

Minutes of the Regular Meeting of Stow City Council held on Thursday, February 23, 2017, at 7:00 p.m.

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

City Officials Present: Mayor Kline, Finance Director Baranek, Director of Budget & Management Earle, Service Director Wren, Director of Planning & Development Kurtz, Lieutenant Stirm, Fire Chief Stone, Manager of Information Systems Germano, Parks & Recreation Director Nahrstedt & Clerk of Council Emahiser

Press Representatives: Fox 8 News

Call to Order

Mr. Razor called the meeting to order and Mayor Kline led the prayer and pledge of allegiance.

Approval of Minutes

MOTION:

Mr. Adaska moved and Mr. Riehl seconded to approve the Minutes of two Public Hearings held on January 26, 2017, the Council Meeting of January 26, 2017 and the Council Meeting of February 9, 2017 as circulated.

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

No Votes: None. The motion carried.

Disposition of Ordinances & Resolutions

Mr. Razor introduced Resolution No. 2017-34, entitled:

A RESOLUTION EXPRESSING THE OFFICIAL APPRECIATION AND GRATITUDE OF THE CITIZENS OF THE CITY OF STOW, OHIO TO THE STOW-MUNROE FALLS LIONS CLUB FOR ITS CONTRIBUTION TO THE STOW POLICE K-9 FUND; DIRECTING THE CLERK OF COUNCIL TO SERVE A CERTIFIED COPY OF THIS ENACTMENT UPON THE STOW-MUNROE FALLS LIONS CLUB; AND DECLARING EMERGENCY.

which was read in its entirety by the Clerk for the first time.

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. Riehl seconded for the adoption of Resolution No. 2017-34.

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

No Votes: None. The motion carried.

Resolution No. 2017-34 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Resolution No. 2017-35 was held.

Mr. Razor introduced Resolution No. 2017-36, entitled:

A RESOLUTION EXPRESSING THE OFFICIAL APPRECIATION AND GRATITUDE OF THE CITIZENS OF THE CITY OF STOW, OHIO TO ROBERT AND BARBARA KERSCHER FOR THEIR CONTRIBUTION TO THE STOW POLICE K-9 FUND; DIRECTING THE CLERK OF COUNCIL TO SERVE A CERTIFIED COPY OF THIS ENACTMENT UPON ROBERT AND BARBARA KERSCHER; AND DECLARING AN EMERGENCY.

which was read in its entirety by the Clerk for the first time.

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2017-36.

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

No Votes: None. The motion carried.

Resolution No. 2017-36 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Razor introduced Resolution No. 2017-37, entitled:

A RESOLUTION EXPRESSING THE OFFICIAL APPRECIATION AND GRATITUDE OF THE CITIZENS OF THE CITY OF STOW, OHIO TO MIKE AND GINNY HOFFMAN FOR THEIR CONTRIBUTION TO THE STOW POLICE K-9 FUND; DIRECTING THE CLERK OF COUNCIL TO SERVE A CERTIFIED COPY OF THIS ENACTMENT UPON MIKE AND GINNY HOFFMAN; AND DECLARING AN EMERGENCY.

which was read in its entirety by the Clerk for the first time.

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. Riehl seconded for the adoption of Resolution No. 2017-37.

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

No Votes: None. The motion carried.

Resolution No. 2017-37 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Committee Reports

Mr. Riehl reported on the Finance Committee Meeting of February 23, 2017 as follows:

1. Had a glimpse of the City's Annual Budget.
2. A few items would be introduced in legislative form.

Mr. Pribonic reported on the Planning Committee Meeting of February 23, 2017 as follows:

1. One item would be introduced in legislative form.

Mr. Adaska reported on the Public Improvements Committee Meeting of February 23, 2017 as follows:

1. One item would be introduced in legislative form.

Mr. Rasor reported on the Committee-of-the-Whole Meeting of February 23, 2017 as follows:

1. Briefly discussed the City's Dispatch Proposal.

Comments from Other Persons Present

Kevin Clark
2291 E. Gilwood Drive

Mr. Clark stated he was just going to name a few things really quickly. The golf course, the SKiP Park, the Board of Education at City Hall and this COG. Each one of those things the Mayor had really misled them on.

