

Minutes of the Regular Meeting of Stow City Council held on Thursday, June 8, 2017, at 7:00 p.m.

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

City Officials Present: Mayor Kline, Law Director Zibritosky, Finance Director Baranek, Director of Budget & Management Earle, City Engineer McCleary, Director of Planning and Development Kurtz, Police Chief Film, Fire Chief Stone & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

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

Approval of Minutes

MOTION:

Mr. Riehl moved and Mr. Adaska seconded to approve the Minutes of the Regular Council Meeting and the Public Hearing of May 25, 2017 as circulated.

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

No Votes: None. The motion carried.

Committee Reports

Mr. Rasor reported on the Committee-of-the-Whole Meeting of June 8, 2017 as follows:

1. One item would be introduced in legislative form.

Comments from Other Persons Present

Bob Sitzlar
2069 Maple Road

Mr. Sitzlar stated that he lived in the swamp at the end of Sanford Avenue also known as 2069 Maple Road.

Most everybody here knew over the years the problems they have had there at his address and his neighbors' on either side. However, just recently, he thought things had gone a little bit too far.

There is a discharge from a pipe that the City put in at the end of Sanford Avenue. It discharges onto his property. There had to be some kind of chemical dumped into the inlet side of that pipe that wound up on his property. He passed around pictures for Council to look at.

Mr. Sitzlar stated he had been trying for years to get the City and the engineering department to do something about the drainage problem off of Sanford onto his property. All he got was promises. Nothing has been done.

He had contacted the City, the Health Department and the EPA and everybody told him there was nothing they could do because it was on private property. He needed some help. He had put up with the drainage problem for a long time. He redid his lawn every year. He couldn't justify replacing the lawn when somebody killed it by dumping chemicals in the pipe.

The City forced the young fellow that built the house where this pipe is to put that pipe in, but they won't recognize the pipe belonging to the City. He needed some help. He didn't know where to go. He had talked to the engineering department and everyone that he thought would help him, but nobody seems to be interested in the fact that they have dumped these chemicals into his yard.

Mayor Kline stated it is illegal for people to dump chemicals in the sewer or water systems. They certainly would be citing someone. If Mr. Sitzlar had any information about where or when he thought that might have come from, and she realized that he may not, they would want to know that because that is something they would absolutely cite someone for. That is not something you are allowed to do.

It sounded like Mr. Jones had come out to look at the drainage problem in particular. There is an ordinance that City Council passed in 2012 that the City Administration is bound by that requires them to have over five acres of drainage before they are allowed to work on private property. She didn't know about Mr. Sitzlar's situation. However, that is a law that the City Administration has to follow that was duly passed by this legislative body.

If it is another issue, then absolutely they would take another look at it. However, that could be one of the reasons. Again, she didn't know the specifics of his yard. She was just taking a gander that that may be what it was.

Mr. Sitzlar stated he had no way of proving where this chemical came from. However, you could see in the pictures that it originated in his neighbor's yard. He originally thought it was because the neighbor behind him did repair work on lawn mowers and other things and does power washing in his driveway. He had since had a long discussion with him and he kind of doubted that he did it. However, he didn't know that.

He had paid \$175 to have the dirt analyzed. He found out what he had was a bucket of dirt. According to the engineer that did the study there was very light carbon in the sample. However, just overnight it killed the grass totally right down to the bare earth. There was no grass anywhere where this came out of the pipe.

Regarding Mayor Kline's comments regarding five acres, in 2011 Mr. Kosco was engineering for the City. He said near the end of Sanford Avenue drainage coming off of Sanford goes into the rear yard of 2069 Maple and the neighbor's home. A small yard drain exists but is insufficient. Large diameter trees, and he had been told these trees didn't have anything to do with it, but he said large diameter trees complicate the solution. Possibly complete this summer in conjunction with waterline project. No progress on this drainage problem. Preliminary survey completed. No design scheduled. That was in 2011. Mayor Kline asked Mr. Sitzlar if she could make a copy of that report.

There were two separate issues they were talking about. However, just as a general reminder for the listening public, it is illegal to dump into the storm sewer system, whether it be leaves, grass clippings or chemicals. That is illegal for reasons of pollution or clogging-up the storm sewer systems. That is one of the reasons the City does the Leaf Pick-Up Program every year so that they could have free-flowing drainage systems.

She would talk to the engineering department. She didn't know if they could possibly do any kind of tracing on where this may have initiated from, but they would do their best. She reminded people if they did see someone dumping illegal substances into the drainage system, that wasn't allowed and they could take measures by letting them know. She realized Mr. Sitzlar didn't see anything, but they would see if they could trace it.

