

Minutes of the Regular Meeting of Stow City Council held on Thursday, September 8, 2016, at 7:43 p.m.

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

City Officials Present: Mayor Kline, Law Director Zibritosky, Finance Director Baranek, Director of Budget & Management Earle, Police Chief Film, Fire Chief Stone, Deputy Service Director Brooker, Income Tax Administrator Snyder, Assistant City Engineer Rayman, City Engineer McCleary, Economic Development Coordinator Trenner & Clerk of Council Emahiser

Press Representative: 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. Costello moved and Mr. D'Antonio seconded to approve the Minutes of the Regular Council Meeting of August 11, 2016 as circulated.

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

No Votes: None. The motion carried.

### **Committee Reports**

Mr. Costello reported on the Finance Committee Meetings of September 8, 2016 as follows:

1. Had a presentation by Edgewood Solutions concerning the CIC.
2. There were a number of items that would be introduced at the Council Meeting.

Mr. Pribonic stated on September 27<sup>th</sup>, at 6:00 p.m., in these chambers, there would be a Community Meeting regarding the City's Comprehensive Plan. The public was invited.

Mr. Adaska reported on the Public Improvements Committee Meeting of September 8, 2016 as follows:

1. Two items would be introduced in legislative form.

Mr. D'Antonio stated that the Roads & Safety Committee Meeting scheduled for this evening had been cancelled.

Mr. Rasor reported on the Committee-of-the-Whole Meeting of September 8, 2016 as follows:

1. Took comments from residents on the stormwater proposal.

2. Four items would be introduced in legislative form.

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

Paul Zuravel  
3720 Gilbert Lane

Mr. Zuravel wanted to encourage Council to table the stormwater legislation. In listening to the comments from the public, it seemed like there was still a lot of confusion about what the proposal actually was. He thought maybe they needed to do more informational explaining to the public so that everybody understood what was going on.

Mayor Kline had been with City Council for a number of years and eight years as Mayor. This was the first time they had brought up an increase to the stormwater fee. He thought it was probably necessary. However, he thought they should explore assessments for certain individual projects that people wanted done right away so they didn't feel like they were being sidelined for a project that may come up.

Sanitary sewers, waterlines, sidewalks and roadways are assessed. He thought assessing stormwater projects when the people really wanted them that bad was something worth exploring. Like the one gentleman said, he wouldn't mind paying more. That was fine.

If you had a project in your district and you wanted to get it done, the City could offer those property owners in that district an assessment to do that project. That way the people in the whole of the community didn't pay for that particular area, like the church flooding that happened because the plywood was over the storm sewer outlet.

He thought that might be something to look into. He also thought more exploration into how this was paid for needed to be done. He thought there was no doubt that something needed to be done. However, he thought they could explore more options.

He urged Council to table the legislation until the City Administration and Council could work out an agreement that could be put to the people in the form of a letter with their water bills, since everybody gets one, so that there is full understanding, disclosure and honesty about what is going on with it.

Joseph Mumper  
4242 Hile Road

Mr. Mumper stated he had a question about the presentation concerning the Summit County Health Department.

They said that they have approximately 1,000 refugees, which it was his understanding was code for illegal immigrants, being brought into Summit County, yet Summit County doesn't have enough money to help and interdict the addicts, we have people who are citizens who are going hungry, we have citizens who are without insurance, yet we can afford to bring in illegal immigrants and take care of them.

He asked if anyone could explain to him the rationale of that? That was his question.

### **City Officials' Reports**

Mayor Kline reported as follows:

1. On Tuesday, September 20<sup>th</sup>, there will be a joint Council Meeting. Mr. Rasor along with the Presidents of Cuyahoga Falls City Council and Tallmadge City Council had arranged the date.

It is a special, open, public meeting with all three City Councils meeting jointly. The purpose of it is to discuss regional dispatch operations.

The meeting will be held in the Council Chambers of Stow City Hall. She believed the time of the meeting would be 7:00 p.m., however, she believed Mr. Rasor wanted to adjust the scheduling of some of the other meetings that evening.

2. This Sunday marks the 15<sup>th</sup> Anniversary of September 11<sup>th</sup>. The City of Stow will hold its annual Memorial Ceremony marking the day at 4:00 p.m., at Stow City Hall, outside at the 911 Memorial.

