

Minutes of the Regular Meeting of Stow City Council held on Thursday, January 12, 2017, at 7:00 p.m.

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

City Officials Present: Mayor Kline, Finance Director Baranek, Director of Budget & Management Earle, Service Director Wren, City Engineer McCleary, Police Chief Film, Fire Captain Amonett & Clerk of Council Emahiser

Call to Order

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

Approval of Minutes

MOTION:

Mr. Pribonic moved and Mr. Adaska seconded to approve the Minutes of the Council Meetings of December 8, 2016 and January 3, 2017 as circulated.

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

No Votes: None. The motion carried.

Committee Reports

Mr. Adaska reported on the Public Improvements Committee Meeting of January 12, 2017 as follows:

1. Approved the reappointment of Justin Markey to the Income Tax Board of Review.

Mr. Rasor reported on the Committee-of-the-Whole Meeting of January 12, 2017 as follows:

1. One item would be introduced in legislative form.

Comments from Other Persons Present

Reverend Patsy Rosser
1735 W. Arndale Road

Reverend Rosser stated that she had a problem. She showed Council pictures of the house next to her, her house and the houses beside her.

She stated along S.R. 91 where the Mohlners had a great big house, behind their place there used to be like a swamp area and they always had leaves and stuff there. Stow used to drop their leaves off. When it rained it would collect all the water and it didn't go down behind S.R. 91 then right across Arndale.

She was now the tenth house. She used to be the fifth but they put in a whole bunch of new ones. Anyhow, no one has ever made the creek complete. When it rains it was like they just dredged a little place.

From S.R. 91 she didn't know where anything was there, but when you come down Arndale, about eight houses down, there was a little creek that runs underneath. No one has done anything on that side.

Then on this side of that little creek where the Goolds live, the first picture she had showed them, their ditch was only about this deep and it curves. Then their yard comes to her yard and they had dug it out with a backhoe.

The sides of their creek, you could stand in it. In the olden days when they moved there in 1958, the creek was only about this deep, but now they had dug it out deep so that the water can go.

Stow came and raised the bridge. Her husband had this concrete bridge put in so they could get to their backyard to mow it. The City of Stow came in and raised it, but now the water goes under and over it.

Her yard gets flooded. They had it all dug out but all of the neighbors were only this deep, then it goes into the woods and there is nowhere for it to go, so it comes her way at all times. She needed some help.

They had talked about it years ago, before her husband died in 2006. They came to the City and they said that they would do something about it. They needed a retention pond or something.

Down the road a little ways they did put a road back to some sort of a basin for Ritchie Road. She had never been there so she didn't know what happened or whether it was full, but she knew that her backyard was full and like they saw in those pictures, the water was this deep. That was just today.

Her sump pump runs continually. She didn't know what to do. She didn't want to complain, but something needs to be done.

Stow was going to try to put in a pond, but they put a pond in at a golf course which needed one so they dug a pond there. They really needed some help as you could see in the pictures.

The pictures were taken about 2:00 this afternoon. She thought everyone should look at those pictures and see her backyard. The water was knee deep to whatever. They had done all that they could do.

Mayor Kline stated they were familiar with some of the issues in Reverend Rosser's neighborhood. They had talked with Mr. and Mrs. Goold a number of times.

It was her understanding that Reverend Rosser was their next door neighbor. She asked if that was correct? Reverend Rosser stated it was.

Mayor Kline stated they would revisit the situation. They had an engineer on staff that would review what they had and would be making contact with her soon.

Reverend Rosser stated that somebody from the City came out, dug it out and raised the bridge up a little.

Mayor Kline stated they would review what had been done and see if it had been completed.

Obviously they had so much water so quickly today. She knew today was probably a pretty scary one with all of that water in her backyard. A lot of people had that.

However, long-term let's take a look at what's been done and see if something else needs to be done or if they could make any recommendations for Mrs. Rosser to do on her property. They would work with her on that.

Mr. Rasor thanked Reverend Rosser for bringing this to their attention.