Mr. Sitzlar stated it does not go into the City's drainage system. It's a private one. Everybody tells him it's private, although the City made him put it in. It goes from a piece of private property to his property.

Mayor Kline stated they would do some research to see what records the City might have. Mr. Sitzlar stated you might contact Mike Jones because he is deeply involved in this. Mayor Kline stated she would. He was who she would talk with tomorrow.

Alex Bryan
4674 Trillium Drive

Mr. Bryan stated he wanted to speak briefly concerning the COG proposal at hand. It was his understanding that the Memorandum of Understanding that is allegedly going to be presented tonight was signed a week ago but they were just finding out about it today.

He was confused about why there was such secrecy in this matter, especially if it was such a great deal for the region and local communities. He would expect the parties that were in favor of it would be out marketing its wonderful benefits to them but instead it has been held in secrecy.

In this Memorandum of Understanding it mentions involvement by the City of Akron. That certainly concerned him. With the massive amount of calls they take and their immense service requirements, he couldn't help but wonder if they would be the ultimate driving factor for all system design requirements of this new computerized dispatch system and subsequently this would increase overall costs that otherwise wouldn't be necessary if Stow just retained its local control of its 911 dispatch?

His ultimate concern was that our taxpayers shouldn't have to subsidize the replacement of Akron's legacy CAD System. He had intimate knowledge that their CAD System was long overdue for replacement. He thought ultimately this was just a way for Akron to get a replacement and for all local communities to help bear the cost of that. He felt that ultimately our local service levels were going to suffer because of it.

Mayor Kline stated that she had talked to Mr. Bryan both privately and in person. They had traded some emails. She had offered a number of times for him to please come in and meet with her one-on-one so she could give him information not just speculation. She thought that was important.

She, again, encouraged him or any other resident to do that at any time. They were certainly always welcome to come to her office. She had also extended that offer to City Council.

Mr. Bryan was right, she was going to be presenting on the MOU tonight. Candidly, there had not been a public meeting since last Thursday so this was the first opportunity.

However, again, she extended her offer publically now to him, which she had done privately and via email. She asked him to please come in at any time so he would have good information. She extended that invitation to him and anyone else.

City Officials' Reports

Mayor Kline reported as follows:

1. As Mr. Bryan had brought to Council's attention, she had emailed City Council this afternoon so that they would have a copy of the MOU that was indeed signed last Thursday, June 1st. It was signed with Summit County, the City of Cuyahoga Falls, the City of Tallmadge and the City of Stow.

She didn't know how many of them had actually read it yet, but if they did, they would know that it is a document which states pretty much what they have been talking about for months now, which is the good faith to collaborate together, to share information, to work towards principals of sustainability, public safety, regional disaster recovery and redundancy and cost effectiveness. That is what is driving the potential for this project.

You would also notice that we are looking to seek bids for a consultant for two items. One was an overall consultant to walk thru the process of the formation of a multi-jurisdictional dispatch center. The technical side is to evaluate potential venues, to evaluate potential vendors and to guide them to be a neutral party in this process who also has expertise doing this for other entities.

The second part has to do with the CAD. As you might remember, we received a half million dollar grant from the State of Ohio which has to be spent, she believed, by the end of the first quarter of 2018 or that money goes away. In order to capitalize on that money from the State of Ohio it is essential that we move forward on a computerated dispatch system.

She didn't know how familiar any of them were with computerated dispatch, but essentially you have to have the backbone of the system and then you have different licenses which are granted to each entity dependent on how many end users they have. So each entity is responsible for insuring that they purchase enough licenses for their use.

The City of Akron is indeed not going to be part of the regional dispatch center, a multi-jurisdictional facility. The City of Akron is simply looking to be potentially part of a multi-jurisdictional computerated dispatch system.

You would note in this document that it says that we will share in the cost of the consultant and then Akron will share in the consultant's cost if one is identified and secured for computerated dispatch.

In anticipation of Mr. Lowdermilk she wanted to point out two things. One was in the third paragraph, you will note that the dispatch consultant and the cost must be approved by the respective legislative bodies.

She also pointed all of them to the final paragraph on Page 2, which reads:

"The parties to this MOU understand that the terms of this MOU are non-binding to the parties and all agreements to hire the dispatch consultant, contribute to the cost of the dispatch consultant, create, enter into and operate the COG, secure the dispatch facility and make necessary purchases for goods or services for the dispatch operation, and any other matter necessary to effectuate a regional and collaborative public safety dispatch operation must be submitted for appropriate legislative approval and will not be binding until such time as they are approved by the appropriate legislative authorities."