She encouraged the public to join them for the ceremony. Again, that was at 4:00 p.m., this Sunday, September 11<sup>th</sup>, at the 911 Memorial in front of Stow City Hall.

Law Director Zibritosky reported as follows:

1. Requested that Council pass the various proposals and ordinances brought forth this evening.

### **New Business**

#### **MOTION:**

Mr. Costello moved and Mr. Pribonic seconded to authorize the hiring of one replacement Firefighter.

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

No Votes: None. The motion carried.

(Mr. Riehl left the meeting.)

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

Mr. Adaska introduced Ordinance No. 2016-89, entitled:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO  
THE STOW CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

(Mr. Riehl re-entered the meeting.)

Mr. Adaska moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-89.

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

No Votes: None. The motion carried.

Ordinance No. 2016-89 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Adaska introduced Ordinance No. 2016-90, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2015-77, WHICH ESTABLISHED THE STOW TREE LAWN PROGRAM, TO GRANT A DISCOUNT FOR MILITARY PERSONNEL.

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

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

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

No Votes: None. The motion carried.

Mr. Adaska moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-90.

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

No Votes: None

Abstentions: Costello. The motion carried.

Ordinance No. 2016-90 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. 2016-77, entitled:

AN ORDINANCE AMENDING CHAPTER 927, C.O.S., ENTITLED "STORM-WATER 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 third time.

Mr. Lowdermilk stated they had had a meeting this morning to discuss several proposed changes. He appreciated the Mayor's and the Law Director's time in discussing this. He would like to have a little bit more time to try to iron out or get some more clarification on some of the proposals.

MOTION:

Mr. Lowdermilk moved and Mr. Adaska seconded to hold Ordinance No. 2016-77.

Yes Votes: Adaska, Lowdermilk & Riehl

No Votes: Costello, D'Antonio, Pribonic & Rasor.  
The motion failed.

MOTION:

Mr. Lowdermilk moved for the adoption of Version No. 2 of Ordinance No. 2016-77.

Mrs. Emahiser stated she had given Mr. Lowdermilk and the Council Members a copy of the amendments that Mr. Lowdermilk had requested, but hadn't done a Version No. 2 of the legislation. Therefore, Mr. Lowdermilk would need to make a motion to amend the legislation.

Mr. Razor asked for the substance of the amendment that Mr. Lowdermilk was proposing? Mr. Lowdermilk stated that it was a list of projects that were approved for the stormwater fee.

For those of them who had looked at the Master Plan, they had about \$17,000,000 in stormwater projects. This fee was going to generate about \$500,000. So, the first amendment would be in Section (d). It would be to cross out any identified stormwater management program activities except the following projects.

Those were a list of about \$2,000,000 of projects that include: the Arndale Structure Replacement (which was ongoing), Fishcreek Ditch Enclosure Force Main Project, Kingsdale Replacement, Silver Springs Drive, Wexford Pond Restoration and Construction, Eastwicke and Quail Highlands System Upgrades, Storm System Upgrades for Parts of Eastwicke and Quail Highlands, Downstream Charring Cross Improvements, Miscellaneous Storm Sewer Replacements and Ditch Improvements (those were culverts on Sunnyside, Hibbard and Meadowbrook), Meadowbrook Lake Restoration and the Riparian Planning.

Mr. Razor stated Mr. Lowdermilk didn't need to read the whole thing. He now knew what he was referring to. He asked what happened to the idea of incorporating the May 11<sup>th</sup> Action Plan with the caveat that if emergencies arose, then...? Mr. Lowdermilk stated that was the reason for holding the legislation – to go over that and get that right. He didn't have that prepared for tonight, he had had the other one prepared.

Mr. Razor stated the reason he voted no against holding it was because he thought it was a pretty simple amendment and there wasn't a reason to stall it for another two weeks. They could incorporate that list almost orally. The list that he thought Mr. Lowdermilk was now making a motion for was not going to be adequate for the reasons they had talked about today.

Mr. Lowdermilk thought they could make an amendment to do that. Then, there was a second amendment as far as the maintenance of existing stormwater structures only in correction of infiltration issues. That was another one that he had wanted to further clarify with the Law Director.

