health disability right now. Therefore, they were talking about themselves.

MOTION:

Mr. Pribonic moved and Mr. Costello seconded to call the question.

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

No Votes: None. The motion to call the question carried.

MOTION:

Mr. D'Antonio moved and Mr. Costello seconded for the adoption of Resolution No. 2016-66.

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

No Votes: None. The motion carried.

Ordinance No. 2016-66 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Resolution No. 2016-68, entitled:

A RESOLUTION AMENDING RESOLUTION NO. 2016-56, WHICH AUTHORIZED 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, TO REVISE THE AGREEMENT ATTACHED TO SAID LEGISLATION, 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: Riehl, Adaska, Costello, D'Antonio,
Lowdermilk, Pribonic & Rasor

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Resolution No. 2016-68.

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

No Votes: None. The motion carried.

Resolution No. 2016-68 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Disposition of Bills

MOTION:

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

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Public Improvements Committee
Thursday, May 26, 2016
at 5:30 p.m.

Finance Committee
Thursday, May 26, 2016
to follow the Public Improvements Committee

C.O.W.
Thursday, May 26, 2016
to follow the Finance Committee

City Council
Thursday, May 26, 2016
at 7:00 p.m.

Mr. Adaska wanted to make a comment. Mr. Lowdermilk represents his ward. He does a very, very good job. He had residents that live in his ward, including his family, who were always telling him that Brian was on the spot all of the time. He was always available.

When people contact him with questions, he has to be able to answer those questions. This particular project received just one reading and passed. Now, Brian was going to have to answer some questions from people and he really didn't have the answers because they didn't have the opportunity to be here this evening.

He applauded Mr. Lowdermilk for asking the questions. Personally, if he had it to do over again, he probably wouldn't vote for suspension of rules just to give his constituents an opportunity to come in in two weeks and ask any questions that they had.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 8:05 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Rasor
President of Council