

Minutes of the Regular Meeting of Stow City Council held on Thursday, July 13, 2017, at 7:15 p.m.

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

City Officials Present: Mayor Kline, Law Director Zibritosky, Director of Budget & Management Earle, Service Director Wren, City Engineer McCleary, Director of Planning & Development Kurtz, Police Chief Film, Assistant Fire Chief Lang, Manager of Information Systems Germano, Deputy Engineer Jones, Parks & Recreation Director Nahrstedt & Clerk of Council Emahiser

Press Representatives: Beacon Journal

Call to Order

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

Approval of Minutes

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded to approve the Minutes of the Regular Council Meeting of June 8, 2016, as circulated.

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

No Votes: None. The motion carried.

Committee Reports

Mr. Adaska reported on the Public Improvements Committee Meeting of July 13, 2017 as follows:

1. Discussed the construction of a new structure at Adell Durbin Park. That item would be discussed again at a future meeting.

There was a building that was going to be demolished late this fall. Therefore, they needed to come-up with another building that they could utilize there. It was a nice park and they wanted to continue having activities out there for the public.

Comments from Other Persons Present

Don Daugherty
3688 Hudson Drive

Mr. Daugherty stated that he wanted to speak to the medical marijuana issue.

He didn't think that a blanket provision to kill the entire idea was really the way to go about this. He thought they should write legislation so that it could be changed at any given time. He thought that would be the better way to approach it.

Nobody was looking at this as a high dollar income type of thing. He understood Chief Film's concerns with the cash business. He had personally seen a medical marijuana

grow facility in Colorado. They had three 16' fences with double padlocks, swipe cards where two people had to use them, and restricted areas inside the building.

A friend of his happened to be the Vice President of one of these facilities. They couldn't open the vault doors without two people. They were separated by 16' for the swipe cards. So if the same companies were working here, that would make the facility pretty dog gone safe.

The other concern everybody has is about the euphoric feeling that people get from smoking pot which is from tetrahydrocannabinol. He was allergic to it. He had never been able to smoke it. He got a migraine headache from it.

Another one is CBD, which is the one they are using for the medical part of it, which is cannabidiol. There is absolutely nothing in cannabidiol that creates the euphoric feeling from the THC, the tetrahydrocannabinol. It doesn't impair judgment. It doesn't do anything. However, it does relieve pain.

Another friend of his has had a child on this, out-of-state of course, that has been having epileptic seizures for the last 16 years and it reduced that problem almost to nothing. He is now a 22-year old functioning member of society.

So, it does have benefits. He thought that was something that needed to be taken into consideration before they just threw a blanket prohibition on everything they were doing here. He didn't think that was the right approach.

He thought some sort of legislation with wording in it that says it can be modified at any time by the municipality would probably be a good way to go about it even after September 20th. That would kind of cover the City, as long as they left it as a very operable type of legislation.

It may be a cash business, but they still had to answer to the IRS. So tax revenue and things like that do come into play. It is a high dollar industry, it is a very, very lucrative business and it can generate a lot of money for the City of Stow.

If they want to build an indoor growth facility, they should look at all of the vacant buildings that they have on Commerce Drive, especially now that Steel Products is gone. He asked what about the MacTac building? Very, very large buildings that are already there could be converted into indoor growth facilities with minimum effort by the companies that are going to move into them.

He thought it was just something to think about.

City Officials' Reports

Mayor Kline reported as follows:

1. Congratulated Mr. Rasor on the birth of his daughter.

Director of Budget & Management Earle reported as follows:

1. The City finished the State of Ohio Audit for 2016 successfully. They would be having an exit-conference on that, which several members of Council had been invited to.
2. Completed our detailed Comprehensive Annual Finance Report for 2016 and have submitted it to the certifying agency, which is the Government Finance Officer's Association of U.S. and Canada. They will review it and decide whether it meets all the standards.

They had met the standards for CAFRs for every single year since 2000. Therefore, they expected to meet the required standards again for the 2016 report submitted this year.

City Engineer McCleary reported as follows:

1. Even with the rainy days the contractor was still working on the storm sewer projects on Ritchie Road.
2. The contractor on the S.R. 91/Norton Road Project was about ready to move to the final phase, which was Phase 7. They had less than two months to complete the job. Technically they were still ahead of schedule.

Mr. D'Antonio stated he had received a letter commending the Engineering Department and the City Engineer for a job well done. It was specific to the Darrow Road/Norton Road Improvement Project.

It wasn't unusual for them to do a good job. However, he thought it was rare that they received a letter telling them what great work they were doing when doing construction in front of somebody's house.

He congratulated the Engineering Department.

New Business

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded to authorize the hiring of one replacement Firefighter.

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

No Votes: None. The motion carried.

MOTION:

Mr. Adaska moved and Mr. Costello seconded to confirm the Mayor's appointments as follows:

Gary Spring	Metro Board	Term Ending 1/2/19; &
Bob Brantsch	Urban Forestry Commission	Term Ending 1/2/18.

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

No Votes: None. The motion carried.

Disposition of Ordinances & Resolutions

Mr. D'Antonio introduced Ordinance No. 2017-65, entitled:

AN ORDINANCE REPEALING CHAPTER 747, C.O.S., ENTITLED "SECOND-HAND DEALERS", IN ITS ENTIRETY, AND REENACTING THE SAME IN ORDER TO UPDATE THE CITY'S TECHNOLOGY.