Mr. Razor requested that Mr. Lowdermilk let him try to make an amendment and tell him if that was what he was after or not. His amendment would be at the end of Paragraph (d) adding the verbiage:

“It is the intent of Council that additional funds raised pursuant to the 2016 amendment to this ordinance shall be used on projects delineated on the engineering department's list of projects set forth on a list dated May 11<sup>th</sup>, 2016,”

Mayor Kline asked if the Administration could request that Mr. Razor alter his amendment from list to Master Plan? Mr. Razor stated they would call it the Master Plan. He continued his amendment as follows:

“except in emergency circumstances confirmed by resolution of City Council.”

Mr. Razor thought that was what Mr. Lowdermilk was after. He asked if that was right or wrong? Mr. Lowdermilk stated no. This goes back to the questions they had had here this evening about where the money was being spent, what projects they were going to spend it on and what was going to be done with it? He thought the original amendment that he had basically chipped away at some of those ongoing projects, so

they complete some of them in a timely manner. They would be required to come back and move onto the next set of identified projects. That was the intent.

Mr. Razor asked if Mr. Lowdermilk was onboard now with incorporating that \$17,000,000 Master Plan into the legislation in lieu of his more limited plan? Mr. Lowdermilk stated not in lieu of, no. They had had a Master Plan for how long? Was it years? Mayor Kline stated since May 11<sup>th</sup>. The updated version was May 11<sup>th</sup>. It was also further updated for them today.

Mr. Lowdermilk stated so the Mayor was saying that this May they came up with a plan. Mayor Kline stated no, but she compiled it on May 11<sup>th</sup>. That was the most updated Master Plan with some revisions that she had made today to reflect projects that were underway already.

Mr. D'Antonio stated on the proposed amendment that he was reading, basically they were saying that they were going to go after this money, but they were only going to be allowed to use it on roughly \$2,000,000 of projects. So now they were going to pigeonhole themselves. So now they weren't going out for any type of bonds for \$17,000,000 worth of projects.

He supported the increase. He felt it was unfortunate, but it has to be done. He couldn't support this. He would support the Master Plan, which sounds like the \$17,000,000.

Changing this legislation got dumped on them here. They had made comment on how they hadn't talked about this. However, he thought it had been talked to death over prior to Mr. Razor asking for the Committee to look at it.

He couldn't support a specific list and hope nothing else goes wrong in any other part of the City. Pigeonholing these neighborhoods to ask the whole city for an increase didn't sound like smart management of the money they were going to get.

Mr. Pribonic stated that he understood that they always want to go ahead and he agreed - dot their i's and cross their t's. However, they had a serious problem out there. They knew there was a serious problem out there. They say 100-year flood or 500-year flood, but they have had them.

He did not want to be sitting in front of people again saying that they were not addressing these issues. If they tied themselves too much to any of this...They had to have faith within themselves and within their Administration that they were going to do the proper thing.

He did not want to sit in front of the public again where people have had flooded basements or their houses were ruined. They had talked about this considerably. He was proud this evening that they had gotten to the point where they had actually been able to discuss something and hopefully pass something to alleviate the residents' fears, which were justified, and move forward on this.

They couldn't waste time. They were gambling against time. He agreed with Mr. D'Antonio that if they pigeonholed too many things, and they were never going to cover everything, but the whole point was that they needed to address this and they needed to address it efficiently and promptly.

That was his belief. They could keep going on this, but their citizens deserved a quick response and they really haven't been that quick.

Mr. Razor wanted to compliment Mr. Lowdermilk because he had done a good job with this legislation to the extent he was involved in limiting the use of the new money to specific projects. That money was not going to get diverted to salaries, equipment or anything else besides putting projects together.

He also wanted to add an amendment to the extent that for the original \$3.00 funds, they would be capping the amount of non-project spending at 2015 levels. So, the money that comes in from the original \$3.00 can't then be flooded with non-project things, so you could play a shell game – not that it was the Administration's intent, but Mayor Kline was not going to be here in three years and neither would they. They were going to be alive, God willing, but not here.

He stated that was going to be his next amendment after they got this thing resolved. However, he thought Mr. Lowdermilk had done a great job in assuring the residents. He didn't blame him for wanting a list to say that was going to be what they were going to tackle, but it couldn't be one-fifth of their actual list and only things that he thought were important. That didn't make any sense.

