

Minutes of the Regular Meeting of Stow City Council held on Thursday, October 13, 2016, at 7:03 p.m.

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

Council Members Absent: Pribonic

City Officials Present: Mayor Kline, Finance Director Baranek, Director of Budget & Management Earle, Service Director Wren, Director of Planning & Development Kurtz, Manager of Information Systems Germano, Fire Captain Amonett, Lieutenant Titus, Dispatch Supervisor Hatfield & Clerk of Council Emahiser

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### **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. Riehl seconded to approve the Minutes of the Regular Council Meetings of September 8, 2016 and September 20, 2016 as circulated.

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

No Votes: None. The motion carried.

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

Julie Root  
2649 Valleydale Road

Mrs. Root stated that she recently had been fortunate to be somehow invited to attend some planning meetings. She was the person who had written the Letter to the Editor. The last meeting that she had attended was the Planning Commission's Open House where they had discussed zoning issues.

It was her understanding that if you don't own the land, you can't decide who gets to purchase it and what type of business can go there. She asked if the City of Hudson would allow a Dollar General Store or a similar use? She thought most people would think no.

She thought it was generally the idea that she and probably a lot of other people would like to see a concept level of what the future of the businesses in Stow were going to be. She knew that businesses and offices brought in the most revenue. They were hoping that the City could bring in really good successful businesses. However, she thought people felt powerless.

She thought there should be a way. She didn't know if there was. She had Googled the heck out of it, but she didn't know what to look under. However, she thought there had to be some way for Stow to have some kind of say.

For example, she had had some conversations with people out in the hall concerning the Meijer's Store, Macy's, why that had to be held up for so many years and if there couldn't be a better use of the property?

She really hoped that there would be some way that people had the power on some level to have a say into what is allowed. She knew with shopping and restaurants it was going to be really difficult.

They weren't an Akron and they weren't going to turn into Hudson or have something like Portage Crossings or Kent overnight, but as far as the land that Stow does own, she thought they did have some type of power to develop what the community might want.

She knew they didn't have a whole lot of money, but she did think if there was a will, there was a way. She thought somebody needed to be an advocate for our City and go out and find ways to get money.

Mr. Razor asked Mr. Kurtz to briefly address Mrs. Root's concerns as they pertain to the City's Comprehensive Plan review and how, perhaps, people could have some say in zoning matters in the future thru that review.

Mr. Kurtz stated that he appreciated Mrs. Root's and other peoples' participation and interest because it was difficult to get people to come to the City's Comprehensive Plan Meetings.

The City's Comprehensive Plan and zoning were two separate things. However, the City's Comprehensive Plan could inform what potential zoning could be. The City's Comprehensive Plan was general land use policies. It said here is how we want to grow.

Those policies have implementation methods. Some of them are potentially zoning changes, zoning amendments and things like that. The policies include more than just zoning, but that is the first step. That is why it is important in the planning stage, rather than have people upset when the site plan was before them, to get out ahead what the land use policies are and how they want to develop.

There were limitations. The only power that Stow has in terms of zoning is its police power. Zoning can talk about building materials. That is something that maybe could be increased or made more strict. However, in terms of the specific tenant, retail zoning, for example, is going to allow various tenants if they were like a grocery type store for example.

He hadn't studied the City of Hudson's Zoning Code as to whether they would allow a Dollar General. However, he knew they had commercial districts, so it would surprise him that someone would be unable to build a Dollar General Store in Hudson presuming they could meet whatever standards that they have, as well as Cuyahoga Falls and any of the other surrounding communities.

Again, he welcomed citizens' input into the City's Comprehensive Plan because the community's and Council's input ultimately would form how they are going to grow and how the zoning code can be changed.

Mr. Razor stated the downside in departing from what the law requires of them is that they get sued. As Mrs. Root may be aware, the City got sued when Council turned down Dollar General the first time. The ramifications of an unsuccessful lawsuit from the City's perspective was they just bought the property. It was basically eminent domain. So, it was very high stakes.

There were also constitutional rights involved. They may not be constitutional rights that they all thought were exciting for our neighborhoods, but they were sworn as Council Members to uphold the Constitution as well as to watch out for their citizens.

Jan Hyne  
2027 Crestdale Road

Mrs. Hyne stated she had lived in Stow since 1974. In response to Julie's comment, we are not Hudson. Remember the old line, I knew John Kennedy and you're no John Kennedy. She knew Hudson and we're not Hudson. However, she thought we needed to be tidied up.

There was an article in the Beacon Journal last week. As an example, the City of Hudson has 47 acres that they own. They have employed the Testa Companies to come in and help them develop it. She asked why can't we do that? Not necessarily Testa, but somebody.

