

Minutes of the Regular Meeting of Stow City Council held on Thursday, January 25, 2018, at 7:00 p.m.

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

Council Members Absent: D'Antonio

City Officials Present: Mayor Kline, Finance Director Baranek, Law Director Zibritosky, Income Tax Administrator Snyder, City Engineer McCleary, Director of Planning & Development Kurtz, Mayoral & Planning Department Intern Moyer, Police Chief Film, Fire Chief Stone, Service Director Wren, Director of Budget & Management Earle & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

Mr. Riehl called the meeting to order and Mr. Pribonic led the prayer and pledge of allegiance.

Approval of Minutes

MOTION:

Mr. Adaska moved and Mr. Costello seconded to approve the Minutes of the Regular Council Meeting of January 11, 2018 as circulated.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Committee Reports

Mr. Costello reported on the Finance Committee Meeting of January 25, 2018 as follows:

1. Numerous items would be introduced in motion and legislative forms.

Mr. Adaska reported on the Public Improvements Committee Meeting of January 25, 2018 as follows:

1. One item would be introduced in legislative form.

Mr. Rasor reported on the Roads & Safety Committee Meeting of January 25, 2018 as follows:

1. Two items would be introduced in legislative form.

Mr. Pribonic reported on the Planning Committee Meeting of January 25, 2018 as follows:

1. Two items would be introduced in legislative form for first readings.

Comments from Other City Officials

Molly Emery
3201 Courtwood Way

Mrs. Emery stated she was here on behalf of SEEF (the Stow Excellence in Education Foundation). She had been the President for the last eight years.

They were a small foundation. They didn't have a lot of money. However, the little bit of money that they did make, they gave right back out for things like grants to teachers.

For example, several months ago for Kimpton they purchased a bunch of I-Pads for the kids. They also did scholarships – 4-5 generally \$500 scholarships. So she was talking about a \$4,000-\$5,000 foundation.

She had been an active member of the Junior League for 20 years before she got extremely involved in both the city and the schools. She had done quite a bit of volunteering and fundraising over the years, so she tried to think out-of-the-box a little bit. She had an idea that she wanted to run by the city.

She asked if SEEF could have a fundraiser for the sixth graders? They could come here to City Hall one morning for a couple of hours. They could have whoever of them could be there to meet them.

She had been talking to kids. They have asked if the Mayor lived at City Hall? They didn't have any clue what really goes on here.

She asked if they knew if the grass grew too high, someone would go out and inspect their yard? She asked if they knew if they had garbage in their yard, someone would check that out?

They could meet the Police and Fire Chiefs. She thought it would be super cool to meet them. When Wendy's was burning down, they could ask if they went there? There were a lot of questions that the kids had.

She thought sixth grade would be a really great age to do something like this. She thought she could have a volunteer \$5.00 donation. However, anyone who couldn't come-up with the \$5.00 donation wouldn't be required to give it. Maybe some of the City Officials would give a \$5.00 donation.

She had talked to the School Superintendent. He was willing to let her talk to the Principal at Lakeview. She thought in the spring maybe they could tie something in with the DARE Program.

She thought there were a lot of cool things for the kids. The City Officials were really big deals around here. She thought it would be a super cool way for our community and our schools to work together as well as teach the kids to learn more about the city at an age where they might appreciate it more. It was just a thought.

Mayor Kline stated they would be happy to participate. They could talk further about the details. Mrs. Emery thought it would be a neat idea – something different.

Mr. Riehl stated when he was a Junior in High School he was a part of Junior Leadership Akron. It was just like Leadership Stow and everything like that.

They did a day at Akron City Hall. They also did a mock Council Meeting. They were the members of Council and had a script of the meeting that was previously done – obviously condensed.

Someone got to be the Council President, Planning Director, the Chief, etc. They got to see in detail how a the City was run. He was the Council President of that.

Mrs. Emery stated that Mr. Riehl and Mr. Rasor especially came out at a young age to get involved in the city. She thought it might be a way to interest the younger kids to take pride in their city and get involved. Mr. Riehl stated they would talk about it.

City Officials' Reports

Mayor Kline reported as follows:

1. Sunday is Pizza Palooza at the Stow High School. It is a fundraiser for the Stow Community Foundation and the schools. It was very successful last year.