City Officials' Reports

Mayor Kline reported as follows:

1. Welcomed Law Director Zibritosky back to her first meeting after being on leave for her new baby. They were happy to have her back. She had been very busy getting caught up.
2. Wanted to remind everyone that Monday was a federal holiday. City Hall would be closed. There would be no business conducted. They would resume normal business hours on Tuesday. If anyone needed to do anything before Tuesday, tomorrow would be the day.

Finance Director Baranek reported as follows:

1. The finance department was still in the process of closing the year out. Therefore, Council didn't have a Bill Listing to vote on. That probably wouldn't occur until the next Council Meeting.
2. They had been contacted by the State Auditors. They would be starting their fieldwork here over the next two weeks. He would let City Council know when the Audit Committee would be meeting.

Mr. Lowdermilk asked if Mr. Baranek had any feel for 2016 - how it looked versus 2015? Mr. Baranek thought it was probably a little bit better than 2015.

He knew their collections thru the end of the year were up about 2% on income taxes. They would be looking at how they settle that out and how everything flows. They were still making some minor adjustments here and there for any other issues that they might have.

Mr. Adaska noticed when he read today's version of the Board of Control Minutes that there were cost overruns approved. He had no idea what those cost overruns were, so he was asking him what they were? Mr. Baranek stated basically those were the overruns that occur when they do requisitions and the requisitions were less than that. Therefore, they occasionally had overruns.

He thought probably last year there were 4-5 occasions when they had a list. Towards the end of the year they might get a little bit larger because people were getting into the next year and they had supplies into the next year and those types of things. They were relatively minor.

Mr. Adaska stated but those weren't Council projects that were authorized? Mr. Baranek stated he wasn't quite sure. He would have to look at the detail of them.

Mr. Adaska stated the problem was that the overruns weren't listed in the minutes, so there was no way for people to know what they were. Mr. Baranek stated he would have to look at the last Board of Control listing that they had those in. He could report back to Mr. Adaska on them.

Mr. Adaska thought it might be helpful if when the Board of Control meets, they actually announce what they are voting on so that those of them that review those minutes have an idea of what went thru the Board of Control.

Mr. Baranek stated that overruns were basically stuff from prior expenditures that had been approved. It just becomes a part of a clean-up at the end of the Bill Listing. However, it is posted as to when the Board of Control meets.

Basically the ones that had to come before Council that meet the threshold in the Codified Ordinances were the items that they voted on. They hadn't changed anything over all the years that he had been here on that procedure.

Mr. Adaska stated he understood that. That was why he was just sort of recommending that and he kept hoping that somebody would catch up on that and start listing what they were voting on so that those of them that wanted to keep track could.

Mr. Baranek stated that normally items that go before Council that were bid items or go thru any of the committees that reach that threshold come before any of the expenditures were made. So you would have a letter and legislation if it was necessary for those expenditures.

Mr. Adaska stated he realized that. However, this particular agenda item was like \$8,700. He thought that was a considerable amount of money. He wanted to know where it was spent.

Mr. Baranek stated he would have to look at it and see. Mr. Adaska stated he would get with Mr. Baranek. Mr. Baranek stated he would look at it and report back to Mr. Adaska.

Mr. Lowdermilk asked if the Board of Control was passing a group of various overruns at one time? Mr. Baranek stated if they were talking a group, it was usually 4-5 items. It would range anywhere from \$20.00 to \$.50 for different things to match up the expenditure for any overruns that they might have.

Mr. Lowdermilk assumed that if the City approved a project that was right at their limit and there was a cost overrun...Mr. Baranek stated a lot of the overruns that they looked at were overruns for basic purchases of supplies and things like that where they write the requisition up for \$600 and when they priced it out, it came in and they had something that takes it over that \$600 threshold, it becomes an overrun. They had to approve that overrun within the budgetary item that was there.

Mr. Lowdermilk thought when they approved something in the Board of Control, any contingency would be included so that they didn't go above that threshold. Mr. Baranek stated normally with major projects if they were construction projects or things like that, there was normally as part of the process a 10% contingency built in. It was listed as a line item as a contingency. It was on the requisition.