Mr. Pribonic applauded Mr. Lowdermilk, Mr. Costello and the Administration because they did have this in front of them this evening. It wasn't their intent to tear down any of this because they had discussed this for years and had never been able to do anything except to say they were sorry. They couldn't do that. He appreciated all their efforts.

Mr. Costello thought to get what Mr. Razor was trying to say and what Mr. Lowdermilk wanted to do was in Paragraph (d), in the fourth line up from the bottom where it says "activities except", they put in the phrase: "stormwater management program activities identified in the May 11<sup>th</sup> Master Plan or as emergency issues arise." That would cover the \$17,000,000 and everything there.

The other change he thought they needed to make was adding the following phrase to the last sentence in Section (e): "and maintenance".

Mrs. Zibritosky stated that maintenance was a stormwater management activity. Mr. Costello stated or they could define it out as maintenance. It didn't make any difference either way to him. However, he looked at it as a stormwater management practice.

Mr. Lowdermilk thought the intent of the \$.10 increase was for maintenance going forward. He asked if that was correct? Mr. Razor stated yes.

Mr. Lowdermilk stated he would amend his amendment to say "the May 11<sup>th</sup> 2016 Stormwater Master Plan". Those would be the projects that it would be used on.

Mr. Razor asked if that was with an exception for emergency circumstances with the emergency having to be confirmed by resolution of Council? Mr. Lowdermilk stated Mr. Razor was killing him. However, he agreed.

Mr. Razor asked if the amendment was clear with everyone?

Mrs. Zibritosky stated she wasn't entirely clear on what any of these amendments were. However, she would say that some of them created legal issues, especially if the words used to implement these were not precise.

For example, Mr. Lowdermilk's first amendment that he had brought up, as they had discussed this morning, limiting it to exact projects regardless of what those projects were and the practical implications of implementing what he wanted, which she was sure had been brought up this evening, was impermissible legally to do it that way.

To create an ironclad restriction based on location, but yet to impose the fee upon everybody could create some serious legal issues, not to mention enforcement and many other consequences which she would rather not go into detail here.

She understood Mr. Razor's first initial amendment. There was another initial amendment, so it was hard to keep them all straight at this point to be honest. However, for the first one, she didn't necessarily have a problem with when they put something in

with the words of intent and may differ from the emergency, but they needed those words in there. They could not forget them, otherwise they would fall into the same trap.

They could not limit things to geographical areas only in the legislation. It was fine and good to tell the public what they wanted to do with this money. It was something they should do. It was something that they should do to hold them accountable.

They were also fine with creating some type of separate ordinance or something like that where they said that the Administration has to come forward and say what they have done with this money.

This was also something that they should keep in mind that they would be looking at when they approved the budget. Doing this all in this way, especially in this very rushed manner, was not appropriate. It was very risky.

She also wanted to remind Council that yes, they have chosen to vote on this proposal tonight. However, it was not a locked-in ballot issue or something like that. They could come back two weeks from now and propose any one of these amendments at any time and if they passed, then it was changed. There was no need to create five or six different amendments that they couldn't even keep straight, let alone the public.

Mr. Razor stated they would straighten it all out. He asked if Mrs. Zibritosky was good with Mr. Costello's amendment which basically incorporated the May 11<sup>th</sup> Master Plan? Mrs. Zibritosky stated if it uses the proper words and it says intends to use this money for this purpose absent an emergency she was more comfortable with it. She would have to see it written out to be honest, because if they don't use the right words, it could be a problem. She didn't have the words written out.

Mr. Razor stated that he didn't want to waste another two weeks on something that should have been settled months ago. However, if that was the only way legally they could get something that Mrs. Zibritosky was going to be comfortable with, he supposed they could.

MOTION:

Mr. Lowdermilk stated that the amendment he was proposing was in the fifth line from the bottom of Section (d), to scratch out the words "shall be used for" and insert the following language:

"with the intended use of funding Stormwater Project Master Plan dated  
May 11<sup>th</sup>, 2016."

Mr. Lowdermilk asked with the word "intended" in there, if it would make you... Mr. Earle stated plus the emergency. Mr. Lowdermilk stated they could come back and change it. Mr. Razor asked Mrs. Zibritosky if that was okay? Mr. Lowdermilk stated they could come back and change it if they had to in two weeks after they had reviewed it.

Mr. Razor stated that was the motion, he asked if there was a second? Mr. Costello seconded the motion.

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

No Votes: Adaska. The motion to amend carried.

