

Minutes of the Regular Meeting of Stow City Council held on Thursday, July 27, 2017, at 7:40 p.m.

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

City Officials Present: Director of Budget & Management Earle, Service Director Wren, Director of Planning & Development Kurtz, Police Chief Film & Clerk of Council Emahiser

Call to Order

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

Approval of Minutes

MOTION:

Mr. Riehl moved and Mr. Costello seconded to approve the Minutes of the Regular Council Meeting of July 13, 2017 as circulated.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. Pribonic seconded to approve the Minutes of the Public Hearing of July 13, 2017 as circulated.

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

No Votes: None. The motion carried.

Comments from Other Persons Present

Don Daugherty
3688 Hudson Drive

Mr. Daugherty stated when he was here two weeks ago, he heard the Law Director and the Mayor speak on medical marijuana grow facilities to the fact that it was going to be introduced to City Council for a first reading that evening and that there was going to be two other readings.

After he left, much to his dismay, someone on City Council decided that he wanted it declared an emergency and pushed it thru that night with zero public input, just as he did with the issue about the fundraisers. Mr. Rasor brought that up the night of a City Council Meeting and pushed it thru with zero public input because it benefited him personally.

He asked Mr. Rasor what the end game was? He asked what his end game was that he wanted zero public input? This was not the City of Mike Rasor. It was the City of Stow, Ohio. It was ridiculous. It was redundant.

If he could get people to back him up, he would ask for his resignation right now because he had been doing this since the day he was elected. He had done it when he wasn't Council President, when he was strictly on City Council, and now he was doing it as Council President.

He had caught a lot of flack from people who had asked him about that. For some strange reason he seemed to be the only one who seemed to have enough...to come down here and speak out about it. He didn't understand why that was.

He had heard it from the Law Director and the Mayor – first reading. Then he turned around and blew it right out of the water by declaring an emergency. He asked why everything was an emergency? He wanted to know. He asked what he stood to gain by declaring it an emergency? He wanted him to answer that question for him right now.

Mr. Razor asked if Mr. Daugherty understood what it meant to declare something as an emergency? Mr. Daugherty stated yes. You are going to suspend the rules so that you don't have to have three readings on it. He asked if he didn't have the time?

Mr. Razor stated if Mr. Daugherty had the Internet and wanted to visit his web site, he explained his vote and he explained that he was interested in addressing this issue beyond just a simple ban. However, if he was just interested in yelling at him, he had another 44 seconds.

Mr. Daugherty stated he wasn't yelling at him, he was asking a very simple question. Why is it you can't do this right here in a public forum? Why do you resort to the Internet? Why does everybody have to look up everything you do on a web site when there are those of them that have smart phones who hate them but were forced to use them?

He couldn't stand them. He hated them. He absolutely despised them. He was going back to a flip-phone when his contract was up for that reason. Not everybody likes a smart phone. Mr. Razor stated he was not selling smart phones.

Mr. Daugherty told Mr. Razor to get out of the twenty-first century and come back to the reality of dealing with real people. Knock it off.

Mr. Razor stated that the gentleman's time had expired.

Mr. Daugherty stated if Mr. Razor was looking to promote himself to the next level, which was a state office, he was going to be the obstacle that stands in his way.

Trent Walter
Ontario, Ohio

Mr. Walter wanted to make one comment regarding the car wash project. It was his understanding if they had to do three readings, it would push possible approval out to September 14th. He asked if that was correct? Mrs. Emahiser stated that it was.

Mr. Walter stated that one of the challenges of this project that he wanted to make Council aware of and asked them to possibly reconsider their decision to have a vote tonight was that their contract with the current property owner was prepared to expire.

There was no consequence to Council, but, obviously, there was some financial issues with redoing that contract. Based on that, he didn't know if they would be able to continue the project. Therefore, he asked Council to reconsider having three readings at three separate meetings to take into consideration their timelines.

Mr. Razor asked if Mr. Walter was able to share when their contingencies expired? Mr. Walter stated yes. It was August 10th. After that he believed their anti-up was some-

where in the neighborhood of \$30,000, which was non-refundable. At that point they would not want to continue to proceed.