This is an administrative memoranda putting down our good faith intent that we have been talking about for several months.

Our partners at Summit County have agreed to be the lead agent on sending out requests for proposals and evaluating bids with input from Stow, Cuyahoga Falls and Tallmadge. Prior to any consultant being secured, they would certainly need to get approval from County Council and the respective City Councils of those three communities.

She thought this was a good positive step forward. She thought it finally puts down and memorializes what they have talked about verbally for a long time. She thought one of the most exciting prospects of the multi-jurisdictional dispatch operation was the fact that it allows for greater service and greater reliability to both our first responders, who certainly rely on it for life-saving measures, as well as the public when they are in an emergency situation.

She saw this as quite a positive step forward. She was pleased that their partners at the County, Tallmadge and Cuyahoga Falls all agree with them on this. She thought they had some exciting days ahead.

She would look for information on the recommended consultant for these hopefully by August. The RFPs have been or are being sent out by the County. She knew they had intended to send them out this week. Their big requirement, she believed, required a minimum of 3-4 weeks to have it published. So, obviously, they had to at least allow until July for vendors to get that back. From there they could gauge the timeline.

She was available to answer questions.

Mr. Lowdermilk stated it was his understanding that the County pretty much has taken the lead on that. He asked if that was correct? Mayor Kline stated that was not correct. She had answered that question for him before.

We are equal partners. However, the County, because they have more staff available, agreed to be the lead agent on doing the RFPs and getting the bids in for the potential consultant. Mr. Lowdermilk stated so they have taken the lead, which was what he had just asked.

He asked what they anticipated the cost of the consultant being? Mayor Kline stated they would certainly get that back when they get the RFPs. Their preliminary estimates are under \$100,000.

Mr. Lowdermilk stated based on previous meetings, they were led to believe that they had people in-house that would qualify to do this. He asked why they needed a consultant?

Mayor Kline thought that would alleviate any concerns from any Council Members, respective legislative bodies as well as the public to know that a neutral expert had evaluated things, made recommendations and evaluated the processes to insure that they were done correctly.

Mr. Lowdermilk stated this was one of his concerns initially – the cost. They had already potentially added another \$25,000 for a consultant to come in and try to convince Council Members of what apparently the other cities couldn't do already.

Mayor Kline stated as she had mentioned before, she encouraged Mr. Lowdermilk to vote no when that time comes and to vote his conscience. If he didn't think this was a good project, he should vote no. Mr. Lowdermilk stated if he didn't think it would be a good project he would.

Mayor Kline stated she would expect nothing less. Mr. Lowdermilk stated he would not vote for a building that floods whether they have independent counsel or somebody internally. There are things that need to be answered.

Mayor Kline thought it was important that they talk about facts. She thought it was important that they talk about real data.

Mr. Lowdermilk stated the other concern was this was dated June 1st. They have had standing meetings for dispatch discussions. He asked Mayor Kline

when she learned of this Memorandum of Understanding? He asked if it was prior to June 1st? Mayor Kline stated that the Memorandum was finalized and signed on June 1st?

Mr. Lowdermilk asked Mayor Kline when she was aware of it? Mayor Kline stated they had worked on it for a few weeks prior to that.

Mr. Lowdermilk stated so they did have a public meeting at the time the Mayor was working on a Memorandum of Understanding, at which time they also had meetings specifically for dispatch and she refused to tell them anything about it. She said she had nothing to bring up.

Mayor Kline asked Mr. Lowdermilk what he was driving at? She asked if Mr. Lowdermilk was calling her a liar? She asked Mr. Lowdermilk if he was calling her a liar because it sure sounded that way? If that was what he was calling her, he should say it.

Mr. Lowdermilk stated Mayor Kline just said that she knew about it several weeks before that. She had just told this gentleman there was no public meeting for her to address this. Mayor Kline stated since this had been signed that was correct. Mr. Lowdermilk stated that apparently there was.

Mayor Kline asked Mr. Lowdermilk how Mr. Bryan got a copy of this memo when she just sent it to Council at 2:30 this afternoon? Mr. Lowdermilk stated that he sent it to him.

He asked if it was a secret? Mayor Kline stated no. However, she thought it was interesting that he would encourage people to get on social media and be against an idea that they hadn't even had a chance to talk about yet. Why didn't he announce his responsibility in this? Mr. Lowdermilk stated he found it interesting that Mayor Kline didn't like social media now.

Mayor Kline stated so he was calling her a liar. Mr. Lowdermilk stating he was saying that she just told this gentleman something that apparently was not true.