Mr. Razor stated he was going to make a motion relating to the same paragraph. He would read the existing portion four lines down first. It says:

"\$3.00 collected from each ERU shall be used for any identified storm-  
water management program activities".



After the word “activities”, he was going to insert the following language:

“provided that no equipment purchases, City of Stow employees’ salaries or general stormwater studies not otherwise related to a specifically identified stormwater project shall be used from such funds beyond the 2015 allocation of funding for such categories.”

Mr. Razor stated that would accomplish what he had explained about five minutes ago.

Mayor Kline had two questions. She thought she understood the intent of capping at a certain year’s level. However, since they had already exceeded the 2015 levels because they were in 2016 and they had had some increase in labor costs from 2015 to 2016, if this was the amendment that Council wanted to pass she would request that they at least amend it to 2016 levels because they would already be out of compliance if it passed. Mr. Razor stated that was fine.

Her second point of clarification and question was when he talked about studies, could he elaborate for her what that meant? She wanted to make sure that they weren’t precluded from doing any studies, because studies were part of most every project at some point whether they had already been done or were done as part of the fieldwork. Mr. Razor stated the studies would be permitted only up to the 2016 levels. He had just pulled the same language that restricted the new money. It was at the bottom of Paragraph (d).

Mayor Kline stated so if all of the legislative amendments and the original legislation passed, on the Master Plan, which she understood he intended to incorporate as part of the legislation and she understood that, there were projects that needed to have studies attached to them, an example would be Wetmore Park, she asked if Mr. Razor’s amendment would then limit the amount of money that they could spend on that new project for the study portion of it to a 2016 level, because that didn’t really equate because they hadn’t started, and she was just using that as an example to illustrate her point, that project?

She was concerned that that would then limit them if the studies in 2016, and she was using all hypothetical numbers, were \$5,000, then in 2020, they could only spend \$5,000, but what if they needed \$10,000 for a study on that specific new project, which was the intent of the increase? She asked if Mr. Razor followed her. Mr. Razor stated that he did.

He thought that was a good point. Therefore, he would strike the word “studies” out as far as the amount that was limited and he was going to make it 2016 levels because he understood that Mayor Kline was right, the study amounts that they spend could go way up and down based on what they were doing in a given year.

Mr. Lowdermilk stated when they were originally looking at that, the intent was not to prohibit the studies. Any future studies would have to come out of the initial \$3.00. Mr. Razor thought that made sense with what the Mayor was saying. Mr. Lowdermilk stated you would still be able to do the studies, but you would take it out of the initial \$3.00. The \$2.00 would be for accomplishing what the studies said you needed to do.

Mr. Baranek stated by limiting and putting a cap on it for 2016 or 2015 or whatever year they wanted to do it in, they were sort of creating a quagmire in the accounting field of trying to track the appropriate expenses to that.

In the past when the original budgets were set-up on creation of the \$3.00 fee, they had given Council schedules that had shown that they had followed what was set out in that \$3.00 fee. He thought by altering their classifications and creating the arbitrary levels, they were creating a quagmire and a very difficult method to try to follow the \$3.00 fee.

It was one thing to limit the \$3.00 to specific areas, but to limit the level was going to create a big problem. However, they would do whatever they could do to follow what Council would like in their legislation.

Mrs. Zibritosky stated she had one point that she wanted to point out. She understood Council's intent of doing this and so forth. However, she just wanted to make Council aware that this may not really have any real affect considering that they were going to approve a budget every year and if the budget they approved was above the 2016 level, whether it was you, five years from now or whatever, it would override that amendment exactly. Because this wasn't a charter amendment, at least it would create an inconsistency. She would say the newer one would prevail.

She understood Council's intent as of today, but they couldn't really bind a future Council on that at all. She just wanted them to understand that. She didn't want them to think that there was this intent that they were going to be able to from now until the end of time keep every Council from voting to increase that level. As soon as they get a budget, if the budget has a higher level and they approve it, it would be overridden. She just wanted them to understand that this didn't really accomplish much.

Mr. Razor asked Mr. Earle if the budget they looked at every spring was part of the legislation? Mr. Earle stated the detail wasn't, but the summary was.

Mr. Razor stated that the summary accounts for how much money goes to each fund from each fund. Mr. Earle stated that was correct.