For the golf course she had always told them that it never lost money. However, it loses money every year.

For the SKiP Park she promised to rebuild with 100% donations. She hasn't collected a nickel and has done nothing about it in three years.

For the Board of Education moving to City Hall she said there was plenty of room at City Hall. That wasn't true. She had to move a whole bunch of people out and actually spend tens of thousands of dollars to build-out a service building. Also, it wouldn't have saved on any utilities because those people had to have utilities in the building where they would go.

For the COG he thought that deal was worked on between her and Russ Pry to go into the Health Building over a year ago because he thought she was looking to collect our tax dollars and put them into the County's pocket because they have extra buildings so that when she was done being Mayor, and this was his opinion, she would get a County job.

As far as the COG goes there were some problems with that. The Mayors were telling people that they wouldn't lose their jobs. He asked how do you consolidate without losing jobs?

He asked how do you save money if you are going to lease a building? They had space right here.

Mr. Adaska had mentioned it numerous times and he had mentioned it a year ago that the Law Director was in violation of the City's Charter. He had a copy of the Charter. Mr. D'Antonio was the Charter Committee Chairman. He didn't read the Charter. Our Law Director is in violation of the Charter.

He had had an attorney send Mrs. Zibritosky a letter a year ago. He received a response that she wanted to meet with his attorney. Then when she found out it was him, the attorney told him she was a little bit scared and didn't want to meet with him because he speaks out at Council. He thought that was just too bad because he was a citizen.

People on Council have a responsibility to the taxpayers to make people follow the Charter. They had taken an oath to follow the Charter. The Mayor had just read something about following the rules basically. He felt it was time that our Council, our Law Director and our Mayor followed the rules.

As far as he was concerned with what he had mentioned about the golf course and the history of not being truthful, that was enough for her to resign.

He wasn't going to get too much into what her husband did, but what irritated him about that was that his daughter called him last Friday night to explain to him what was done. His daughter called him. He wondered how many high school kids saw this? He wondered when people saw this if they wondered what the hell was going on in Stow with their leadership?

You guys have the responsibility to get the Law Director's office back here. He believed there was space in City Hall for that COG if they do it. He suggested getting rid of the Don Coughlin Room. There was no need for it. Get the Law Director back into City Hall.

As far as the Mayor goes, he thought her husband needed some help. She could say what she wanted about it, however, she was married to him. She had picked him. He was in her house. He has been saying things out-of-line and nasty for years he guessed.

He had to believe that since she was married to him, most of them shared the same views as their spouses otherwise they wouldn't be married to them. When you think about it, he would be divorced right now if he put something like that on line. He would throw his wife out if she did that.

Mr. Razor stated that the gentleman's time had expired. However, he could finish his thought.

The worst thing is when you take a picture of yourself and expose yourself online like that you have to think about who is looking at it. Like he had said, his daughter called him. He was stunned. He wondered how many high school kids saw this?

His daughter was not in high school. However, he wondered how many high school kids saw this because it gets around? He wondered how many other people in other communities saw this and thought what a joke Stow is?

Don Daugherty
3688 Hudson Drive

Mr. Daugherty stated he wanted to touch a little bit on what Mr. Clark was talking about when his daughter called him. His daughter was 34 years old. She lives in Grandview Texas. She saw that on Facebook, called him and told him about it. So once that tweet went out, it was done. The City of Stow became a disgrace.

His big question was this. It was a very simple one. He was sure there were a lot of other people in this room that had the same thought in the back of their heads, but they didn't know how to state it. He asked how much does what happened on Twitter affect Sara's judgment when she's doing her job? Does her personal life interfere with her professional life?