She just wanted to remind everyone that it is going on this Sunday at noon. She encouraged people to attend. There were lots of activities to do and pizza to eat. It is just a good time for the community.

2. Wanted to recognize that tomorrow is a very important anniversary. It is the third anniversary of Bulldog Bags.

For people who were unfamiliar with Bulldog Bags, it provides food in backpacks for children in our school district who are food insecure. There are also services that they provide at the High School level that are designed a little bit differently than the food going home in backpacks.

Stow and Munroe Falls have about 22% of their school districts students labeled as food insecure. Therefore, their numbers tracked pretty close to the average in Ohio and nationally.

She thought it was really important that they talk about the issue of food insecurity, especially in children, in our community. She really wanted to commend Laura Root and Jan Mather who were the two people who initially came-up with the idea of Bulldog Bags and have been with it thru the entire time.

For people who didn't know, here at City Hall they use the facilities on the first floor to help store some of the food, pack the bags and transport it out to the schools.

It was a really important anniversary on an issue that they ought to all be a little more cognizant of. She wanted to recognize Bulldog Bags for their continued service to our community.

Finance Director Baranek reported as follows:

1. Requested that Council authorize the President of Council to sign the Bills when they are ready. They were in the process of closing the books and should have them closed over the next week.

Law Director Zibritosky reported as follows:

1. Wished Mr. Rasor a Happy Birthday. Mr. Riehl also wished Mr. Rasor a Happy Birthday. Mr. Rasor also wished Mrs. Zibritosky a Happy Birthday, since her's was yesterday.

Mr. Costello asked if they had had another water main break at Fishcreek? Mr. Wren stated they had had eleven in the last two weeks. Fishcreek was just one of them. It was capped with LSM right now. Asphalt plants were opening tomorrow. So they would asphalt that and take the zone down. They had actually had two breaks today so far.

Mr. Costello asked if the one on Fishcreek was related in any way to the major repair they had done last year? Mr. Wren stated no. They were all interrelated basically, but the repair that they did right before school started where they repaved the whole inter-

section wouldn't have any bearing on this break. It was just happenstance at this point. They had had a shake in the tower two weeks ago and ever since then they have just been chasing their tails.

Mr. Adaska stated there was a water cut on Lynnwood. Now that they were talking about the asphalt plant opening, he asked Mr. Wren to make sure that was taken care of. Mr. Wren stated that he would.

Mr. Adaska stated he had received a couple of complaints about it. They must have had a hard time repairing it.

City Engineer McCleary reported as follows:

1. Received good news from AMATS today. They have received funding for a resurfacing project on Graham Road from City Hall to the railroad tracks and for a sidewalk project from City Hall to S.R. 91 and Norton Road.

One of those projects could be built possibly next year. The other project could be built possibly a couple of years later.

Mr. Lowdermilk stated Graham Road from S.R. 91 to Fishcreek was getting pretty beat up. He asked if that was on the list to resurface? Mr. Wren stated not this year.

Right now the major roads they were looking at were Hudson Drive, Stow Road and North River Road. They were still putting the list together though, so he made no promises on any road as usual.

Mr. McCleary stated that the intersection at Graham Road and S.R. 91 would be resurfaced this year from Elm Road to the other side of Walgreen's. So that portion would be completed.

Mr. Wren stated and the water cuts that they had on Graham Road where a lot of the damage had been caused would be done.

New Business

MOTION:

Mr. Riehl moved and Mr. Costello seconded to excuse the absence of Councilman D'Antonio.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. Lowdermilk seconded to authorize the hiring of one Fire-fighter.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. Lowdermilk seconded to authorize a replacement of the part-time Records Clerk.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. Lowdermilk seconded to authorize the hiring of a full-time Communications Specialist/Dispatcher.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Old Business

MOTION:

Mr. Adaska moved and Mr. Costello seconded to reconsider Ordinance No. 2017-129 Version No. 4.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

MOTION:

Mr. Lowdermilk moved and Mr. Adaska seconded for the adoption of Ordinance No. 2017-129 Version No. 4.

MOTION:

Mr. Costello moved and Mr. Pribonic seconded to amend Ordinance No. 2017-129 to Version No. 6.

