

Minutes of the Regular Meeting of Stow City Council held on Thursday, March 23, 2017, at 7:17 p.m.

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

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

Call to Order

Mr. Rasor called the meeting to order and Mr. Pribonic 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 March 9, 2017 as circulated.

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

No Votes: None. The motion carried.

Reading of Communications

The following items were read or referred to by the Clerk:

1. Letter from Dick D'Antonio regarding elections and primaries. This item (a copy of which is attached to these minutes) was read in its entirety.

Committee Reports

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

1. He was available to answer questions.

Mr. D'Antonio reported on the Roads & Safety Committee Meeting of March 23, 2017 as follows:

1. One item would be introduced in legislative form.

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

1. He was available to answer questions.

Comments from Other Persons Present

Larry Kinnan
2962 Ridgeline Trail

Mr. Kinnan stated that he wanted to comment on the previous letter that was read into the record.

Really, free-for-all and political fiasco. He asked how was the exercise of our rights thru the Constitution a fiasco or free-for-all?

From the sounds of it, that is the way the system works. That is how the founding fathers of this country wanted things to be done - discuss, debate and decide. That is what they do. They are Americans and that is how they do it.

He asked Council not to put artificial limitations on the voters of Stow.

City Officials' Reports

Mayor Kline reported as follows:

1. She wanted to thank Mrs. Zibritosky. They had had a series of all staff meetings over the past week or two and she had done a great job reiterating information about public records that they all needed to be stewards of.

She encouraged City Council Members to take advantage of Mrs. Zibritosky's knowledge on this subject since they were also subject to the same rules and regulations as all other employees of the City of Stow. She was really a wealth of knowledge and closer at-hand than the people in Columbus who monitored those things.

2. She wanted to thank the Income Tax Department. They were really working at a feverish pitch these days. People were lined up outside the department.

She knew Mr. Baranek would give a report on that, but she wanted to call them out as really working diligently and serving a great number of residents over the last and coming weeks.

She reminded everyone that if they were going to physically file their income tax returns, there was a box by the receptionist's desk in the lobby. If people were comfortable doing that, it was a locked box. It was checked every day. So people wouldn't need to sign-in, get a visitor's badge and come upstairs.

With that she wanted to thank both Mrs. Zibritosky and Mr. Baranek for their hard work over the last couple of weeks.

Finance Director Baranek reported as follows:

1. He really hadn't had a report on the Income Tax Department tonight. However, since the Mayor had brought it up, they had started pushing the gear with the income tax season.

People could file on-line. They could come in and file. They had a drop box outside, so people could drop off their returns either on weekends or after hours.

The filing deadline was April 18th because of a holiday in Washington, D.C. That gives them an extra couple of days to file.

They had enacted all of the new regulations that the previous Legislature had passed in H.B. 5 that were coming about this tax year.

2. Requested a positive vote from Council on the City's Annual Appropriations Ordinance. He thought it was well represented of what they might possible need this year.

Law Director Zibritosky reported as follows:

1. She wanted to let everyone know that the Stow Municipal Court will be partnering with the Akron Municipal Court to provide drug court services. That was basically a formalized probation for drug offenders for misdemeanants.

Currently we are the only municipal court in Summit County that does not have a drug court. With the opiate epidemic being what it is and various other issues that they have, this makes a lot of sense. The best part about it is they are partnering with the Akron Municipal Court, so it actually is going to be available at a cheaper price than if Stow created its own drug court.

She was still learning a lot of the details. It hasn't started yet. However, the Judge in charge of it that would be doing Stow's drug court in addition to Akron's would be Judge Oldham from the Akron Municipal Court.

She thought it was going to be a great program for all of our residents and misdemeanor offenders. It was already available on the felony level, so it really makes sense to allow it to be available for the misdemeanor offenders and, hopefully, reduces the recidivism and jail time for drug offenders.

New Business

Mr. Riehl wanted to rebut a few things that were said in the letter that was written to Council.

He wanted to preface it by saying that he loved Dick D'Antonio. He was a great guy. He thanked him for his service and for the history of it. He hadn't been aware of that. However, since he wasn't bringing his legislation up for a vote tonight, he wanted to have a chance to rebut this and not leave it hanging over from meeting to meeting.

The election that was referenced took place over 46 years ago. That was before he was alive, before Mike Rasor was alive, Brian D'Antonio might have been alive or he might have been a small baby by then, Brian Lowdermilk was probably 7-8 years old and he didn't know where Jim Costello was, he would like to think he was on a Harley Davidson with the wind in his face and a guitar at his back.