Mayor Kline asked if they had had a public meeting since this document was signed on June 1st? Mr. Lowdermilk stated no, but they had had public meetings when she was aware of this agreement. Mayor Kline stated so this was the first opportunity since it was signed.

She asked if she should provide the drafts of everything she does prior to them being finalized so she could have Mr. Lowdermilk's approval? Mr. Lowdermilk stated he wasn't going to argue with her.

Mr. Razor stated if people wanted to talk about the substantive merits of this idea they should. However, going back and forth...

Mayor Kline stated she had offered Mr. Lowdermilk a number of times to come and meet with her and he has refused. He just does public records requests. So here was his opportunity.

Mr. Lowdermilk stated that he just wanted to be clear with everyone that was listening. As far as taking advantage of this CAD System, it does not require that they form a COG. They can participate in the new upgraded system and they could do it remote.

That was in the paper that he believed Jason Dodson or another representative of the County outlined. You don't have to be a member of the COG. He hoped they would have additional information, especially when there was something that was fairly significant brought to their attention.

As far as giving this to a resident, Mr. Bryan has been very interested in this dispatch center for 6-8 months. Mayor Kline stated that was why she kept repeating offering to meet with him one-on-one and give him information as well as other residents. There were many residents interested.

Mr. Lowdermilk stated to get this two hours before a meeting and say here, in case you want to look at this before we discuss it, especially when she had had it for a week, there was one or two things going on. Either you really didn't want us to have a chance to read it or he didn't even know what the other thing was.

Mayor Kline stated that she took offense at Mr. Lowdermilk's accusations and insinuations. It was very unprofessional and inappropriate. She had always answered his questions. She had always answered public records requests. If he wanted to cast aspersions on her character, he should be bold enough to do it outright and not with insinuations. It's insulting. I'm a professional.

Mr. Razor asked if this consultant was going to be analyzing the finances of the operation and how that may be divided among the member communities? Mayor Kline stated that was absolutely one of the things that the consultant would be working with the group on, as well as making recommendations on vendors, equipment and things like that that certainly can impact costs.

Mr. Razor asked if that sort of analysis would be provided to City Council before the vote was made to create the COG? Mayor Kline stated that she would certainly anticipate that it would be. There would be no reason not to.

Mr. Razor stated it sounds like they would have to have a preliminary vote to participate in the cost of the consultant first. Mayor Kline stated absolutely. Mr. Razor stated that would not bind them to a COG in the City. However, later there would be a vote.

Mayor Kline stated with the caveat that if it is below the Board of Control limit, then they would not need Council's vote. She didn't anticipate that that would be the case, but as all of them knew, the Board of Control limit was \$15,000. If Stow's share is less than \$15,000, it may be approved at Board of Control. Mr. Razor stated he understood.

Mr. Lowdermilk stated people would think although the Board of Control may have the approval that the Mayor would at least come back to Council prior to that to let them know what that cost is and the total cost of what our share is prior to the Board spending the money or allocating it. Mayor Kline stated as long as Council recognizes the proper authority of the Board of Control absolutely.

Mr. Lowdermilk stated he didn't tell her that she couldn't spend the money, he just said that he thought it would be appropriate in this case that they be as transparent as possible to all the residents on what they were spending on this, what their costs were and what the money was being spent on. Mayor Kline stated that she couldn't agree more. She was sure he would live up to those ideals as well.

Mr. Razor stated he would put back on the Committee-of-the-Whole Agenda a running item for dispatch services.

2. All of the Veteran's banners have been put up. As always they look fantastic.

She asked people to please be mindful on busy streets. She knew she tended to look at the banners and she needed to be careful that there wasn't someone traveling behind her as she was driving slowly.

However, if people had a chance to get out and take a walk, it really was pretty awesome to see the history and the people in Stow that were represented.

She thanked the staff, their partner's in Munroe Falls and the printing company. It was a great project and she was glad they were doing it once again.

Finance Director Baranek reported as follows:

1. Highlighted the following items from the Bills Listing:

\$1,446,363 - Total.
Of that:
\$787,681 was for one payroll;
\$229,903 was for employee benefits;
\$82,551 was for capital improvements; and
\$52,497 was for the operation of the golf course.

Law Director Zibritosky reported as follows:

1. The City had passed a medical marijuana moratorium in September. It was about time now that they relook at it.

Right now they were working on the Administration's recommendation, which will be that they prohibit it outright. They would be prepared to discuss some reasons from the various departments for why that is their recommendation. However, it is ultimately going to be up to Council. A legislative scheme would have to be passed by Council if they were to allow it or disallow it.