He would have to look at the particular one that Mr. Adaska questioned to see. However, a lot of the other ones were basically line items, supplies or purchases where sometimes there was the possibility of maybe a utility billing or something like that that may exceed. That was when they did it. It was basically in the overall operational realm of the City, it wasn't normally a project. Normally if a project goes over, they usually come back to Council or it was in that contingency of 10%. However, he would report back on that item.

Mr. Razor welcomed Mrs. Zibritosky back. They missed her at the meetings, however, she was actually working a lot of her leave. Therefore, he hadn't really noticed her being gone.

Mrs. Zibritosky stated she had been working from home. It was nice, but she was glad to be back. She didn't have anything specific to report, but she would be happy to answer any questions.

Service Director Wren reported as follows:

1. The leaf season was sort of finished. They had done their two sweeps throughout the entire city. They sent one of their employees who was on light duty out to spot check the city. With various maps, he had identified piles that still need to be picked-up.

A lot of the areas, such as Maple, were picked-up twice. However, the second time, the leaves were covered in snow. So, they did go back to Maple a third time.

A lot of the areas that they still need to pick-up and they would continue to pick-up were areas that they went past when there was snow and they couldn't see all of the leaves.

As weather permits, they would be out continuing that program. Hopefully, given the warmer temperatures next week and the fact that they were on two shifts, they could address all of those piles within the next week or so.

City Engineer McCleary reported as follows:

1. The contractor had not had good weather to do a lot of projects on the Norton-S.R. 91 Project. However, next week, the weather was supposed to be pretty good.

Monday was a scheduled roadway crossing. It would be a storm sewer crossing between Arby's to Circle K. It was also a day off for the schools. There would be a law enforcement officer working the intersection there.

He plans on starting next week. If the weather holds, he plans on keeping on working thru the winter as much as possible.

The last month hadn't been very conducive, but they were looking forward to the contractor continuing the work.

Disposition of Ordinances & Resolutions

Mr. Pribonic introduced Ordinance No. 2016-112, entitled:

AN ORDINANCE AMENDING PART THIRTEEN, C.O.S., ENTITLED "BUILDING CODE", PARTICULARLY TITLE ONE THEREOF, ENTITLED "ADMINISTRATION", SPECIFICALLY CHAPTER 1309 THEREOF, ENTITLED "BUILDING PERMITS AND FEES", SPECIFICALLY SECTION 1309.01 THEREOF, ENTITLED "PERMIT REQUIRED", TO MAKE IT CONSISTENT WITH ADMINISTRATIVE SECTIONS 105.3/105.4 OF THE RESIDENTIAL CODE OF OHIO.

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

Mr. Lowdermilk moved and Mr. Adaska seconded to amend Ordinance No. 2016-112 to Version No. 2.

Mr. Lowdermilk thought everyone had received Version No. 2 some time ago. It eliminated the \$100 fee that was added to the updated version. He thought it was basically a backdoor tax. This fee, the way it was written, was implemented simply for extending a permit that a person had already paid for. He didn't see why they would be charging somebody twice for something.

Mr. Pribonic asked either Mr. McCleary or Mr. Wren to weigh in on that. Mr. McCleary stated he had talked to Mr. Carey, the City's Chief Building Official. The purpose of the proposed amendment to COES 1309.01 was to match the local ordinance with the rules of the State, the Ohio Board of Building Standards, specifically Section 105 of the Ohio Administrative Code Chapter 4101:8-1.

As to eliminate any potential confusion and any conflict with the State's statute, the Board asked specifically for the exact wording. That was their wording. It wasn't something that was added.

Yes Votes: Lowdermilk, Rasor, Riehl & Adaska

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

Mr. Lowdermilk moved and Mr. Adaska seconded for the adoption of Ordinance No. 2016-112 Version No. 2.

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

No Votes: None. The motion carried.