The Planning Commission Meeting that she attended last month accomplished she didn't think anything. It was a lot of rhetoric. There was a person there that she understood had helped develop some building in the City. She didn't take away much from that meeting. She would like to go to a meeting with some meat, not just a salad.

She wanted something that she could sink her teeth into. She asked if we couldn't bring people in to give us an idea of what we can do with what we have? Let's do the best we can with what we have to work with.

She thought the City needed to be tidied up. There is a parking problem. The City passed a rule that you can't park on the street forever and ever, but nobody really cares or enforces it. It just kind of caused the City to look dumpy. She thought they needed to tidy it up.

She guessed the Dollar General Store looked okay. She wasn't crazy about the sign or exactly where it was. However, that was a done deal. She wanted to talk about the future.

Let's try to avoid having this kind of business come into the City. Let's find something that improves it. Let's do something that causes the Mayor to say come to this City with your business because it looks good and you are going to draw the kind of people that we want to live here. She wasn't talking about amities, she was just talking about people who take care of their properties and pay their taxes.

Sherri Leonardi  
5078 Tricia Rae Lane

Mrs. Leonardi stated Council Members may remember her from last year when she was speaking about the Meijer Store that was to be built at the Stow-Kent Plaza. She didn't know if that was really still in the works. She had heard that it was. Someone said that it was.

This time she was here to support the other people who had written to the Stow Sentry as she had done two years ago about the lack of culture and the general state of our community. That being said, she wanted to reiterate some points that she had made before.

Big box stores like Meijers seem to dominate markets and provide no culture, products or identity. They undermine smaller businesses. The business models of big box chains are dominating the market share. That is at the expense of existing competitors.

Big box stores can see increased tax revenue, although there will be revenue lose when smaller businesses fail. Another interesting fact is what it will cost the taxpayers in the form of public assistance to low wage workers.

She could go on and on with facts about what these types of stores do to our...,but she had laid out these facts last time and she wasn't going to take up all of her time doing that.

She asked the Council Members to think about this. She asked what a sight it will be to have one big Wal\*Mart type store smack in the center of all of our other stores knowing that it is directly competing with our Kohl's, Target, Giant Eagle and ACME? Not only that, but you are talking about gas pumps lined up too – just like BJs in Akron. She asked if that was what they were supposed to have pride in?

She had nothing against big box stores. They have their place. She did her shopping there on occasion. Was she going to take her friends and family there though perhaps to lunch and go walk around the parking lot?

What she was against was making up a focal point of the City. We are between Hudson and Kent. It is truly embarrassing. Cuyahoga Falls' Portage Crossing, she looked at that area and it made her think of what Stow is not.

A friend of hers who she had talked to who has lived in Stow for 35 years knew she was coming here tonight. She told her that she was driving thru here with her mother and said that if she didn't live here and happened to be driving thru, she certainly would not think wow what a charming environment the City of Stow is the way she would if she was traveling the areas surrounding the City.

She asked Council to consider what we really need in this community. People are hungry for a community that they can be proud of. She asked if it was possible to have a meeting of the minds so to speak with people of this community?

Look around you. Our neighbors are taking steps towards the future. From what we are doing so far, we are going backwards. The number of dollar stores proves that and the proposal for the Meijer's store seals the deal.

Mayor Kline thanked everyone for their comments. She thought it was nice to see Julie in person, because they had emailed but she didn't think they had ever met.

First of all, she thought Stow was a wonderful community. She chose to live here. All of them chose to live here. She wouldn't want to live someplace else.

She did want to kind of talk and walk them thru a few things that she thought perhaps they may or may not be fully aware of – to inform them of kind of some of the perceptions and beliefs that they hold. She wanted to start specifically with the proposed Meijer's store since they had brought that up.

She thought that sometimes Mr. Kurtz and the City didn't get the recognition for the steps that they take because it is oftentimes behind the scenes, it is done administratively and it isn't something that is necessarily seen. Therefore she wanted to walk them thru just briefly what Mr. Kurtz and her had done for many years on the Stow-Kent Shopping Plaza.

When she was elected and took office in 2012, she took office in January and in February, Mr. Kurtz and her were in the offices of Rob Risman and Stewart Graines who own that property. They went to them with the idea of a mixed use, walkable, pedestrian friendly development.

They worked for two years. She couldn't tell them how much time Mr. Kurtz and her put into that plan. They went to Cincinnati to meet with the Macy's real estate division. They went all over northeast Ohio to meet with retailers. They met with apartment people. They spent countless hours with architects.

Mr. Graines and Mr. Risman were very receptive to that plan that they took to them. In fact, City Council approved a plan to make that happen. They were all on the same page.

However, at the end of the day, we don't own the property. The Meijer Corporation offered to buy the property to build their Meijer's store. It was well within the rights of

Mr. Risman and Mr. Graines to choose to sell that property to Meijer. Yes, the Meijer's store is still on track.