If any member of Council wishes to work on making a framework, the permits would be finalized in September. They have stuck to their schedule. They will be done with the regulations in September of this year, so they really need to get something going.

That was part of the reason why she mentioned it ahead of time. If somebody feels passionate here that they should allow medical marijuana in the City, he should contact her so she could help him draft his version since it was pretty complicated with the new law.

2. Have hired outside counsel in conjunction with Akron, Tallmadge, Cuyahoga Falls and Barberton regarding regulation of small cell facilities. They are working on finalizing some different versions of that draft. They would hopefully have them before Council in July. That way they could exercise their local rights in the right-of-way.

There was a recent case out of Franklin County that struck down S.B. 331 where the State took away that authority from local authorities and said they couldn't regulate right-of-way. That has been ruled invalid by at least one court, so it was a very interesting and exciting development that she was going to be very excited to tell them about in July.

3. They would also be bringing-up in July the Secondhand Dealers Legislation. They had had the opportunity to meet with at least three different companies and were working extensively with them and one of their lawyers.

She had just wanted to give Council an update of upcoming legislation to give them the opportunity to ask her questions beforehand.

Mr. Rasor asked when the moratorium was up? Mrs. Zibritosky believed it was in September. She didn't know the exact date.

Mr. Rasor asked if it was a one-year moratorium? Mrs. Zibritosky stated that it was.

City Engineer McCleary reported as follows:

1. Last night there was a meeting with the Progress Park residents concerning a waterline extension. Approximately thirty people attended. The project is being designed so that people can tie into the water system between Eastwicke and Pembroke.
2. Approximately eleven storm sewer projects are to be built this year. They should get started next week and would continue on thru the fall.
3. The Norton/S.R. 91 Project is entering Phase 6 tonight. At 8:00 p.m. they will be switching traffic patterns on Norton Road so tomorrow morning they can start working on the north side of Norton Road.

They have finished the south side curb. They started backfilling. They will also be doing seeding, mulching and finishing up. The sidewalks have been going in up there and on S.R. 91.

That project was moving right along. It was under budget. It was ahead of schedule. However, with the weather they had had this year he didn't really want to jinx it since they still had a couple of months to go.

New Business

Mr. Lowdermilk stated that he wanted to address the storm water issue that the gentleman had brought up. He just wanted to be clear to the residents the reason that the legislation was brought up before and passed.

The City has done projects on private property. The City will do projects on private property. There are some parameters to that. The five acres is a total drainage area, not just your property. He thought it was important to understand that.

We have a couple of issues. He thought what this gentleman was showing was it almost looks like somehow a neighbor had piped downspout water onto another private property versus a storm water ditch.

He knew they were dealing with a similar situation on Cherryhurst where they had added impervious surface in the Cherryhurst case along with draining it instead of out to Fishcreek to the storm ditch to the back of the property. He had talked with Mr. Jones and Mr. Wren about that particular property. However, he didn't know what Mr. McCleary could suggest they do in these instances.

He couldn't imagine there wasn't an ordinance or something somewhere prohibiting somebody from putting a downspout drain or something onto somebody else's property. He asked Mr. McCleary for some suggestions of what might make sense in the future? If this was a special circumstance, maybe they needed to amend the previous legislation to account for some of the things that weren't considered.

Mr. McCleary thought the engineering department had asked Mrs. Zibritosky to look at storm water issues, especially with downspouts and connecting them. He thought they could revisit that because right now it was a public nuisance. Mrs. Zibritosky had given them guidance on that. So they would work with the law department on it.

Mr. Lowdermilk understood there were certain instances where the downspouts, especially for garages, where there is a natural flow makes sense. However, he thought there were others where it doesn't and there was something that just wasn't quite the same or right in those instances.

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded to authorize the hiring of a Youth Specialist Worker in the Youth Division.

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

No Votes: None. The motion carried.

Old Business

Mr. Adaska stated last year he had asked Council Members to stop by John Marshal's house at the corner of Lillian and Baumberger where the City has an open drainage ditch. Mr. Marshal erected a sign last year and again put a sign up in his front yard this year. He does have a point.

There is a large track of storm water that drains thru his yard. It has made the depth of the drainage ditch so deep that you can't expect a resident to maintain it. He had asked and begged Council Members to go look at it and give them some assistance.

The Mayor says that the City has a policy where they don't go on private property. However, that problem was created by all the homeowners east of his house that are draining into his yard. It is creating a real big problem.

It is also embarrassing to have that sign in front of his house. It is there because nobody will help him fix that problem. He agreed with him that somebody in the City needs to help with that.