Ordinance No. 2016-112 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Rasor introduced Ordinance No. 2016-129, entitled:

AN ORDINANCE REQUIRING THE COUNCIL OF THE CITY OF STOW TO APPROVE ANY BYLAWS OF A COUNCIL OF GOVERNMENT ("COG") THAT IS CREATED FOR ANY PURPOSE OF WHICH THE CITY OF STOW BECOMES A MEMBER, AND REQUIRING THE COUNCIL OF THE CITY OF STOW TO APPROVE ANY PROPOSED CHANGES TO THE COG BYLAWS PRIOR TO THE CITY'S REPRESENTATIVE VOTING ON THEM, AND DECLARING AN EMERGENCY.

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

Mr. Rasor stated he had a few amendments that he had gone thru with Mr. Lowdermilk after some input from the administration and the law department. He wasn't saying that his amendments would please everyone. They very well may be shot down in total.

Mr. Rasor stated that the purpose of his first amendment was that this legislation only apply to the dispatch COG and not to any other COG that the City of Stow may be involved with.

Mr. Rasor moved and Mr. D'Antonio seconded to amend Ordinance No. 2016-129 by inserting the words "relating to dispatch services" after the words "Council of Government" in the second line of Section 1.

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

No Votes: None. The motion to amend carried.

Mr. Rasor stated that the purpose of the second amendment was there was a concern that if City Council has to adopt any amendment to the bylaws that it effectively takes the City of Stow away from the table and their opinion was diminished because they really had no say in the matter. He thought that was a fair comment.

Mr. Rasor moved and Mr. Pribonic seconded to amend Ordinance No. 2016-129 by striking the words "to approve" in line four of Section 1 and inserting the words "to receive thirty days advance written notice of" in their place.

Mr. Rasor stated that this motion would make certain that City Council would have an opportunity to see the proposed bylaw changes with plenty of time to weigh in on them.

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

No Votes: None. The motion to amend carried.

Thirdly, there had been some discussion that the appointee to the COG didn't necessarily have to be the Mayor or a Council Person, it could be someone who didn't answer directly to the voters. He did not think that was a good way to go. He thought that anyone who was voting on behalf of the City at the COG should be somebody who answered directly to the voters.

Mr. Razor moved and Mr. Lowdermilk seconded to amend Ordinance No. 2016-129 by adding an additional sentence to the end of Section 1 stating that the City's representative must either be the Mayor, the Law Director, or a member of Council, and shall be confirmed by a two-thirds vote of City Council.

Mr. D'Antonio asked if that was going to affect the bylaws of the COG to begin with? Mr. Razor stated this would not affect the bylaws of the COG because every COG member he assumed would have the right to appoint their own representative. This merely restricts Stow's ability to choose whoever it wants as its COG representative.

Mr. Lowdermilk stated from the research he had done, that was true. He believed there was a provision that if the City doesn't get involved or state how it wants to do it, there were provisions for how the COG was set-up.

This legislation was intended to make sure that first of all the residents and City Council had a say in the bylaws initially, because they were going to get one shot at that – to have the most influence on what those COG bylaws looked like and said. After that, they would be one of several apparently if this was passed that would vote on it. From that standpoint, the vote would be diluted.

He was fine with Mr. Razor's amendment as far as being confirmed by Council because if that was an elected official, that person would be rotating in and out of the COG based on his/her term, which he thought would be a good thing.

Mr. Razor asked Mrs. Zibritsky how long each representative would serve on the COG? Mrs. Zibritsky stated these were all things that were yet to be determined.

They very preliminarily had started to draft the bylaws. They did have a membership provision. What was proposed currently was that at least half the voting representatives of the communities have to be elected officials. That was currently what was on there.

They didn't have anything requiring them all to be. Certainly Stow could be one of the elected officials. However, they had a lot of those details yet to work out. They were drafting them. They didn't want to box themselves in too much on those details right now.

Mr. Razor asked if it was appearing as if each City would have one representative or potentially more than one? Mrs. Zibritsky stated as of right now it appears to be one.

One thing that was in the current draft that would be affected by this that they would have to change was that they also have language in there for a temporary alternate. In the event that somebody can't come, they had language in there which was taken from other COGs where the Mayor or the elected representative could sign something and basically give that person a one-time ability to be able to vote in his/her absence. She would presume that that would have to change.