Mr. Razor stated he was getting technical. However, he asked if it was the close of business on August 10th or midnight on August 10th? Mr. Walter stated he would have to look at it. He didn't have the contract in front of him. He thought it would be August 9th.

Mr. Razor stated if he could give him any sort of indication as to how he felt, if it would help them at all in their business dealings, he thought some of them wanted to see at least a proposal on how they may be able to reconfigure the egress.

He didn't see a reason to push it all the way to three readings. If they could get some sort of plan in front of them in advance of August 10th, one of the members of City Council could make a motion to suspend the rules requiring three readings. They could do that with a 5 out of 7 vote. So if they had all the way until midnight on August 10th, they may have more knowledge at that point then they had today.

Mr. Walter stated he would verify that date for certain. Obviously they wanted to be a part of this community. They really did. They really thought they were going to put something nice up. Employees, community involvement, there were a lot of things that they did outside of just washing cars. They thought they could really contribute to this area with, obviously, a little traffic impact. He thanked Council for their time.

Mr. Pribonic asked the Clerk to verify the meeting dates. Mrs. Emahiser stated the first reading could be tonight. The second reading could be August 10th. The third reading, if necessary, could be September 14th.

Mr. Costello stated he was confused. They only meet once in August. Mrs. Emahiser stated that was correct.

Mr. Lowdermilk thought if they gave the legislation its first reading tonight and its second reading on August 10th, then what? Mr. D'Antonio stated they didn't have to have three readings. Mr. Costello stated they could suspend the rules on the 10th. Mr. Razor stated this wasn't a rezoning, so they didn't have to have three readings and a hearing.

Mr. Lowdermilk stated he understood they didn't have to have three readings. However, if it did go that far,..At the end of the day, from strictly a legal standpoint, he thought they weren't going to deny it because it was allowed there. Therefore, he wasn't sure of the reason for holding it.

Mr. Razor thought Mr. Lowdermilk had a remedy. If he wanted to make a motion to suspend the rules tonight, he would give him the opportunity. Maybe he would get five votes.

Alex Bryan
4674 Trillium Drive

Mr. Bryan stated he actually wasn't planning on speaking this evening. However, after coming here and hearing this gentleman speak, it kind of struck him a little bit.

He was a new resident to Stow. He and his family now had a three year old. They were in here for the long haul. They wanted to see Stow prosper.

What he had heard in his recent time in Stow was that they were doing everything they could to stretch money and make things work. He thought everybody was doing really prudent things here in government in Stow. However, there were also great initiatives.

They had an initiative here to possibly develop the City Center property area and bring business in. That was going to bring in increased traffic. That was what happened when you brought in business.

They had this gentleman who was willing to put his investment into their community. However, they were sitting here squabbling about traffic. He got it. If you want to live in a rural area, you probably aren't going to get that along S.R. 59 or S.R. 91.

He just wanted everybody to really think about what they were doing here. Was it worth sacrificing the potential of somebody who wanted to develop a blighted property? It was just a vacant property. He hadn't even known that that was an old McDonald's. He hadn't known that McDonald's had closed-up. He asked what happened?

Here was somebody who wanted to come in and put a car wash in. He knew there were big lines at car washes. He tried to get into them at Sheetz and other places. It was frustrating sometimes. However, he looked at this from a consumer's standpoint. It would give him another opportunity to go to a car wash.

He just wanted everybody to think about these things, especially as it applied to the medical marijuana matter. He knew the consideration was to outright ban it. He would really like to see if Council would consider just putting a moratorium on it for another year before they struck down something that nobody really knew anything about right now.

He knew the worry was about dispensaries – how many dispensaries they could possibly have in Stow. He knew the State just came out with the draft rules. As it was right now, Summit County was only going to have three dispensaries in total. The State of Ohio would only have twenty-four cultivation facilities. Everyone thought they were going to become some type of weed capital of the world and all the bad guys were going to come here. He didn't see that happening.

One thing that they had heard from others who were kind of against the medical marijuana was that these businesses had to operate on a cash only basis. He had read enough articles now in trying to get up speed on it. It has been an issue in Colorado, California and a few other places, but there are state chartered banking centers that have basically started getting into the financial game in the industry.