When Mr. Marshal was a kid living in that home and going to high school that ditch was probably 3"-4" deep. It was just a place that rainwater ran thru during a storm. Now it is a ravine. He can't get from one side to the other without a tractor or something like that.

It has taken away his yard. He lost another 3 1/2'. He could say that because he had been driving stakes into the edge of the bank to keep an eye on what was going on because at first he didn't believe him. However, he is actually losing his land to this ravine. The erosion is just washing away his yard.

He thought the City was culpable on this because, with all due respect to Mr. Mc-Cleary who has done an excellent job in the past with our storm water, the City redirected water from other neighborhoods into that drainage course thru his yard. Therefore, there has to be some responsibility to help with that problem.

There are ways they can fix it. They can stack up cement blocks on one side of the ravine so they can put some dirt back and he can get his lawn mower or tractor back and forth on his side yard. Right now it is almost impossible. He can't even cut the grass next door because he can't get his machine back there to do the work. Erosion has taken away his yard.

He asked the Mayor to send one of her staff members out to take another objective look at that ravine or drainage course to see if there is a simple inexpensive way that they can help to relieve that situation and have the sign come down once and for all. Last year it was about the Mayor's race. This year it was about Council's race. It was kind of embarrassing to have that up and people driving by seeing it.

They were all big people. They could come together and solve the problem. However, they had to be willing to do so.

Mayor Kline stated she appreciated Mr. Adaska's comments. She certainly wasn't worried about Mr. Marshal's sign. It was a first amendment right. He was allowed to

say what he wants. That's free speech in our country so he was welcome to have his sign as long as he wants and to say something on it.

Staff has been out just since she has been Mayor numerous times. She knew under Mayor Fritschel's Administration her staff had been out numerous times. She believed the City had made repairs and there was some question as to whether or not the homeowner removed them.

They could look at it again. It was not just her saying that they can't do work on private property, that was a law that City Council passed in 2012. If it is not over a five acre drainage area, the City cannot do the work. It wasn't just her saying that, it was following the law. If Council wants to amend that law, that was another process and they would certainly be happy to engage with them on that.

They would look again and offer suggestions to Mr. Marshal. She had been out to Mr. Marshal's house a few times. She knew other Council Members had. It was not something that they were oblivious to. However, she believed suggestions had been offered in the past that either had not been agreed to or had been altered in some way.

If the drainage area is less than five acres, and she wasn't saying that it was because she didn't know because she wasn't an engineer, no they cannot by law do the work unless Council amends that.

Mr. Adaska stated that that item would be on his next Public Improvements Committee Agenda. His plan was to introduce legislation to amend that so that the City will be able to go in in certain cases. He wasn't saying that all cases would be relevant. However, certainly Mr. Marshal's property was.

They were coming up across Ward 4. He was starting to discover more and more of these drainage courses that are eating away at the public's property because we are getting more rainfall lately and the water is moving thru their yards quicker and it is taking more and more of their yards away. That is not their water. Water is draining from other neighborhoods thru their yards.

He thought all the residents have responsibility. The City manages all of these water courses. In the process of collecting taxes or whatever, they have to use that money in the best interests of the residents. Therefore, he thought if they amended the legislation and allowed the City to go in and correct some of the drainage courses, they could move on. This has been on-going and on-going and on-going since 2014 that he knew of.

Mayor Kline asked what could they provide Council? Since this was going to be on the agenda, obviously Council would want to have information to make informed decisions about potential costs, staffing levels and potential projects. Those were some things that came to her mind at first blush.

She asked what else Mr. Adaska would like information on that they could perhaps provide because obviously there will be implications if Council amends it? She would be happy to work with them on that, but if they do, there will be implications.

Mr. Adaska stated he understood that. However, they had residents who were suffering from the fact that we are directing water thru their yards.

Mayor Kline stated she didn't dispute that. She just knew that Mr. Adaska and other Council Members would not be doing their due diligence if they didn't look at the associated factors like costs. They all were very good at doing that on all issues. She knew that was something they would want. She asked what else could they provide?

Mr. Lowdermilk asked Mr. McCleary to provide something, without doing a full-blown study or months of research, on what the impact would be on 2 ½ acres versus 5.

Maybe they could pick just a few of the areas where they have had trouble. Cherryhurst was one of them. Maybe the Baumberger residence. Maybe the one on Sanford. They could look at those to give them some idea of what the impact would be.

If they reduced that area from 5 acres to 2 ½ acres, would it encompass those projects and make them something they would look at? They wanted to get kind of a feel for that. They knew they would have at least three more projects to fund.