Mr. Razor thought that was a good point. He withdrew his motion and replaced it.

Mr. Razor moved and Mr. Lowdermilk seconded to amend Ordinance No. 2016-129 by adding an additional sentence to the end of Section 1 stating that the City's representative, representatives and/or temporary alternatives must be either the Mayor, the Law Director or a member of Council and shall be confirmed by a two-thirds vote of City Council.

Mayor Kline knew that the members of Council were aware of it but she just wanted to make sure that the listening audience was that a COG is a public body. As all public bodies are subject to open meeting laws and public record laws, a COG is an independent political subdivision that is a public body. Its meetings would be public meetings. Its records are fully accessible to anyone who wishes to view them.

She was not just talking about a potential dispatch COG but any COG for any purpose. She just wanted to make sure that the listening audience was aware that if and when this dispatch COG or any other COG that any public entity is involved in, whether it be the City of Stow, another municipality, a school district, a public library or what have you, those are in and of themselves public bodies.

They are not secretive. They are not behind closed doors. They are not set aside so that only certain people have access to the business operations, meetings and records. She just wanted to put that out there. She knew Council was aware of that. She just wanted to make sure that the listening audience was aware of that as well.

Mr. Adaska stated he would support this legislation with Mr. Razor's amendments because he felt that they needed sort of an insurance policy. Council needed the ability to weigh-in on the bylaws as they were put before them.

However, if he had his choice, as he had stated many times before, the City has one of the best facilities for a safety building and dispatch. They have some of the best personnel. They have some of the best equipment in all of Summit County. Therefore, he thought they could handle these services on their own.

They could continue to employ service contracts where they handle smaller communities. That would certainly help them defray the costs involved with dispatch in the future. That was what they were doing now. He thought they ought to continue along those lines. However, like he said, he would support Mr. Razor's amendment.

Mr. Razor stated that Mr. Adaska's objection was duly noted.

Mr. Lowdermilk stated he just wanted to be clear too to the residents. This legislation was not about saying that the COG was not a public entity. It was basically another bureaucracy. Once it was created, they were going to lose a lot of input as to what goes on.

If this has 3-4 representatives, we may have one of those. With a vote that's 3-1, we lose. So we need to make sure upfront that we have done everything we can for our citizens to make sure that they retain the same quality of services, personnel and things like that that they were paying for.

He thought this was just one step that would help insure that it at least give them one last look at what the rules would be before they moved forward if they decide to move forward.

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

No Votes: Pribonic. The motion to amend carried.

Mr. D'Antonio moved and Mr. Lowdermilk seconded to adopt Ordinance No. 2017-129 as amended.

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

No Votes: None. The motion carried.

Ordinance No. 2016-129 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Ordinance No. 2016-130, entitled:

AN ORDINANCE AMENDING PART ELEVEN, C.O.S., ENTITLED "PLANNING AND ZONING CODE", PARTICULARLY CHAPTER 1133, THEREOF, ENTITLED "DEFINITIONS", SPECIFICALLY SECTION 1133.01 THEREOF, ENTITLED "DEFINITIONS", SPECIFICALLY ITEM (b)(7) THEREOF, ENTITLED "ASSISTED LIVING FACILITY", CHAPTER 1147 THEREOF, ENTITLED "INDUSTRIAL DISTRICTS", PARTICULARLY SECTION 1147.02 THEREOF, ENTITLED "PERMITTED USES", SPECIFICALLY SCHEDULE 1147.02 THEREOF, ENTITLED "PERMITTED USES IN INDUSTRIAL DISTRICTS", SPECIFICALLY ITEM 12 THEREOF, AND CHAPTER 1163 THEREOF, ENTITLED "SUPPLEMENTAL STANDARDS", PARTICULARLY SECTION 1163.03 THEREOF, ENTITLED "SPECIFIC AREA, WIDTH AND YARD REGULATIONS", SPECIFICALLY SCHEDULE 1163.03 THEREOF, ENTITLED "AREA, WIDTH AND YARD REGULATIONS FOR CONDITIONAL USES", SPECIFICALLY ITEMS 10 AND 12 THEREOF, AND PARTICULARLY SECTION 1163.04 THEREOF, ENTITLED "SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES", SPECIFICALLY ITEMS (c) AND (d) THEREOF, TO ALLOW ASSISTED LIVING FACILITIES IN THE I-1 LIMITED INDUSTRIAL DISTRICTS.

