

Minutes of the Regular Meeting of Stow City Council held on Thursday, August 11, 2016, at 7:10 p.m.

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

City Officials Present: Service Director Wren, Director of Budget & Management Earle, Income Tax Administrator Snyder, Assistant City Engineer Rayman, Police Chief Film, Manager of Information Systems Germano, Law Director Zibritosky, City Engineer McCleary, Economic Development Coordinator Trenner, Clerk of Courts Colavecchio, Judge Hoover, Division Chief Metz & Clerk of Council Emahiser

Press Representatives: Stow Sentry & Beacon Journal

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### **Call to Order**

Mr. Rasor called the meeting to order. Mr. Pribonic led the prayer and pledge of allegiance. Mr. Costello stated that this last month we have lost two very prominent individuals and statesmen for northeast Ohio. He asked everyone to take a moment and keep in their thoughts and prayers the families of Russ Pry and Steve LaTourette.

### **Approval of Minutes**

#### **MOTION:**

Mr. Pribonic moved and Mr. Riehl seconded to approve the Minutes of the Regular Council Meeting of July 14, 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 proclaiming August 2016 as "Kids Month in Summit County". This item was read in its entirety. A copy of the Proclamation was presented to Tina Merlitti.

Ms. Merlitti thanked the City of Stow and Mayor Kline for supporting Kids Month for the fourth year in a row. This would be their seventh Kids Expo. It was a very important initiative of the County Executive's Office. They appreciated the City's partnership with them.

### **Committee Reports**

Mr. Adaska reported on the Public Improvements Committee Meeting of August 11, 2016 as follows:

1. Three items would be introduced in motion form.

Mr. Razor reported on the Committee-of-the-Whole Meeting of August 11, 2016 as follows:

1. One item would be introduced in motion form.

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

Marjorie Arida  
5454 Young Road

Mrs. Arida stated she had lived in the City of Stow for 35 years. She was a teacher. She was retired now. She had decided that she would like to get involved with some City issues, projects or whatever.

She loved Stow in so many ways. Right down the street from her was Silver Springs, which she loved. She used the bike trail all the time. She hiked. She loved it.

She was just a little bit afraid about the City's greenspace. She was seeing Dollar General Stores that weren't very pretty. She went to other cities, saw the beauty and thought that Stow could look like that. They could do that.

Also, there was a house on her street that has been vacant for a long time. It made her a little nervous that it could be more than just a vacant house. She wondered if the City would get involved with that?

Mr. Razor thanked Mrs. Arida for attending the meeting. He hoped she would attend future meetings.

He asked if Chief Film would be the person to follow-up on suspicious activities? Chief Film stated that he definitely could. He would give Mrs. Arida his card this evening and she could give him a call tomorrow.

Mr. Lowdermilk thought if you looked at the number of acres in Stow, Stow had a lot of open and park space, especially compared to other communities. He thought they had done a pretty good job of having a lot of open space.

Mrs. Arida stated she might completely agree. However, she would like to see more. She was upset about the commercialism by Big Lots. She asked what in the world was that?

Mr. Lowdermilk stated that was personal property. When people purchase property, they have property rights the same as Mrs. Arida does. He felt it would be hard for them to dictate what somebody does with their property any more than she would want them to do that with her property,

Mrs. Arida stated if there were any committees formed for beautifying Stow and adding more, she didn't want to lose any parks for sure, she would be interested in them.

Mr. Wren stated after the meeting he would give Mrs. Arida his information as well. He would also give her information on the Planning Director. He knew that a Comprehensive Plan for the City was in the works. Therefore, he would give her his information so she could contact him with her concerns. The Chief would look into the suspicious activities. And they would look at the structure out there to make sure that it wasn't a dangerous dwelling.

Mrs. Arida thanked the City Officials for being very accommodating.

Mrs. Arida stated that she loved the bike trail. However, she was curious about the widening of the road. She asked if that was for bikers and walkers to get down to the other trail right off of S.R. 91?

Mr. McCleary stated on S.R. 91 they were putting in turn lanes. Norton Road would have turn lanes. Also, from S.R. 91 going west back to the bike trail there would be a multi-use lane, which would be an enlarged sidewalk, on the north side. The bike trail would be put back hopefully by the end of this year.

### **City Officials' Reports**

City Engineer McCleary reported as follows:

1. Demo would start on the bridge tomorrow most likely. Construction traffic was going thru the intersection so far without incident. He was available to answer questions.

Mr. Razor stated for the listening audience Mr. McCleary was talking about the S.R. 91/Fishcreek Road bridge.