He wasn't criticizing her, he was asking a question simply because of the fact that as Mr. Clark had pointed out, she had read a letter from basically 43-44 years ago from a lady who was a Republican. With what happened after this nonsense on Twitter from somebody who was just out-of-control as far as he was concerned, all she did was she tried to smooth it over and settle it down.

The other problem he had with it was they had another member sitting up there in front of them who has a Blog who actually came out and participated in it in a round-about way and everybody else saw it too. That person was Mr. Razor. He came out and in support of her.

He didn't think it was his place to come out in support of her. He thought it was her place to come out and he thought it was also her husband's place to come out and apologize to the entire citizenry of Stow for the embarrassment that he caused everyone.

He was just absolutely dumbfounded that he heard about it from 1,800 miles away before anywhere else.

He worked on computers. He did that part-time. He didn't have Facebook. He didn't have Twitter. He didn't have Instagram. He didn't have anything else.

He was just absolutely flabbergasted when his daughter called him and sent him that information. He as a citizen of Stow was embarrassed by both of them because they participated in it.

Mr. Razor asked Mr. Daugherty if he had read his Blog? Mr. Daugherty stated that he had. However, he participated in it because he responded to it. He didn't work for the Mayor. He worked for the citizens of Stow.

His response to him was out-of-line, it was uncalled for and it was over-the-top because he said that she was the best Mayor the City of Stow has ever had in his opinion. He was entitled to that. However, he was a public representative. That was out-of-line.

Mr. Razor stated not a single word that Mr. Daugherty had just said was in his Blog.

Mr. Daugherty stated he had read it. He saw it printed in the paper. He also saw it on the Internet. What he said was true. He said that she was the best Mayor the City of Stow has ever had. He read it.

Mr. Razor stated that anyone who wanted to see his Blog post was welcome to come up after the meeting and he would show it to them.

Some gentleman in the audience said Mr. Daugherty was absolutely right. Your comments affected 60,000,000 people and we are going to hold you accountable for it.

Mr. Razor asked if this gentleman wanted to address City Council since he was standing? (The gentleman left the room.)

Mary Mumper
4242 Hile Road

Mrs. Mumper believed Mr. Kline's hate speech, his antisemitism, his pornographic picture and vulgar language reveals a very unstable person. The material that he displayed was posted for people of all ages to view.

Mayor Kline did not condemn such hateful, perverted, filthy talk and pornographic picture to the public. From what she had said in the beginning she didn't feel that she was outraged by any of this.

You can love your family as she said, but you also have a moral obligation to stand up to hate, racism and vitriol being publicly spewed and urge that person to get some help.

Her pastor had viewed the comments of Mr. Kline. He said that this man should never be around children alone. This should be of concern to all residents of Stow and especially to Mayor Kline.

She asked is Mr. Kline dangerous? She believed that he could be with such hate and perverted thoughts that he holds in his heart.

In the past she had witnessed retaliation from this Mayor when certain people did not agree with her political views. It was her hope that no one who speaks out today in the face of this evil would receive any abuse of power retribution.

Alex Bryan
4674 Trillium Drive

Mr. Bryan stated he was here tonight to voice his displeasure in how our Mayor has handled the recent Twitter situation.

As others here may attest to as well as others not present, the Mayor's husband has been a cause of controversy for some time. As a new resident of Stow he had had the unfortunate experience of being lambasted on social media relentlessly by Mr. Rob Kline.

Once he was up to speed on just who this person was he was quite put-off by such behavior of a person so close to our Mayor. While he recognized our Mayor isn't responsible for the actions, words or even tweets of another adult she is responsible for what she says or what she fails to say.

Last Thursday the story of Mr. Kline's tweets broke. That same evening Mayor Kline took to social media to offer a response. This response failed to condemn any of the hateful, immature and disgusting rhetoric depicted in Mr. Kline's tweets. Instead it skirted the issue veiled under a first amendment assertion.