Mr. Razor stated and there wasn't that level of specificity within each line item. Mr. Earle stated not in the line items of the appropriation ordinance.

Mr. Razor stated so they weren't overriding it in every budget. It was something that was not addressed in the budget.

He thought the people in Stow were entitled to that level of protection – that this wasn't going to be a shell game. He could tell them that he trusts the Administration not to make it a shell game where new money comes in and they just take the old money and put it elsewhere because they could put it wherever they wanted. However, unless they actually built it into the legislation, he was just kind of wishing and hoping.

Mr. Lowdermilk stated he would agree. He thought that was what had gotten them to this point – the fact that there wasn't that specificity in the budget itself as far as what project, what person gets paid what, etc.

Mr. Earle stated he hadn't been going to say anything, however, he would like to make one comment.

He knew they wanted to pass this to feel like they were protecting against them doing something. However, they had hundreds of thousands of dollars that they spend on stormwater programs that are not even charged to that fund. They were already doing that. They were already protecting and guarding the funds from over expenditure.

It was just a little bit disturbing to say that they had to step in and protect against the Administration when they were already doing that far beyond, far beyond what they were proposing today.

Mr. Razor stated it shouldn't be a big deal. He trusted him. However, he didn't know who his successor was going to be. He didn't know anybody who would be in this room in three years.

Mr. Earle stated then if you have a need in the future, well, they were doing it now so the future didn't make a difference.

Mr. Lowdermilk stated where this had come from was regarding the original \$3.00 fee when residents asked why they didn't fix their storm sewers and you go back and look at what the fee was spent on. There was no disputing that the first things that came out of that fee were payroll, benefits and equipment (including desks, chairs, etc.).

Mr. Earle stated they were extremely minor things – a couple thousand dollars. Mr. Lowdermilk stated it didn't matter - a couple thousand dollars or a couple hundred thousand dollars. The point is that people are paying a fee that they believe is going to a certain thing.

This was an effort, it was not pointing fingers at anyone. The fee that they thought they were getting the service for is not necessarily what it is. Was it improper or illegal? It may not have been. However, going forward, how did they not make the mistakes of the past?

Mr. Earle stated it wasn't a mistake. Mr. Lowdermilk stated whether it was you or somebody before. They weren't going to be here after four years. That was for sure. Mr. Earle wasn't sure what mistake Mr. Lowdermilk was talking about. They followed the plan as produced to Council in 2004 in writing. They had followed the plan.

Mr. Razor stated Mr. Lowdermilk's point was that the plan isn't specific enough to address what they want it to address. Mr. Earle had made his point for him by saying there were hundreds of thousands of dollars that he could have put into the stormwater fund. In a few years that could happen.

Mr. Earle stated and he would make Mr. Razor's point for him. If you want the budget limited to the prior level, it was up to them to submit one that does that, so you don't say that you've accidentally approved one that exceeds and, therefore, that takes precedent. If you pass this legislation they are bound to submit a budget that is limited – no greater than the 2016 or whatever year's expenditure they were using.

He hoped this started in 2017. He asked if it did? Because that would be their job – to make sure the budget meets the requirements of this ordinance and doesn't put them in a position where they were inconsistent by having a budget that says one thing and an ordinance that says another.

Mr. Razor stated in the year 2016 they would be equal to the 2016 numbers, so it wasn't going to be a problem for them. In 2017, they would have to match 2016. But in 2016, they were in 2016.

#### MOTION:

Mr. Razor moved and Mr. Lowdermilk seconded to amend Ordinance No 2016-77 as he had outlined above.

Yes Votes: Costello, Lowdermilk, Pribonic, Razor & Riehl

No Votes: Adaska & D'Antonio. The motion to amend carried.

Mr. Adaska stated he wouldn't be supporting this piece of legislation this evening. All along he had been hoping that the City Administration, the members of Council and the Committee would have gone back and realized that they needed to take salaries and equipment out of this legislation. If they were charging the residents \$3.00, then \$3.00 goes into the actual projects.

He didn't see that happening now. He didn't see that happening in the future. He didn't care what amendments they made, he saw a disaster coming. The law department and the finance and budgeting office were all saying that this isn't ready, but yet, Mr. President, you are willing to put this before Council for a vote. He thought it was unprofessional. He didn't think it was ready to go to Council yet for a vote. Therefore, he would not be supporting it.