Division Chief Metz reported as follows:

1. On July 31<sup>st</sup> Ltd. Tom Brahler retired from the department after 20 years of service.
2. She had turned in her retirement notice effective October 17<sup>th</sup>. She stated it had been her privilege to serve the citizens of Stow and to be a member of one of the finest fire departments in the country.

Mr. Razor stated that they appreciated Division Chief Metz' outstanding service and wished her the best of luck in her retirement.

### **New Business**

#### **MOTION:**

Mr. Razor moved and Mr. D'Antonio seconded to authorize the promotion of Police Department Records Clerk Michelle Badgley from Secretary I to Secretary II, to authorize the promotion of Police Department Records Clerk Jamie Lord-Smith from Secretary I to Secretary II and to adjust Service Department Secretary Jill Janson's pay discrepancy to the rate of \$20.75/hour.

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

No Votes: None. The motion carried.

#### **MOTION:**

Mr. Adaska moved and Mr. Costello seconded to confirm the Mayor's appointment of Pastor Jill Smith to the Board of Zoning and Building Appeals for a term ending 1/2/19.

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

No Votes: None. The motion carried.

#### **MOTION:**

Mr. Adaska moved and Mr. D'Antonio seconded to confirm the Mayor's appointment of Rainy Boucher to the Civil Service Commission for a term ending 1/2/17.

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

No Votes: None. The motion carried.

**MOTION:**

Mr. Riehl moved and Mr. Pribonic seconded to authorize the hiring on one replacement police officer.

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

No Votes: None. The motion carried.

**Disposition of Ordinances & Resolutions**

Mr. Riehl introduced Ordinance No. 2016-77, 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 INCREASE THE MONTHLY STORMWATER SERVICE CHARGE, ALLOCATE USE OF THE PROCEEDS THEREOF, AND ALLOW FOR AN AUTOMATIC ANNUAL INCREASE TO BE USED FOR IDENTIFIED STORMWATER MANAGEMENT PROGRAM ACTIVITIES.

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

Mr. Riehl introduced Ordinance No. 2016-78, entitled:

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

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

Mr. Lowdermilk requested that another public meeting be scheduled regarding these stormwater issues. Mr. Rasor stated it would be on Council's next Committee-of-the-Whole Agenda.

Mr. Riehl introduced Ordinance No. 2016-79, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$750,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY'S STORM WATER MANAGEMENT SYSTEM BY CONSTRUCTING AND IMPROVING STORM WATER DRAINAGE FACILITIES INCLUDING STORM SEWERS AND FACILITIES FOR THE RETENTION AND CONTROL OF WATERS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO AND ACQUIRING ANY REAL ESTATE OR INTERESTS IN REAL ESTATE NECESSARY THEREFOR, 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: Riehl, Adaska, Costello, D'Antonio,  
Lowdermilk, Pribonic & Rasor

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-79.

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

No Votes: None. The motion carried.

Ordinance No. 2016-79 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-80, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH PATH MASTERS, INC. FOR TRAFFIC LIGHTS, PARTS OR CONTROL CABINETS NEEDED THROUGHOUT THE CITY, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

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

Mr. Riehl moved and Mr. Pribonic 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. Adaska seconded for the adoption of Ordinance No. 2016-80.

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

No Votes: None. The motion carried.

Ordinance No. 2016-80 was declared to be adopted by Council and, upon its approval by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-81, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A FIVE-YEAR CONTRACT WITH KENT STATE UNIVERSITY, WITHOUT THE NECESSITY OF PUBLIC BIDS, TO PROVIDE ANNUAL MAINTENANCE OF THE CITY'S NEW WORLD CAD SYSTEM FOR 2016 - 2020 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: 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 Ordinance No. 2016-81.

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

No Votes: None. The motion carried.

Ordinance No. 2016-81 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2016-82, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A THREE YEAR CONTRACT WITH AT&T CORPORATION, WITHOUT THE NECESSITY OF PUBLIC BIDS, TO PROVIDE FIBER OPTIC CONNECTIVITY TO FIRE STATION NOS. 2 AND 3 AND DECLARING AN EMERGENCY.

which was read by title 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

No Votes: None

Abstentions: Riehl. The motion carried.

Mr. Rasor moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-82.

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

No Votes: Rasor

Abstentions: Riehl. The motion carried.

Ordinance No. 2016-82 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. 2016-83, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2016-18 TO INCREASE THE AUTHORIZATION TO EXPEND FUNDS WITH HALL PUBLIC SAFETY COMPANY FOR EQUIPMENT AND INSTALLATION ON THE CURRENT POLICE DEPARTMENT VEHICLE FLEET AS WELL AS PARTS AND INSTALLATION NECESSARY TO OUTFIT THREE NEW CRUISERS 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: Riehl, Adaska, Costello, D'Antonio,  
Lowdermilk, Pribonic & Rasor

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-83.