He agreed with Council President Razor. It missed the mark big league. He thought the Mayor, herself, might have realized that as well. Later that same evening both Mayor Kline and her husband closed their social media accounts.

The Akron Beacon Journal posted the story the same night. However, her comments in the article also failed to strongly condemn the comments. As other news sources ran the story, such as WOIO, the Mayor began to pivot and condemn the comments.

Our Mayor's most thoughtful and well laid-out response came as a message email to City of Stow employees. In that message our Mayor expressed concern over any potential embarrassment this may bring employees. She made sure to apologize to the employees how her husband's remarks could reflect poorly on the organization and the work that they do. She was clear to invite any questions or concerns on the matter.

His question to Council and to our Mayor is where is our well thought out letter? Where is the concern to citizens how this makes our City look? Where is their apology?

He asked why the citizens and good people of Stow who she serves and represents were an afterthought when she knew very well by the comments on her Facebook response just how upset so many were? He believed that the citizens of Stow ought to come first.

He wanted to remind the Mayor that the Constitution protects the people from the government not the government from the people.

Bill Roemer
3616 Southern Road
Richfield, OH

Mr. Roemer stated when he ran successfully for Summit County Council seven years ago he had made a commitment that he would go to each community across Summit County - all 31 communities. He now served on the Summit County School Board, so he had another 17 school board meetings that he also attends.

He wanted to make sure that he was aware of the issues facing the elected officials as well as the residents. He would be available after the meeting to speak. He very much appreciated Council's time.

Harry Wynn
2449 Norman Drive

Mr. Wynn stated his wife and him were kind of new here. They had been here about 3 ½ years. He was kind of embarrassed to say that he had never been to a Council Meeting. Mr. Rasor welcomed him.

He wanted everyone to make sure that they saw him because he was going to make it a regular stop now. Apparently we haven't been doing enough. They moved here because they thought it was an awesome town. He still thought it was an awesome town. He knew a lot of people here thought it was an awesome town.

We have problems. We have real problems and we have a Mayor that has a husband that says those disgusting things and they are just kind of shoved off. He thought they all needed to remember that the taxpayers and voters were who they worked for. They needed to keep that in their heads because heads roll. He asked if they knew what he was saying?

They had an obligation to them, not just this room, but the entire City. He really just wanted to make sure that they understood that. He asked them to think about it because there were things going on that were terrible.

He hated what he had read and he hadn't done a lot of research so he didn't have all the details. However, he told everyone to get used to seeing him because he thought he was going to have some things to say. Maybe he would prepare something next time. He thanked Council for their time.

Mr. Rasor stated they would save that seat for him.

Mike Clementi
858 Valdes Ave.
Akron, OH

Mr. Clementi commended how the people were addressing what was going on in their town. It was a real tragedy for the people of this country and what they stand for – work integrity. He knew they all came up here with integrity and they were expressing their dislikes in a very good manner. He commended them all for that.

He thought that was good and that they should keep standing up for integrity and how it was really not for today's society. He thanked God and his Lord and Savior for being able to come up here and being able to speak today. He thanked everyone for speaking.

Mr. Rasor thanked Mr. Clementi for coming.

City Officials' Reports

Mayor Kline reported as follows:

1. She had given a report in Committee-of-the-Whole on dispatch services. That was her only report this evening.

Finance Director Baranek reported as follows:

1. Highlighted the following items from the Bill Listing:

Total: \$2,785,020.

Of that:

\$681,758 was for one payroll;

\$686,756 was for bulk purchases

(the majority of that was for

the City's bulk water agreement purchase);

\$508,914 was for employee benefits

(most of which were the pension
fund contributions);

\$93,148 was for capital improvements;

\$58,732 was for maintenance and repair

supplies from the water operating fund;

\$32,453 was for street repair and maintenance

supplies from the street construction fund; and

\$33,969 was for the monthly

Bureau of Workers' Compensation premium.