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

Mr. Pribonic introduced Ordinance No. 2016-131, entitled:

AN ORDINANCE ENACTED PURSUANT TO SECTION 1137.08, ENTITLED "AMENDMENTS", TO PROVIDE FOR THE AMENDMENT OF THE ZONING DISTRICTS MAP AND ZONING DISTRICTS BY RECLASSIFYING FROM I-2 INDUSTRIAL TO I-1 INDUSTRIAL APPROXIMATELY 7.9 ACRES OF PROPERTY LOCATED BETWEEN ALLEN ROAD AND HUDSON DRIVE; AUTHORIZING AMENDMENT TO THE ZONING DISTRICTS MAP BY THE CITY ENGINEER.

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

Ordinance No. 2016-143 was held.

Mr. Razor introduced Ordinance No. 2017-1, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE UPGRADING OF THE CITY'S RADIO SYSTEM FOR THE POLICE AND FIRE DEPARTMENTS FROM SOLE SOURCE PROVIDER MOTOROLA SOLUTIONS, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-1.

Mr. Rasor asked Mr. Adaska if his questions were answered to his satisfaction? Mr. Adaska stated he had contacted Mr. Baranek and received his thoughts on it. He had also called a representative from the State responsible for putting out this program.

The information that he received was that the 911 money that they had on deposit basically could not be used to purchase radios. The State realized that there may be times when those radios could be used in some fashion for dispatch. However, for most communities, it was unlikely. They had to draw the line somewhere, so they told them that they couldn't spend that money on new radios.

That was a little disappointing. The whole idea was that it was upgrading that system to newer equipment.

Mr. Rasor stated they appreciated Mr. Adaska's diligence.

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

No Votes: None. The motion carried.

Ordinance No. 2017-1 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Resolution No. 2017-2, entitled:

A RESOLUTION AUTHORIZING AND REQUESTING THE ADVANCEMENT OF LOCAL TAXES FROM THE SUMMIT COUNTY FISCAL OFFICER FOR THE TAX YEAR 2016 PAYABLE IN 2017 IN ACCORDANCE WITH O.R.C. SECTION 321.34 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: Lowdermilk, Pribonic, Rasor, Riehl,
Adaska, Costello & D'Antonio

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Resolution No. 2017-2.

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

No Votes: None. The motion carried.

Resolution No. 2017-2 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2017-3, entitled:

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND SOLICIT BIDS, ON BEHALF OF THE CITY OF STOW, FOR THE PURCHASE OF MATERIALS FOR A ONE YEAR PERIOD BEGINNING IN MAY 2017; AUTHORIZING AND ADOPTING PLANS AND SPECIFICATIONS PREPARED BY THE CITY OF STOW THEREFOR; AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID MATERIALS SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED IN ACCORDANCE WITH SECTION 173.05, C.O.S.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2017-3.

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

No Votes: None. The motion carried.

Ordinance No. 2017-3 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Rasor introduced Resolution No. 2017-4, entitled:

A RESOLUTION ESTABLISHING THE TRADITION THAT THE PRESIDENT OF COUNCIL WILL DONATE THE ADDITIONAL \$1,000 OF SALARY THAT HE/SHE RECEIVES TO A CHARITABLE ORGANIZATION RECOGNIZED UNDER IRC 501(C)(3) THAT OPERATES IN STOW TO SERVE THE COMMUNITY.

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

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

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

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2017-4.

Mr. D'Antonio moved and Mr. Rasor seconded to amend Resolution No. 2017-4 to say charitable organizations instead of a charitable organization.

Mr. D'Antonio didn't know why they would want to pin somebody down.

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

No Votes: None. The motion to amend carried.

Mr. D'Antonio moved and Mr. Pribonic seconded to amend Resolution No. 2017-4 by striking the words "needy residents" and replacing them with the words "the community".