Mr. Lowdermilk stated he wanted everybody here to know that there were a lot of hours put into this by Mr. Costello, Mayor Kline and Ms. Rayman in trying to do the right thing, coming to agreements that they thought would be best for the residents and making sure that the money goes where it should. Sometimes there were rather heated discussions. However, he did appreciate the discussions and the efforts that were put forth by all, including Mr. Razor at the end.

MOTION:

Mr. D'Antonio moved and Mr. Costello seconded for the adoption of Ordinance No 2016-77.

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

No Votes: Adaska. The motion carried.

Ordinance No. 2016-77 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. 2016-78, 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 ITS ORIGINAL CESSATION DATE.

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

Mr. Lowdermilk moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-78.

Mr. D'Antonio asked if anyone in the room could tell him what the City spent last year on the program they were extending? Mr. Earle stated zero.

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

No Votes: None. The motion carried.

Ordinance No. 2016-78 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. 2016-91, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH THE SUMMIT COUNTY PUBLIC DEFENDER'S COMMISSION, A PROVIDER OF CRIMINAL DEFENSE SERVICES, FOR THE YEAR 2017, WITHOUT THE NECESSITY OF PUBLIC BIDS; DIRECTING THE FINANCE DIRECTOR TO APPROPRIATE, ENCUMBER AND PAY FUNDS FOR SAID SERVICES AS SET FORTH HEREIN; 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. 2016-91.

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

No Votes: None. The motion carried.

Ordinance No. 2016-91 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Resolution No. 2016-92, entitled:

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CITY OF STOW TAX INCENTIVE REVIEW COUNCIL REGARDING COMMUNITY REINVESTMENT AREA AGREEMENTS WITHIN THE CITY OF STOW COMMUNITY REINVESTMENT AREA I 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,  
Rasor & Riehl

No Votes: None

Abstentions: Pribonic. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2016-92.

Mr. Lowdermilk thought they had had similar discussions in the CIC when they looked at the return on the investment. They had one instance where they hadn't done it, and it may not be in this specific agreement, but in general he thought they really needed in the future to take a look at the guys who were not living up to their commitments. For the particular one he was talking about, they had lost ground every year.

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

No Votes: None

Abstentions: Pribonic. The motion carried.

Resolution No. 2016-92 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Resolution No. 2016-93, entitled:

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CITY OF STOW TAX INCENTIVE REVIEW COUNCIL REGARDING COMMUNITY REINVESTMENT AREA AGREEMENTS WITHIN THE CITY OF STOW COMMUNITY REINVESTMENT AREA II 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,  
Rasor & Riehl

No Votes: None

Abstentions: Pribonic. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Resolution No. 2016-93.

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

No Votes: None

Abstentions: Pribonic. The motion carried.

Resolution No. 2016-93 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Ordinance No. 2016-94 was held.

Ordinance No. 2016-95 was held.

Mr. Riehl introduced Ordinance No. 2016-96, entitled:

AN ORDINANCE AMENDING PART ONE, C.O.S., ENTITLED "ADMINISTRATIVE CODE", PARTICULARLY TITLE NINE THEREOF, ENTITLED "TAXATION" SPECIFICALLY SECTION 194.051 THEREOF, ENTITLED "COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES", SPECIFICALLY ITEM (B) THEREOF, AND SECTION 194.091, ENTITLED "RETURN AND PAYMENT OF TAX", SPECIFICALLY ITEM (I) THEREOF, TO REVISE THE DUE DATES FOR WITHHOLDING AND PAYMENT OF TAXES, 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. Costello seconded for the adoption of Ordinance No. 2016-96.

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

No Votes: None. The motion carried.

Ordinance No. 2016-96 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-97, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH MOTT MACDONALD, WITHOUT THE NECESSITY OF PUBLIC BIDS, FOR DESIGN OF SAFETY IMPROVEMENTS TO

THE DARROW ROAD/GRAHAM ROAD INTERSECTION AND DECLAR-  
ING 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. Pribonic seconded for the adoption of Ordinance No. 2016-97.

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

No Votes: None. The motion carried.

Ordinance No 2016-97 was declared to be adopted by Council and, upon its signature  
by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-98, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PUR-  
CHASE OF TWENTY-FIVE (25) BODY CAMERAS AND RELATED  
EQUIPMENT FOR THE POLICE DEPARTMENT FROM SOLE SOURCE  
PROVIDER ENFORCEMENT VIDEO (WATCHGUARD), 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: 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. 2016-98.