He thought people had a right to ask. They were paying another \$3.00/month to take care of storm water. They had promised to do projects and get projects caught up. Therefore, he thought they needed to look at all of the projects that they had, especially where residents were losing their property because drainage had been put in in the past for that.

Mayor Kline stated they would also bring in some information of how this would impact the increased fee that City Council passed on the storm water fund because there were parameters that City Council put on that as far as it needing to be new projects. She thought some implications might resonate into the storm water fee as well. So they would bring them some information on that so they could all consider that. That was something else she had thought of that they might need.

Mr. Adaska stated that was understandable, but they also had a capital improvements budget and storm water funds from the previous legislation that they could spend from too. The idea is that these problems need to be addressed.

Mayor Kline thought that was a good point. They would bring in information on all of their capital funds so they could take a look at how that would be impacted. She thought that was an excellent idea.

Mr. Adaska stated he would also like to see somebody rolling up his sleeves and coming up with some solutions because these people have been more than patient. They had been told that the City couldn't go onto their properties. Mayor Kline stated that was the law. Mr. Adaska stated but he saw it happen in other areas. He had seen it happen. Mayor Kline asked where?

Mr. Adaska stated they went back behind somebody's house in Mr. D'Antonio's ward and corrected some storm water problems in backyards over there. Mayor Kline stated she didn't remember that. Mr. D'Antonio stated he was at-large.

Mr. Adaska asked Mr. D'Antonio if he remembered that Council supported him in that effort to have that problem taken care of after a long time of flooding in the backyards of his neighborhood? Council all agreed to spend money out of the City's storm water fund to take care of that problem.

The idea is that they helped over there and they need to roll up their sleeves and help in other areas. He had asked him to do that on Baumberger. He doubted he even went by and looked at that project. Mr. D'Antonio asked if Mr. Adaska was addressing him? Mr. Adaska stated he was.

Mr. D'Antonio stated that he didn't know what project Council voted 7-0 on to spend money in his backyard was. Mr. Adaska stated not Mr. D'Antonio's backyard – the residents in his neighborhoods backyards. It was a good project. That was why he voted for it. Mr. D'Antonio stated he still didn't know what Mr. Adaska was referring to.

Mr. D'Antonio stated since they were doing old business and talking about 2014 legislation, he encouraged people to read the notes for why that legislation was put in-place for the five acres and who wanted that legislation put in-place. It was to protect the citizens.

Anyone could request work be done on private property. He thought there was a whole back story on that. Mayor Kline thought Mrs. Emahiser could provide the minutes. Mr. D'Antonio thought that would be important for everyone.

Mr. McCleary confirmed what the Mayor had said. When Brad Kosco was Storm Water Engineer, there was a project on Mr. Marshal's property. It extended the storm sewer from the roadway out to the back of his property and erosion control on the bank was put in. According to Mr. Kosco, it was destroyed by Mr. Marshal.

At this point, regarding what Mr. Lowdermilk had asked for (2 ½ acres or less than 5 acres), they had not replaced their Storm Water Inspector from 4-5 years ago when he left their department. The engineering staff had never been rebuilt.

He knew Mr. Razor had asked about a sidewalk program. They used to have a lot more people on staff. However, they do not have the staff that they had. Engineeringwise they were down two. Inspectors they were down two as their Water Inspector was being promoted to Water Superintendent. So they would have to look at new employees to come up with a cost. They would have to work with finance on how many employees it would take.

Mr. Lowdermilk thought maybe there was some outside help they could look at versus employing another full-time person. However, in an effort to end this on a positive note, he wanted to let Mr. McCleary know that he had talked with Mr. Jones several times. He wanted to commend him for jumping in and going out to actually look at these things. So far he has shown the willingness to just jump in and try to get the work done. He wanted to commend him for that.

Mr. McCleary stated that Mr. Jones tried to help everyone. However, if he was out in the field, he could not design and build the projects that Mr. Lowdermilk wanted to be built this year. He had eleven of them to build.

Mayor Kline stated that Council was potentially not having a meeting at the end of June. Mr. Razor stated they would see how the motion goes, but it would be proposed. Mayor Kline stated so pending how that vote goes, they would have information at whatever the next Council Meeting is. If it is a month from now, they would have more in depth information. If it is two weeks from now, they would at least have preliminary information for Mr. Adaska's committee meeting.

Disposition of Ordinances & Resolutions

Ordinance No. 2017-65 was held.

Ordinance No. 2017-70 was held. A Public Hearing is scheduled for Thursday, July 13, 2017, at 6:00 p.m.