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

No Votes: None. The motion to amend carried.

Mr. Pribonic stated as much as he didn't think that they needed a tradition, he was a firm believer that they needed to go ahead and support their community. Whatever that charitable need was, he thought it was for them to set an example to donate to a cause that would actually help their residents. Therefore, he would be voting for the legislation

even though he didn't think they really needed a tradition. He thought it was a class act idea.

Mr. Lowdermilk echoed Mr. Pribonic's comments. He thought what this was implying was that the added \$1,000 for the Council President was not necessary. He thought that was a payroll ordinance issue going forward. He thought the way this was written, it would cause that discussion to happen sooner rather than later.

He would like to see it be a charitable donation like they had done in the past with the schools, etc. That that \$1,000 be put into Council's budget in general so they could give it to those who come looking or need a donation from here. He was kind of torn between the two in trying to shame somebody into donating something. Those were his comments.

Mr. Costello commended Mr. Razor for donating a portion of his salary. He agreed with Mr. Pribonic that they really didn't need legislation to do it. He thought donations were an individual's choice. He was happy that they had restricted it to 501(C)(3) and to only those that were operating in the City of Stow and serving the community. He would support the legislation.

Mr. Lowdermilk asked if by restricting it to Stow, being that this is the Council Presidents' money, if they could legally tell them what to do with their money? Mr. Razor stated this was admittedly a non-binding resolution on the President of Council. The President himself or herself next year may vote against the motion, which would mean that the tradition ends and that it would be on the agenda to reduce the salary.

Mrs. Zibritosky could see what Mr. Lowdermilk was saying. If it said automatically that the Council Presidents' salary would be reduced, he might have an argument. However, all it was saying was that it would be placed on the agenda. Technically there were no legal concerns. The other concerns policywise were different. However, legally the way it was written was legal.

Mr. Razor stated in Section 1 it says "shall be urged", which was not compulsory. Mr. Lowdermilk stated he was just asking. He commended Mr. Razor for the donation he had made. He felt the spirit in which he proposed this was admirable.

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

No Votes: None. The motion carried.

Resolution No. 2017-4 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Ordinance No. 2017-5 was held.

Mr. Costello stated they had seen a number of emails from people complaining about campaign and other signs still being up. He asked Mrs. Zibritosky if that was an individual's freedom of speech and the City had no right to tell somebody what he or she could do with his or her property or signs? Mrs. Zibritosky stated that was very true. She didn't have the cases offhand, but there had been a number of cases where cities got nailed trying to do that.

She understood the concern that citizens had of that. However, that was a big no no. Mr. Costello agreed. He absolutely saw the concerns. However, their hands were tied. Mrs. Zibritosky stated that was correct.

Mr. Lowdermilk stated that most of those signs had a phone number or treasurer on them. He thought a lot of the signs they were complaining about, maybe not all of them, were signs that just were not picked up. He suggested if somebody in the City could

make a phone call, maybe they would be happy to pick-up their leftover campaign signs.

Mrs. Zibritosky asked people to be careful. Sometimes that was really little and you don't want to trespass on that person's property to get that information.

Mr. Lowdermilk stated he wasn't saying to go take it. However, just perhaps a call to the candidate would suffice. Mr. Riehl asked if they should call Mr. Trump or Mr. Pence himself?

Mr. D'Antonio suggested that Mr. Lowdermilk call his brother-in-law and ask him to remove his sign. They all had received the same email. He didn't know what email Mr. Lowdermilk had read.

Someone said Mr. Lowdermilk had opened that door.

Committee Meetings Scheduled

Public Hearing
Thursday, January 26, 2017
at 5:00 p.m.

Public Hearing
Thursday, January 26, 2017
at 5:15 p.m.

Planning Committee
Thursday, January 26, 2017
5:30 p.m.

Finance Committee
Thursday, January 26, 2017
to Follow the Planning Committee

C.O.W.
Thursday, January 26, 2017
to Follow the Finance Committee

City Council
Thursday, January 26, 2017
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:49 p.m.