Mr. Costello believed all the Council Members had this version. It basically changed the wording to allow City Council with a 5-2 vote to enact the necessary change or deduction in income tax credit immediately provided that they put it on the ballot at the next general election.

Mr. Lowdermilk stated he would not support the version that included the emergency language in the way it was written. The reason for that was it would basically allow the people declaring an emergency to be City Council. That would then allow the process to start raising taxes.

If they raised the taxes, they could potentially raise them in November right after the election or just prior to the election and have taxes in-place for a full year prior to the residents getting to vote on it because it could only be voted on in a November election.

He wasn't even sure that they couldn't raise taxes in October prior to the election because there wouldn't be enough time to file the ballot issue to go on the ballot. Therefore, he would not vote to give Council the opportunity or authority to raise taxes for a year and then ask the residents if they were okay with it.

Mr. Rasor thanked Mr. Adaska for making the motion to reconsider the Taxpayer's Bill of Rights. He would support either amendment.

He appreciated Mr. Costello working with him to come-up with language that was mutually acceptable to them. He would approve either amendment to do whatever it takes

to get this on the ballot because he thought they would be light-years ahead in terms of protecting the taxpayers then they were today if either version was adopted.

Mr. Adaska stated the reason that he made the motion to reconsidered his support of Mr. Razor's original legislation, Version No. 4, was because it was good legislation. The only difference they had on it was that he believed if they were going to modify the City's Charter, it should be done at a November election when more people were available to vote.

Mr. Razor had even said that the reason he wanted to get rid of the primary was because not enough people would come out to vote. He knew this was a different primary, this one would be in May, but still he thought they would have the same problem. He thought if they were going to modify the City's Charter it should be done in November.

Having said that, he didn't see enough support on Council for that November election for this particular ordinance – putting that Charter Amendment on the November election. He still thought it was good legislation. He was willing to vote like he did to bring it back to the floor and to support Version No. 4.

Mayor Kline stated that she didn't have the luxury of having the written amendments in front of her so she didn't know which version she was talking about. She apologized for that in advance.

She was the one who had publically made the suggestion of the language for an emergency situation – that there would be the opportunity for the City to temporarily raise taxes or decrease the reciprocity credit in the event of a fiscal emergency.

Obviously she wouldn't be here because she didn't anticipate a fiscal emergency in the next two years. None of the Council Members would be in their current positions either, except for perhaps Mr. Adaska because he had one more term that he could run for.

However, she really thought it was critically important that they don't hamstring, even though it's with the best of intentions and absolutely she understood the intent and supported it, she really thought it is not responsible to hamstring future Council's and future Administrations in a way that might be very detrimental to the City.

They cannot predict what might happen in 40-50-60 years and she had confidence that there would not be a City Council or Administration that would take an issue like that lightly. If it was taken lightly and cavalierly, she also had full faith and confidence that this chamber would be packed with people protesting and asking for that to be reconsidered.

Just in good faith she had to argue for the opportunity for this City, based on her years of experience as a Council Person and as Mayor, to have the opportunity to bail out some water if the ship is sinking.

They had never been in that situation before. She hoped and prayed that they never would be. However, she didn't want to live in a city where the Administration and City Council were hamstrung against an opportunity to bail out a sinking ship temporarily.

That was the point of her initial amendment. She appreciated Mr. Costello's incorporation of that language. She just couldn't tell them how strongly she felt on this issue. They have to be able to give the future some flexibility.

Mr. Lowdermilk asked Mr. Earle what would it take for the City of Stow to be to the point where a city would be declaring itself a fiscal emergency? He asked if that was something that happened overnight? Mr. Earle stated it shouldn't happen overnight, but it sometimes appeared that it does. He would say sustained declines in revenue and fund balances for the general fund and other major funds could lead towards a fiscal emergency.

Mr. Lowdermilk asked if that was something that most likely a state audit or something would pick-up on if they didn't have the financial wherewithal? Mr. Earle stated yes. They always looked at those factors and evaluated that if necessary. Any time they did an audit that was part of it.

Mr. Lowdermilk stated that he didn't think they were hamstringing anybody. If they were, it would be because they had a Council that just didn't pay attention. Therefore, he didn't see a need for the emergency language. He couldn't see that necessarily arising and he would hate to give a provision to Council that somebody could take advantage of for other reasons.