She was grateful and glad that they were going to have that kind of investment in their community because at the end of the day, it does mean a big investment in property, which helps their schools, it means a big investment in their community and there would be jobs created. Was it the plan that their Planning Director and her wanted for that property? It was not.

She felt very emotional about this because Mr. Kurtz and her had spent two years on that plan. However, at the end of the day a municipality doesn't own private property. A municipality can't dictate, other than thru its Zoning Codes, the types of businesses that can come. They can't say legally you can bring a coffee shop, but not a Dollar General, as long as it meets the Zoning Codes. That is just the law.

So, we, in the Administration, share much of your viewpoint. We would love to make some of this, much of this, happen and we have worked very hard to make it happen.

We own the City Center. We are working on plans to try and revitalize the City Center. So advocate with your elected officials to provide funding for those kinds of projects, because those are the kinds of things that we can do.

However, for property that we don't own, we have no more authority to go and dictate what can go there except thru our Zoning Code than we could on your private property. So she emphasized that the Administration shares much of your viewpoint and they have worked diligently to try and make that happen.

Advocate with your elected officials for the property that we do own, i.e. the City Center Site and for other areas around town because it is not feasible or practical for this municipality to go buy up property for the purpose of doing what they would love to see done.

She believed the City of Cuyahoga Falls invested about \$11 million municipal tax dollars in the Portage Crossing Development. God bless them. That is a beautiful development. Her family goes there all the time. However, the City of Stow does not have \$11 million to invest. They would do what they could.

She just wanted to emphasize that with Council's cooperation, the Administration has really tried to do much of what they were advocating for. She said that because she didn't want them to feel like they were coming here and it was falling on deaf ears. She wanted them to know that what they were able to do was bound within the constraints of the law and the reality of finances.

She would be happy to meet with all of them. She knew Council Members would be happy to meet with them as well if they wanted to set up meetings.

Mrs. Emahiser was the Clerk of Council. She could coordinate meetings with Council Members. Mr. Kurtz and her could be reached thru the City Hall line. 689-2700 was the main number.

That might be a better way to have these kinds of conversations so they didn't have to sit thru a meeting and all of that good stuff. Trust her. They hear them. They share what they were saying. She thought they should work together on what they could do.

She also thanked Mrs. Root and any of the rest of them who were here for their participation in the City's Comprehensive Plan process. Mr. Kurtz was correct. Sometimes you feel like you are going thru the phone book asking people to come. She thanked them for their interest in that.

Mrs. Hyne stated since there are regulations on our own property here, if you mow your lawn and things like that, she asked if the Stow Kent Shopping Center couldn't be made

to clean-up their property at least? Mayor Kline stated they are subject to regulations about what they have to do.

The building department enforces building codes. When the Meijer's store is built, you may or may not remember because she thought it had been a year-and-a-half or two years since it was approved, renovation of the remaining portion of the plaza, where Fit Works is and that area, is also being renovated.

The parking lot is being renovated as part of that project. And it was her understanding from Mr. Risman and Mr. Graines that Macy's has also agreed to make some improvements to its property. It actually is a separate property.

Mr. Razor stated Councilman John Pribonic is the Planning Committee Chairman. The best way to have these discussions is in a Planning Committee Meeting where they can go back and forth with dialogue. The Council Meeting is not the best place for that.

He would give them Mr. Pribonic's information. He was sure he would be happy to put this item on his agenda so that it can get the proper attention that it deserves.

Mayor Kline stated since she had Julie's email since she had emailed her, she asked her if she would agree to be a point person for everyone that was here tonight? They could trade some emails, setup some times to visit and get some information concerning setting a Planning Committee Meeting. They could coordinate all that. She asked if that would be acceptable to everyone? The consensus was that it would.

Mr. Razor stated they looked forward to having them come back for sure.

### **City Officials' Reports**

Mayor Kline reported as follows:

1. The last Friday before Halloween, which is October 28<sup>th</sup>, from 2:30 p.m. until 4:00 p.m., at City Hall they will hold their Fifth Annual Indoor Trick-or-Treat Street.

They had started this several years ago with the idea that smaller children might not want to Trick-or-Treat outside in the dark or if the weather was going to be bad, parents might not want to take little kids out. Therefore, they had morphed this into a Halloween Festival.

The employees dress up. They have candy. They have the safety forces. They have art contests. This time they were also going to be collecting boxes of macaroni and cheese for Bulldog Bags, which provides food for children in need who are food insecure in our community.

Again, it was 2:30 p.m. until 4:00 p.m., at Stow City Hall, on Friday October 28<sup>th</sup>.