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

Mr. D'Antonio moved and Mr. Costello seconded to amend Ordinance No. 2017-65 to Version No. 2.

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

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. D'Antonio seconded to amend Section 747.12 A., specifically the third line of that section, by deleting the word "purchaser".

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

No Votes: None. The motion carried.

Ordinance No. 2017-65 as amended was declared to be read for the second time.

Mr. Pribonic introduced Ordinance No. 2017-70, entitled:

AN ORDINANCE ENACTED PURSUANT TO SECTION 1137.08, ENTITLED "AMENDMENTS", TO PROVIDE FOR THE AMENDMENT OF THE ZONING DISTRICT MAP AND ZONING DISTRICTS BY RECLASSIFYING FROM R-3 RESIDENTIAL TO R-B RESIDENTIAL BUSINESS PROPERTY KNOWN AS 2099, 2105 AND 2111 GRAHAM ROAD AND THE VACANT LOT EAST OF 2011 GRAHAM ROAD (PARCEL NO. 56-00553); AUTHORIZING AMENDMENT TO THE ZONING DISTRICTS MAP BY THE CITY ENGINEER.

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

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2017-70.

Mr. Costello asked if they were voting on Version No. 2? Mr. Pribonic stated that they were.

Mr. Adaska asked if they should hold this item until Mr. Wren could analyze the water samples? Mr. Rasor stated Mr. Adaska was free to make a motion to place this item on the table. However, his personal opinion was they were kind of separate issues. They weren't installing more dry cleaners or high run-off...

Mr. Adaska stated then there would be time then to work out those items. This was just rezoning the property. Mr. Rasor stated that was correct. There was no site plan or anything like that being approved here.

Mr. Lowdermilk asked if Council had a time limit that they had to follow? Mrs. Emahiser stated Council had to place the legislation on first reading within 60 days of the Planning Commission's approval. Then they had 90 days from that in which to take action. The first reading was in the beginning of May.

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

No Votes: None. The motion carried.

Ordinance No. 2017-70 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. 2017-83, 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 PROGRESS PARK WATERLINE INSTALLATION – OPT-IN PROGRAM; AUTHORIZING AND ADOPTING PLANS

AND SPECIFICATIONS PREPARED BY THE CITY OF STOW THEREFOR; AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO CONTRACTS FOR SAID SERVICES SO LONG AS PROPER AUTHORIZATION IS FIRST OBTAINED IN ACCORDANCE WITH SECTION 173.05, C.O.S.; 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Ordinance No. 2017-83.

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

No Votes: None. The motion carried.

Ordinance No. 2017-83 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Resolution No. 2017-84, entitled:

A RESOLUTION AMENDING RESOLUTION 2015-48, WHICH AUTHORIZED THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA TAX INCENTIVE AGREEMENT WITH SEASONS BUSINESS CENTER, LLC, TO ACCOUNT FOR CURRENT RETAINED EMPLOYMENT IN SEASONS BUSINESS CENTER 1 AND TO REFLECT A CHANGE IN THE LATEST ALLOWABLE COMMENCEMENT DATE AND THE LATEST ALLOWABLE TERMINATION DATE OF THE EXEMPTION; AND DECLARING AN EMERGENCY.

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

Resolution No. 2017-84 was declared to be read for the first time.

Mr. Riehl introduced Ordinance No. 2017-85, entitled:

AN ORDINANCE APPROPRIATING FUNDS FOR THE CONTINUATION OF THE SNOWPLOW ASSISTANCE PROGRAM, IN THE CITY OF STOW, 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2017-85.

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

No Votes: None. The motion carried.

Ordinance No. 2017-85 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2017-86, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A MULTI YEAR MEMORANDUM OF UNDERSTANDING WITH SUMMIT COUNTY, AKRON, BARBERTON, CUYAHOGA FALLS, AND TALLMADGE FOR JOINT PURCHASE AND IMPLEMENTATION OF A CASE MANAGEMENT SYSTEM, WITHOUT THE NECESSITY OF PUBLIC BIDS; DIRECTING THE FINANCE DIRECTOR TO APPROPRIATE, ENCUMBER AND PAY FUNDS FOR SAID PURCHASE AND IMPLEMENTATION AS SET FORTH HEREIN; AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2017-86.

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

No Votes: None. The motion carried.

Ordinance No. 2017-86 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Razor introduced Ordinance No. 2017-87, entitled:

AN ORDINANCE ADOPTING A PERMANENT BAN ON APPLICATIONS FOR, AND THE GRANTING OF, ZONING CERTIFICATES FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, DISTRIBUTION OR SALE OF MEDICAL MARIJUANA, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: Adaska & Lowdermilk. The motion failed.

Ordinance No. 2017-87 was declared to be read for the first time.

Disposition of Bills

MOTION:

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

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, July 27, 2017
at 6:00 p.m.

Finance Committee
Thursday, July 27, 2017
to Follow the Planning Committee

C.O.W.
Thursday, July 27, 2017
to Follow the Finance Committee

City Council
Thursday, July 27, 2017
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:35 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Rasor
President of Council