Mayor Kline stated that she appreciated that characterization and understood what Mr. Lowdermilk and Mr. Earle were driving at, but part of her job is to anticipate the unanticipated. Every Mayor's job is to do that.

Again, she felt very strongly that we need to make sure that we have given ourselves some flexibility to deal with the unanticipated. That could range from things that they couldn't even imagine – a national security emergency, a major economic crisis that happens very suddenly, a natural event that occurs, a weather event of some kind that completely wipes out much of the city and we don't have the opportunity to get the insurance money fast enough, etc.

She was grasping at the right analogy because they can't anticipate what they can't anticipate if that makes sense. They don't know what they don't know. All she was asking was for some consideration that those of them in the future, people who come after them, have some flexibility so that when the unanticipated occurs, if it ever occurs, they have the opportunity to react to it. That's all.

Mrs. Zibritosky thought Mr. Lowdermilk's concern, and he could correct her if she was wrong, was that he didn't want somebody to say that something is a fiscal emergency when it isn't really and be able to unilaterally get rid of the reciprocity credit. She asked if that was correct? Mr. Lowdermilk stated yes. The way it is written now Council could declare a fiscal emergency. There's nothing that states what constitutes a fiscal emergency.

Mrs. Zibritosky stated that was correct. If Council wanted to hold the legislation, that was something that could very easily be remedied.

If she could work with Mr. Costello, they could put in standards that wouldn't even come into play with what Council wanted. For example, the State Auditor declares fiscal emergencies, so that would alleviate that concern.

Unfortunately she hadn't been contacted about any of these amendments. However, with some work, they could write it so that that concern wouldn't happen and there would be no chance for really abuse of power so-to-speak.

Mr. Adaska asked if there was a motion on the floor? Mr. Riehl stated yes. They were discussing the motion.

Mr. Pribonic asked what motion they had on the floor? Mr. Riehl stated Mr. Adaska brought Mr. Razor's Taxpayer's Bill of Rights to the floor and Mr. Costello made a motion to amend that to include the emergency language. When you do a motion to reconsider, it must be done at that meeting.

Mr. Pribonic stated that he would like to amend that amendment to having it voted on in November. Mrs. Emahiser stated that they needed to vote on the initial amendment before making a second amendment. However, they could discuss the possibility of making a second amendment.

Mr. Razor stated that he wanted to change his position slightly. At the beginning of the discussion he said that he would be supportive of either version. However, it had

occurred to him that Version 5 would create a poison pill that would cause the whole matter to fail, at least tonight, based on his counting of the votes.

They had to get something not only that they liked, but would pass City Council. For that reason he would not be supporting the emergency language legislation.

Mrs. Emahiser stated reconsideration of the legislation had to be done this evening. However, Council could introduce another piece of legislation with a new number at the next meeting. She just wanted them to know what their options were.

Mr. Rasor stated the May election would be off the table if they waited for another meeting. Mrs. Emahiser stated it was a 60-day issue. That meant, according to the Board of Elections, that it would have to be filed with them by March 9th.

Mr. Adaska stated Mr. Rasor was incorrect in saying Version No. 5. Version No. 5 was not on the table, it was Version Nos. 4 and 6.

Mr. Rasor thanked Mr. Adaska for clarifying that. Version No. 6 was the one that had language that he thought was reasonable and appropriate but would not pass by the supermajority required so he couldn't support it unless they put a poison pill on something that he desperately wanted to get before the voters.

Mr. Riehl stated this vote would be on Mr. Costello's amendment (Version No. 6).

Yes Votes: Pribonic & Costello

No Votes: Lowdermilk, Rasor, Riehl & Adaska.
The motion to amend failed.

Mr. Riehl stated this vote would be on the legislation as it was proposed at the last meeting (Version No. 4).

Mr. Pribonic asked exactly what that was? Mr. Riehl stated it was the original legislation. Mr. Pribonic asked without any amendments? Mr. Riehl stated that was correct.

MOTION:

Mr. Pribonic moved and Mr. Costello seconded to amend Ordinance No. 2017-129 to have it voted on at the General Election in November.

Mrs. Emahiser stated that was Version No. 5.