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

No Votes: None. The motion carried.

Ordinance No. 2016-98 was declared to be adopted by Council and, upon its signature  
by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2016-99, entitled:

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO  
ENTER INTO AN ADDENDUM TO THE EMPLOYMENT CONTRACT  
BETWEEN THE CITY OF STOW AND SARA FAGNILLI AS A PART-  
TIME ASSISTANT LAW DIRECTOR FOR THE CITY OF STOW, ES-  
TABLISHING COMPENSATION AND DECLARING AN EMERGENCY.

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

Mr. Razor 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. Razor moved and Mr. Costello seconded for the adoption of Ordinance No. 2016-99.

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

No Votes: None. The motion carried.

Ordinance No. 2016-99 was declared to be adopted by Council and, upon its signature by the mayor, shall take effect immediately.

Mr. Razor introduced Ordinance No. 2016-100, entitled:

AN ORDINANCE CONFIRMING THE LAW DIRECTOR'S APPOINTMENT OF RODNEY SHOFIELD AS ASSISTANT LAW DIRECTOR OF THE CITY OF STOW FOR A PERIOD OF ONE (1) YEAR, ESTABLISHING COMPENSATION FOR SAID APPOINTEE, AND DECLARING AN EMERGENCY.

which was read by title 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. Costello seconded for the adoption of Ordinance No. 2016-100.

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

No Votes: None. The motion carried.

Ordinance No. 2016-100 was declared to be adopted by the Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Razor introduced Ordinance No. 2016-101, entitled:

AN ORDINANCE REALLOCATING 368 HOURS OF SICK LEAVE THAT WERE PREVIOUSLY USED IN PLACE OF WORK-CONNECTED INJURY LEAVE HOURS TO MARK HODSON AND DECLARING AN EMERGENCY.

which was read by title 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. Costello seconded for the adoption of Ordinance No. 2016-101.

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

No Votes: None. The motion carried.

Ordinance No. 2016-101 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Razor introduced Ordinance No. 2016-102, entitled:

AN ORDINANCE APPROVING A RENEWAL EMPLOYMENT CONTRACT  
BETWEEN THE CITY OF STOW AND BONNIE J. EMAHISER AS CLERK  
OF COUNCIL FOR THE CITY OF STOW AND ESTABLISHING COMPEN-  
SATION.

which was read by title 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. Costello seconded for the adoption of Ordinance No. 2016-102.

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

No Votes: None. The motion carried.

Ordinance No. 2016-102 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

#### **Disposition of Bills**

#### **MOTION:**

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

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

No Votes: None

Abstentions: Riehl. The motion carried.

#### **MOTION:**

Mr. Razor moved and Mr. Pribonic seconded to authorize the President of Council, or in his absence the Vice President of Council, to approve the release of the checks for the next Bill Listing.

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

No Votes: None. The motion carried.

**Committee Meetings Scheduled**

Roads & Safety Committee  
Tuesday, September 20, 2016  
at 6:00 p.m.

Finance Committee  
Tuesday, September 20, 2016  
to Follow the Roads & Safety Committee

C.O.W.  
Tuesday, September 20, 2016  
to Follow the Finance Committee

Special City Council Meeting  
Tuesday, September 20, 2016  
at 7:00 p.m.

Regular City Council Meeting  
Tuesday, September 20, 2016  
to Follow the Special Council Meeting

**MOTION:**

Mr. Rasor moved and Mr. Pribonic seconded to cancel the regularly scheduled Council Meeting of September 22, 2016.

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

No Votes: None. The motion carried.

Mayor Kline reminded City Council and she would remind members of the City Administration that moving the Council Meeting up to Tuesday meant they all had to have everything to Mrs. Emahiser by Thursday the week before. It changed their time-frame a little bit and she just wanted all of them to be cognizant of that.

Mr. Rasor asked if there was any administrative problem in moving that meeting up two days? Mayor Kline stated there was not.

**Adjournment**

**MOTION:**

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

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

No Votes: None. The motion carried.

The meeting adjourned at 8:42 p.m.

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Bonnie J. Emahiser  
Clerk of Council

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Mike Rasor  
President of Council