He knew there was an edict from, he thought, the Department of Treasury, an arm of the Treasury, back in 2014 that basically said they could do business with the marijuana industry as long as they abided by these regulations to prevent money laundering. He was just shooting off the cuff of things he had read.

His general point was that he just wanted everybody to really consider what they were doing here in Stow. They were trying to find creative ways to bring new business in with the entertainment area they were trying to develop. Here they had a business that was ready to move in, bring money into the community and develop their property.

He just wanted everybody to consider those types of things. He knew it was a delicate balancing act. However, it was tough when the economy was like this. He thought they should take all the opportunities they could to bring business into their community and not put barriers up for them.

City Officials' Reports

Service Director Wren reported as follows:

1. They had had their initial meeting this week with OHM, along with the company that was doing the market study in the area. Things were certainly positive. There was still, obviously, a long way to go, including the completion of that market study.

They hoped to hear back from them in October with some generalistic planning at that point, assemble their thoughts and be able to drill down on some of that information in October.

2. Emergency repairs would be done tomorrow on Arndale Road at Meadowlark. They had a storm sewer failure that developed a hole in the road. So they would be doing a temporary repair and expect to come back to City Council at the next meeting to request permission to solicit bids on that project before that situation gets worse.

Disposition of Ordinances & Resolutions

Ordinance No. 2017-65 was held at the request of the Law Director.

Resolution No. 2017-84 was held.

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 second time.

Mr. Razor moved and Mr. D'Antonio 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. D'Antonio seconded for the adoption of Ordinance No. 2017-87.

Mr. Lowdermilk stated he had had several conversations with Mr. Bryan. He thought one thing they had to keep in mind was that the State has got its draft. He didn't know if anything was solid on it yet.

Future Councils as this thing unwinds or winds up or down will have the ability to make that decision after they had some history behind them. He thought this wasn't the end all as with any legislation once Council passes it.

Mr. D'Antonio stated it would be nice to do it six months at a time. However, it is not feasible. It is legislation. However, they seem to change legislation a lot. There will be opportunities, possibly for this Council, but certainly for future Councils. Because of what they didn't know, he thought it was prudent legislation.

Mr. Lowdermilk stated there were people out there that benefit from medical marijuana. He thought there was a need for that.

He was looking at it if it is the right thing for the City of Stow. To balance that with whether we have it or not, those that do need it for medical reasons are going to be able to get it in either cities or counties bordering them.

They weren't limiting or making it very difficult for somebody who actually needed it to get it by doing this, because based on the list they had and what was in the paper, there were several major cities and potentially other counties that were going to have at least the dispensaries.

Mr. Razor stated he had asked Mrs. Zibritosky to give them sample legislation regarding the cultivation of marijuana. He didn't believe based on the environment that they were missing any opportunities at this point because of the limited amount of licenses and where the applicants to date had come from. However, if there was a chance that they

could get a cultivation facility that means jobs and potentially good jobs, he felt they should have a regulatory scheme in-place to make sure that everything is done safely and above-board. They would have that in the coming months to look at.

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

No Votes: Costello, Riehl & Adaska. The motion carried.

Ordinance No. 2017-87 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Pribonic introduced Resolution No. 2017-88, entitled:

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE, SITE PLAN AND VARIANCE APPROVAL TO TRENT WALTER OF 4571 INVESTMENTS, LLC, APPLICANT, FOR THE CONSTRUCTION OF A CAR WASH FACILITY AT 4573 KENT ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: Costello, Pribonic & Rasor. The motion failed.

Resolution No. 2017-88 was declared to be read for the first time.

Ordinance No. 2017-89 was held. Mr. Rasor stated he wanted to have a more thorough discussion without just repealing the ban on ice cream trucks.

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, August 10, 2017
at 6:00 p.m.

Finance Committee
Thursday, August 10, 2017
to Follow the Planning Committee

Public Improvements Committee
Thursday, August 10, 2017
to Follow the Finance Committee

C.O.W.
Thursday, August 10, 2017
to Follow the Public Improvements Committee

City Council
Thursday, August 10, 2017
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 8:01 p.m.

Bonnie J. Emahiser
Clerk of Council

Mike Rasor
President of Council