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

No Votes: None. The motion carried.

Ordinance No. 2016-83 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-84, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2016-4 TO INCREASE THE AUTHORIZATION TO EXPEND FUNDS WITH THE CITY OF MACE- DONIA FOR THE HOUSING OF PRISONERS, VIDEO ARRAIGNMENT AND RELATED EXPENSES FOR 2016 AND DECLARING AN EMER- GENCY.

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, D'Antonio,  
Lowdermilk, Pribonic & Rasor

No Votes: None

Abstentions: Costello. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-84.

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

No Votes: None

Abstentions: Costello. The motion carried.

Ordinance No. 2016-84 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-85, entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND SOLICIT BIDS, ON BEHALF OF THE CITY OF STOW FOR MISCELLANEOUS STORM SEWER PRO- JECTS; AUTHORIZING AND ADOPTING PLANS AND SPECIFICATIONS PREPARED BY THE CITY OF STOW THEREFOR; AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID SER- VICES SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED IN ACCORDANCE WITH SECTION 173.05, C.O.S.; 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: Riehl, Adaska, Costello, D'Antonio,  
Lowdermilk, Pribonic & Rasor

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-85.

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

No Votes: None. The motion carried.

Ordinance No. 2016-85 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-86, entitled:

AN ORDINANCE TO APPROVE THE TRANSFER AND ASSIGNMENT OF THE COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT AND SCHOOL DISTRICT COMPENSATION AGREEMENT APPROVED IN STOW COUNCIL RESOLUTION NO. 2016-68 THAT GRANTED A TAX EXEMPTION FOR REAL PROPERTY IMPROVEMENTS MADE TO THE PROPERTY LOCATED AT 542 SEASONS ROAD, FROM SEASONS BUSINESS CENTER, LLC TO SEASONS BUSINESS CENTER TWO, LLC, 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: Riehl, Adaska, Costello, D'Antonio,  
Lowdermilk, Pribonic & Rasor

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-86.

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

No Votes: None. The motion carried.

Ordinance No. 2016-86 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-87, entitled:

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2016-24 WHICH PROVIDES FUNDS FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR 2016 AND ALL AMENDMENTS THERETO TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE STOW MUNICIPAL COURT CLERK 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: Riehl, Adaska, Costello, D'Antonio,  
Pribonic & Rasor

No Votes: Lowdermilk. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2016-87.

Mr. Lowdermilk stated he appreciated the Clerk coming in and giving them some updated numbers. He just didn't see with looking at increasing stormwater fees and increased costs for equipment for the police department and that supporting an increase here.

Mr. D'Antonio thanked Mrs. Colavecchio and her staff for coming in tonight. They were always armed with plenty of information and certainly ready to go. He appreciated that. They had asked them to come back. They did. They had asked them to show where more revenue was going to come from. They estimated that. He appreciated that.

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

No Votes: Lowdermilk & Rasor. The motion carried.

Ordinance No. 2016-87 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-88, entitled:

AN ORDINANCE ENACTED BY THE CITY OF STOW, SUMMIT COUNTY, OHIO, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT, D04 GR FY2018(TYPE A), PID 103678, UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION, AND DECLARING AN EMERGENCY.

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

Mr. Riehl moved and Mr. 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. D'Antonio seconded for the adoption of Ordinance No. 2016-88.

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

No Votes: None. The motion carried.

Ordinance No. 2016-88 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

### **Disposition of Bills**

#### **MOTION:**

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

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

No Votes: None

Abstentions: Riehl. The motion carried.

**MOTION:**

Mr. D'Antonio moved and Mr. Lowdermilk seconded to authorize the President of Council, or in his absence the Vice President of Council, to approve the release of the checks prior to the next Council Meeting.

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

No Votes: None

Abstentions: Riehl. The motion carried.

**Committee Meetings Scheduled**

C.O.W.  
Thursday, September 8, 2016  
at 5:30 p.m.

Finance Committee  
Thursday, September 8, 2016  
to follow the C.O.W.

City Council  
Thursday, September 8, 2016  
at 7:00 p.m.

**Adjournment**

**MOTION:**

Mr. Costello moved and Mr. Lowdermilk seconded to adjourn.

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

No Votes: None. The motion carried.

The meeting adjourned at 7:35 p.m.

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Bonnie J. Emahiser  
Clerk of Council

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Mike Rasor  
President of Council