Mr. Pribonic introduced Resolution No. 2017-78, entitled:

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE, SITE PLAN AND VARIANCE APPROVAL TO THOMAS FINLEY OF OMNI STOW, SLF, APPLICANT, AND THE DOROTHY GRAY ESTATE, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A 148-UNIT ASSISTED LIVING DEVELOPMENT LOCATED ON THE EAST SIDE OF ALLEN ROAD ACROSS FROM THE CLEVELAND CLINIC/AKRON GENERAL WELLNESS CENTER.

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

Mr. Pribonic 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. Pribonic moved and Mr. Costello seconded for the adoption of Resolution No. 2017-78.

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

No Votes: None. The motion carried.

Resolution No. 2017-78 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Riehl introduced Ordinance No. 2017-79, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF EMULSION FOR THE STREET DEPARTMENT'S DURAPATCHER USED TO PATCH VARIOUS ROADS THROUGHOUT THE CITY AND COLD PATCH USED TO PATCH ROADS IN COLDER WEATHER FROM SOLE SOURCE PROVIDER RUSSELL STANDARD CORP, FOR THE CALENDAR YEAR 2017, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

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

Mr. Pribonic 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. Riehl moved and Mr. Costello seconded for the adoption of Ordinance No. 2017-79.

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

No Votes: None. The motion carried.

Ordinance No. 2017-79 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2017-80, entitled:

AN ORDINANCE REPEALING CHAPTER 713, C.O.S., ENTITLED "CHARITABLE FUND RAISERS", OF PART SEVEN, ENTITLED "BUSINESS REGULATIONS", IN ITS ENTIRETY.

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

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2017-80.

Mr. Rasor stated that this Chapter was overly intrusive. It was big government at its worst. It needed to be repealed.

Mr. Lowdermilk commended Mr. Rasor on introducing this. It wasn't too often that government gets to get out of the way of the residents and repeal things that have been cumbersome and sometimes outdated. He thanked him for that.

Mr. Rasor stated he looked forward to the Special Committee having a lot of opportunities to make this happen a lot more frequently.

Mr. Riehl stated he did as well. There was a philosophy out there in government that they just shouldn't enforce these laws. However, our taxpayers are our bosses. They don't have the opportunity to decide which laws they are going to follow. He thought the government ought to not have that right either.

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

No Votes: None. The motion carried.

Ordinance No. 2017-80 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Riehl introduced Resolution No. 2017-81, entitled:

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) FOR FINANCIAL ASSISTANCE WITH A PROJECT DESIGNATED AS THE GRAHAM ROAD CORRIDOR IMPROVEMENT PROJECT 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 Resolution No. 2017-81.

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

No Votes: None. The motion carried.

Resolution No. 2017-81 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Resolution No. 2017-82, entitled:

A RESOLUTION AUTHORIZING THE CITY OF STOW TO ACCEPT GRANT FUNDS FOR THE PURPOSE OF PURCHASING FORTY (40) SELF-CONTAINED BREATHING APPARATUS UNITS, EIGHTY (80) FORTY-FIVE MINUTE AIR BOTTLES AND FIFTY-ONE (51) AIR MASKS WITH VOICE

AMPLIFIERS FROM THE 2016 ASSISTANCE TO FIREFIGHTERS GRANT
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. Costello seconded for the adoption of Resolution No. 2017-82.

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

No Votes: None. The motion carried.

Resolution No. 2017-82 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

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.

MOTION:

Mr. D'Antonio moved and Mr. Costello seconded to authorize the President of Council, or in his absence, the Vice President of Council, to approve the Bill Listing prior to the next Council Meeting.

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

MOTION:

Mr. Rasor moved and Mr. Costello seconded to cancel the June 22, 2017 Council Meeting due to a general lack of pending and pressing business.

Mr. Adaska stated he had been going to have a Public Improvements Committee Meeting that evening. Mr. Rasor stated he could still hold one. Mayor Kline stated it would give them more time to get the information for him. Mr. Adaska stated it was actually on a different matter. However, he would take care of both items at the same time then.

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

No Votes: Riehl. The motion carried.

Planning Committee
Thursday, July 13, 2017
at 5:30 p.m.

Public Hearing
Thursday, July 13, 2017
at 6:00 p.m.

Finance Committee
Thursday, July 13, 2017
to Follow the Public Hearing

Roads & Safety Committee
Thursday, July 13, 2017
to Follow the Finance Committee

Public Improvements Committee
Thursday, July 13, 2017
to Follow the Roads & Safety Committee

C.O.W.
Thursday, July 13, 2017
to Follow the Public Improvements Committee

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

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:59 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Rasor
President of Council