Much like the polyester suits, bellbottoms, disco music and even the policy idea that Stow was an agricultural town and they shouldn't have a downtown in the City of Stow, primaries in non-partisan communities have just outlived their time.

For example, the 2011 election for Mayor was historic. That was the first time since Roger Howard or Charles Monteith that they actually had an open race with no incumbent. Mr. Earle stated Charles Monteith. Mr. Riehl stated so they were talking about the 1960s or maybe earlier than that.

Rather than chaos, they had four candidates that ran for Mayor. They had a spirited race and there was no chaos, so he didn't know how that would be limited by having no primary.

Then if you looked at all the suburban and urban Boards of Education dealing with hundreds of thousands of people, there are no primaries there, there are no candidate limitations there and there are no issues that he could find.

Also relating to the margin of victory, when it gets down to it the only people that really hear about the margin of victory of a candidate are the politicians and the party bosses. John Pribonic won an election for the School Board with 16% of the vote. He won his first race with 33 votes. Brian Lowdermilk won his with 28. Jim Costello came in second place in a primary. However, nobody said they were less than other Council Members or ineffective due to the margin of victory.

A person who wins with one vote or who wins with 1,000 votes is still called the Mayor or a City Councilman. The voters just don't care. They want you to get to work and do your job as an elected official.

So when it comes down to it, he felt spending five figures on a primary to satisfy a politician's ego was a waste of money.

Mr. Rasor asked Mr. Costello what he was doing in the 70s? Mr. Costello stated in 1971 he was floating on a ship in Guantanamo Bay, Cuba. Mr. Rasor thanked him for his service.

Disposition of Ordinances and Resolutions

Ordinance No. 2016-143 was held.

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
DECLARING AN EMERGENCY.

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

Mr. Lowdermilk stated based on their earlier conversations in Committee he wanted to amend the legislation.

Mr. Lowdermilk moved and Mr. Adaska seconded to reduce the Storm Water Utility Fund Bonds and Notes to \$700,000 to cover what they owed to the Water Fund.

Mr. Earle stated the motion should say to reduce the expenditures in the Appropriation Ordinance by that amount. Council couldn't really amend the revenue. The revenue was solely the province of the Finance Director under state law. Council dealt with the appropriation side.

Mr. Lowdermilk amended his motion and Mr. Adaska amended his second to amend Ordinance No. 2017-31 by reducing the appropriation for the Storm Water Utility Fund by \$1.5 million.

Mr. Lowdermilk stated on the expenditures, it was less than that line item. Mr. Earle stated but that was a line item in the detailed budget document. The line item to cover that was much bigger in the Appropriation Ordinance.

Mr. Rasor asked what the existing line item in the budget was and what the proposed line item was? Mr. Earle stated they would simply take \$4,305,489.50 and reduce that by \$1.5 million. That was on page 3 of the Appropriation Ordinance.

Mr. Rasor asked if this was to reflect the fact that they didn't intend to actually do this borrowing in 2017? Mr. Lowdermilk stated they had no projects assigned to the \$1.5 million.

Mr. Rasor asked if that was basically correct – that they didn't really intend to borrow this money this year? Mr. Earle stated it wasn't definitely intended, but it could be.

Mr. Rasor asked if they could come back and change the budget? Mr. Earle stated that they could. Mr. Rasor stated they would have to come back to Council anyhow to change the request for borrowing if they did that. Mr. Earle stated that was correct.

Mr. D'Antonio asked if a project came up and they would need the funds, if they would need an additional Council Meeting? Mr. Earle stated it could be done in the same Council Meeting as the borrowing. There wouldn't be an additional Council Meeting

needed unless it somehow worked out that way on the calendar. At the same meeting that they had for the borrowing they could submit to Council the authorization to amend the Appropriation Ordinance.

In the end, \$1.5 million was just an estimate. If there was borrowing, it could be \$800,000 or \$1.7 million. It was just a start.

Yes Votes: Lowdermilk, Razor, Riehl & Adaska

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

Mr. Razor stated that he had an amendment as well. He was basically doing the same thing he had done last year with the Clerk of Courts' budget.

The Clerk of Courts has proposed to spend \$1.295 million this year. His aim was to make the same exact amendment that he had made last year which was approved by City Council.

To do that he was reducing the \$1.295 million by \$17,000 to actually match the amount that they had appropriated last year at this time. Then he was subtracting \$30,000 from that which reflected the fact that there were 27 payrolls last year to normalize that to the normal 26 payroll year. He thought that was a fair adjustment. Then he was going to increase it by \$16,000 to reflect the fact that the staff received a 2% raise. Therefore, at the end of the day his adjustments take the Clerk of Courts' budget from \$1.295 million to \$1.264 million, which was a reduction of \$31,000.