2. Requested a first reading of Ordinance No. 2017-31, the City's Annual Appropriations Ordinance.

Director of Budget & Management Earle reported as follows:

1. He had given a budget review at this evening's Finance Committee Meeting. He had nothing further to report.

New Business

Mr. Lowdermilk stated he had obviously had several phone calls and been contacted regarding the post.

He had worked on something to assure the residents and our employees understand that this Council and he, personally, did not support comments, tweets and posts such as were sent out. He thought they were appalling.

He had two young daughters. They were actually older daughters now that were very successful. If those comments had been made about them, it would be unbelievable.

He would be working with the Law Department on something that he would hope would reassure as a Council our community and our employees that this is not acceptable and it shouldn't be a reflection of our City because most of our residents wouldn't agree with it and would not participate in something like that.

Disposition of Ordinances & Resolutions

Ordinance No. 2017-143 was held.

Mr. Adaska introduced Ordinance No, 2017-28, 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. Costello seconded for the suspension of rules.

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

No Votes: None. The motion carried.

Mr. Adaska moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-28.

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

No Votes: None. The motion carried.

Ordinance No. 2017-28 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2017-29, entitled:

AN ORDINANCE AUTHORIZING THE RETENTION OF KASTNER, WEST-MAN & WILKINS, LLC TO ASSIST THE ADMINISTRATION WITH LABOR CONTRACTS AND RELATED MATTERS, WITH EXPENSE HEREIN AUTHORIZED FOR OUTSIDE LEGAL COUNSEL SERVICES NOT TO EXCEED \$50,000 WITHOUT PRIOR APPROVAL OF CITY COUNCIL, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-29.

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

No Votes: None. The motion carried.

Ordinance No. 2017-29 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2017-30, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SQUIRE PATTON BOGGS (US) L.L.P., FOR PURPOSES OF PROVIDING OUTSIDE LEGAL SERVICES AS BOND COUNSEL FOR DEBT ISSUANCE AND RETIREMENT ASSOCIATED WITH VARIOUS CAPITAL PROJECTS INCLUDING LEASING AND S.E.C. REPORTING AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-30.

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

No Votes: None. The motion carried.

Ordinance No. 2017-30 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2017-31, entitled:

AN ANNUAL APPROPRIATION ORDINANCE PROVIDING FOR THE
EXPENSES OF THE CITY OF STOW FOR THE YEAR 2017, AND DE-
CLARING AN EMERGENCY.

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

Mr. Pribonic introduced Resolution No. 2017-32, entitled:

A RESOLUTION GRANTING SITE PLAN APPROVAL TO MICHAEL J.
NOVACHEK OF RAY FOGG BUILDING METHODS, INC., APPLICANT,
AND JOSEPH WEBER OF BH OHIO LEASING, LLC, PROPERTY OW-
NER, TO PERMIT THE CONSTRUCTION OF AN INDUSTRIAL BUILD-
ING IN THE PLANNED SEASONS BUSINESS PARK DEVELOPMENT,
IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2017-32.

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

No Votes: None. The motion carried.

Resolution No. 2017-32 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Resolution No. 2017-33 was held.

Disposition of Bills

MOTION:

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

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, March 9, 2017
at 5:30 p.m.

Finance Committee
Thursday, March 9, 2017
to Follow the Planning Committee

Public Improvements Committee
Thursday, March 9, 2017
to Follow the Finance Committee

C.O.W.
Thursday, March 9, 2017
to Follow the Public Improvements
Committee

City Council
Thursday, March 9, 2017
at 7:00 p.m.

Mayor Kline stated that she was making a public records request for a certified, true and exact copy of tonight's transcript when Mrs. Emahiser had the minutes done. She stated if there were any charges, she would pay them personally as that would not be borne by the City.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:38 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Rasor
President of Council