2. Traditional Trick-or-Treat is the following night, Saturday, October 29<sup>th</sup>, from 5:30 p.m. until 7:30 p.m. As always, please put your front porchlight on if you are participating, stay with your children and be safe.

She would announce these dates again on October 27<sup>th</sup>, but she wanted to make sure she had gotten that out in due time. They received more calls about Halloween than anything else for the entire year in the Mayor's office.

Service Director Wren reported as follows:

1. They had originally set the date to start the Leaf Pick-Up Program on October 24<sup>th</sup>. They had since backed that up until October 31<sup>st</sup>. There weren't enough

leaves on the ground for them to chase a leaf in each district. So, they were going to back that up. That would go the same time-span that they always did, just delayed by a week.

### **New Business**

#### **MOTION:**

Mr. Riehl moved and Mr. Costello seconded to excuse the absence of Councilman Pribonic.

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

No Votes: None. The motion carried.

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

Mr. Costello introduced Resolution No. 2016-106, entitled:

A RESOLUTION GRANTING A CONDITIONAL ZONING CERTIFICATE AND VARIANCE APPROVAL TO MARTIN A. LEVIN, TRUSTEE, VICE PRESIDENT OF MRT PROPERTIES, INC., APPLICANT AND PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A SELF-STORAGE BUILDING ON A VACANT LOT ADJACENT TO THE ALLEN ROAD BUSINESS CENTER LOCATED ON THE CORNER OF ALLEN AND HAMPSHIRE ROADS, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Riehl seconded for the adoption of Resolution No. 2016-16.

Mr. D'Antonio appreciated the applicant bringing more business to the City. However, he would actually be voting no on this this evening. He felt that the zoning that was changed roughly ten years ago not allowing storage units to be on the front of the property was made for a reason.

Mr. Lowdermilk asked Mr. Kurtz if the storage unit was set back? He thought they had heard that their intention was to put another building in front of that at some point in time. Mr. Kurtz stated at some point. However, it wasn't specified when.

Mr. D'Antonio was sure the intention was well. However, he thought they had intended Stow-Kent Shopping Center to be something different two years ago. He agreed it was a great intention. When they had a nice office building there, he thought it would be fine.

Mr. Rasor agreed completely with Mr. D'Antonio. He would also vote no on the legislation.

Yes Votes: Costello, Lowdermilk, Riehl & Adaska

No Votes: D'Antonio & Rasor. The motion carried.

Resolution No. 2016-106 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Costello introduced Resolution No. 2016-107, entitled:

A RESOLUTION AMENDING RESOLUTION 2015-70, WHICH GRANTED SITE PLAN AND VARIANCE APPROVAL TO DAVID MANN OF MANN ARCHITECTS, APPLICANT, AND DAVANG PATEL OF SHREE DAVE PARTNERSHIP, LLC, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A 4-STORY HOTEL ON THE EAST SIDE OF BRIDGEWATER PARKWAY, IN THE CITY OF STOW, TO AMEND ONE VARIANCE, ADD ANOTHER VARIANCE AND AMEND THE SITE PLAN, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Adaska seconded for the adoption of Resolution No. 2016-107.

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

No Votes: None. The motion carried.

Resolution No. 2016-107 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-108, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO RENEWAL CONTRACTS WITH WICHERT INSURANCE SERVICES, INC. AND LOVE INSURANCE AGENCY FOR GENERAL INSURANCE COVERAGE AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Ordinance No. 2016-108.

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

No Votes: None. The motion carried.

Ordinance No. 2016-108 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-109, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE MAINTENANCE OF THE CITY OF STOW'S NEW TELEPHONE SYSTEM AT CITY HALL/SAFETY CENTER FROM SOLE SOURCE PROVIDER AVAYA INC., FOR THE PERIOD SEPTEMBER 1, 2016 THRU AUGUST 31, 2017, 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. Costello seconded for the suspension of rules.

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-109.

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

No Votes: None. The motion carried.

Ordinance No. 2016-109 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2016-110, entitled:

A TEMPORARY APPROPRIATION ORDINANCE PROVIDING FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR 2017 AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2016-110.

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

No Votes: None. The motion carried.

Ordinance No. 2016-110 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. Riehl seconded to approve the release of the checks for the current Bill Listing.

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

No Votes: None. The motion carried.

**Committee Meetings Scheduled**

Planning Committee  
Thursday, October 27, 2016  
at 6:00 p.m.

Finance Committee  
Thursday, October 27, 2016  
to follow the Planning Committee

C.O.W.  
Thursday, October 27, 2016  
to follow the Finance Committee

City Council  
Thursday, October 27, 2016  
at 7:00 p.m.

**Adjournment**

**MOTION:**

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:36 p.m.

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Bonnie J. Emahiser  
Clerk of Council

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Mike Rasor  
President of Council