Mr. Razor moved and Mr. Lowdermilk seconded to amend Ordinance No. 2017-31 as stated above.

Mr. Razor stated last year after he had made his motion to reduce the Clerk of Courts' budget by \$71,000 the Clerk came back and asked for more money mid-way thru the year. She asked for \$25,000 more. Council gave it to her. That same relief could be available to her this year if it looked like this was not a feasible budget number for her.

Mr. Costello stated as long as she had the same ability to come back again he had no problem with that.

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

No Votes: None. The motion to amend carried.

Mr. Razor stated that that amendment would be grafted into the budget as well.

Mr. D'Antonio moved and Mr. Riehl seconded to adopt Ordinance No. 2017-31 as amended.

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

No Votes: None. The motion carried.

Ordinance No. 2017-31 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Resolution No. 2017-33 was held.

Mr. D'Antonio introduced Ordinance No. 2017-43, entitled:

AN ORDINANCE AMENDING CHAPTER 703, C.O.S., ENTITLED "AMBULANCES AND EMERGENCY MEDICAL SERVICES", PARTICULARLY SECTIONS 703.14 AND 703.16 THEREOF, ENTITLED "EMERGENCY MEDICAL SERVICE TRANSPORT POLICY" AND "FEES", AND DECLARING AN EMERGENCY.

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

Ordinance No. 2017-43 was declared to be read for the first time.

Mr. Pribonic introduced Ordinance No. 2017-44, entitled:

AN ORDINANCE VACATING THE GILBERT LANE RIGHT-OF-WAY IN THE CITY OF STOW AND DECLARING AN EMERGENCY.

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

Ordinance No. 2017-44 was declared to be read for the first time.

Mr. Riehl introduced Resolution No. 2017-45, entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA (CRA) TAX INCENTIVE AGREEMENT WITH SEASONS BUSINESS CENTER THREE, LLC FOR THE CONSTRUCTION OF A 136,868 SQUARE FOOT INDUSTRIAL BUILDING ON SCARLET LANE IN THE SEASONS BUSINESS CENTER AND FOR THE ASSOCIATED SCHOOL DISTRICT COMPENSATION AGREEMENT 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: Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor, Riehl & Adaska

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2017-45.

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

No Votes: None. The motion carried.

Resolution No. 2017-45 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2017-46, entitled:

AN ORDINANCE PROVIDING FOR A SEPARATE AMENDMENT TO THE CHARTER OF THE CITY OF STOW, OHIO, UNDER AUTHORITY OF SECTION 19.01, CHARTER, AS ORIGINALLY ADOPTED BY THE ELECTORATE ON NOVEMBER 4, 1958, AS AMENDED, TO BE SUBMITTED TO THE ELECTORATE AT THE GENERAL ELECTION ON NOVEMBER 7, 2017, WHICH SHALL AMEND SECTION 16.02 "NOMINATIONS" AND SECTION 16.03 "SELECTION OF CANDIDATES" BY ELIMINATING ALL REFERENCES

TO PRIMARY ELECTIONS FOR CITY ELECTED OFFICIALS AND DECLAR-
ING AN EMERGENCY.

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

Ordinance No. 2017-46 was declared to be read for the first time.

Mr. Razor introduced Ordinance No. 2017-47, entitled:

AN ORDINANCE REALLOCATING 376.50 HOURS OF SICK LEAVE AND
156 HOURS OF VACATION THAT WERE PREVIOUSLY USED IN PLACE
OF WORK-CONNECTED INJURY LEAVE HOURS TO CRAIG TRACEY
AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. Costello seconded for the adoption of Ordinance No. 2017-47.

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

No Votes: None. The motion carried.

Ordinance No. 2017-47 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,
Pribonic, Razor, Riehl & Adaska

No Votes: None. The motion carried.

Committee Meetings Scheduled

MOTION:

Mr. Razor moved and Mr. Costello seconded to cancel the Council Meeting previously scheduled for Friday, March 31, 2017.

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

No Votes: None. The motion carried.

Planning Committee
Thursday, April 13, 2017
at 6:00 p.m.

Finance Committee
Thursday, April 13, 2017
to Follow the Planning Committee

C.O.W.
Thursday, April 13, 2017
to Follow the Finance Committee

City Council
Thursday, April 13, 2017
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:42 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Razor
President of Council