Mr. Lowdermilk stated just so he understood the amendment, it would be the original version without voting on it in the primary, but voting on it in November. Mr. Pribonic stated that was correct.

Mayor Kline asked, since she didn't have the versions in front of her, Mr. Riehl to summarize the two main issues that had been discussed tonight? One was whether this would go on the ballot in the primary in May or in the general election in November. The other issue, being for the lack of a better term, was the emergency language. The version they were discussing now was to make it the general election. Mr. Riehl stated that was correct.

Mayor Kline asked if this version had the emergency language in it? Mr. Adaska stated no, that had been voted down.

Mayor Kline stated they didn't have the versions in front of them, so they were at a bit of a disadvantage.

Yes Votes: Pribonic & Costello

No Votes: Lowdermilk, Rasor, Riehl & Adaska.
The motion to amend failed.

Mr. Riehl stated they still had before them the original Taxpayer's Bill of Rights that was voted on at the last meeting (Version No. 4).

Mr. Pribonic stated this one would be voted on in the primary. Mr. Riehl stated that was correct. It was the one that was originally proposed.

Mr. Rasor stated he could see where his colleagues had come from on these amendments. He didn't dispute the motives or the rationale behind them. However, this was the version that had the best chance of getting a supermajority of City Council.

He believed that May would have a turn-out that was substantially higher than even the people who had elected them (elections in November in odd numbered years). A good number of people would have the opportunity to vote on this. In an ordinary course, of course, people are going to come out to vote for it anyhow.

As for the emergency language, he tended to actually agree with Mr. Lowdermilk that it's not necessary. However, in the interests of compromise, he also didn't think it is a deal-killer for the reasons that the School Board can't just raise their taxes immediately, they have to go to the ballot. He thought that sort of rationale makes sense for them too.

Mrs. Zibritosky just wanted to be clear, because there was some confusion here, this was all new to the rest of them because they didn't know of any of these things, that Mr. D'Antonio was not present and Council needs a supermajority to pass this. She asked the Clerk how many votes would be needed to pass it tonight versus next time?

Mrs. Emahiser stated either time would require five votes (a supermajority). Mrs. Zibritosky stated that was what she had thought. So they still had to have five votes tonight even though Councilman D'Antonio was absent. Mrs. Emahiser stated that was correct.

Mr. Riehl stated this vote would be on the original version of the Taxpayer's Bill of Rights (Version No. 4.)

Yes Votes: Lowdermilk, Rasor, Riehl, Adaska & Costello

No Votes: Pribonic. The motion carried.

Mr. Pribonic changed his vote to yes.

Ordinance No. 2017-129 Version No. 4 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Adaska stated that he sort of created this by saying at the last meeting that he wouldn't support what he thought was very good legislation just for that one reason, that being that he felt whenever they modified the City's Charter it should be done in November. However, he saw no viable way to have this legislation, it was either going to have the emergency language or they may lose it altogether.

He certainly felt it was good legislation. He appreciated Mr. Pribonic's and Mr. Costello's support on it. He thought Mr. Rasor had done a good job in drafting it and it was something that the City needed. He thanked him for that.

Mr. Rasor thanked Mr. Adaska for his comments.

Mr. Pribonic agreed with Mr. Adaska as far as that was concern. His biggest concern was having it in November. However, taking that out of the equation, politics is the art of compromise.

Mr. Riehl wanted to clear-up some misconceptions by some of the community that only partisans can vote in a primary. That is not true. So they weren't precluding anybody from declaring a party or whatever when they go to vote. When they go in May, they can take a Republican, Democratic or an Issues Only ballot. He saw someone on Facebook saying otherwise.

Mr. Costello stated politics is compromise. He didn't believe that the emergency language was a poison pill. He didn't believe that Council would have the guts to do what they were suggesting. However, so be it.

Mr. Lowdermilk stated that he appreciated everybody's support for this. He thought it was highly unlikely that they would just all of a sudden fall into a fiscal emergency. As they had seen around them, there were several Councils that have been more than willing to raise their taxes.

Disposition of Ordinances & Resolutions

Mr. Razor introduced Ordinance No. 2018-4, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO AN AGREEMENT WITH METRO SWAT FOR ADMINISTRATIVE SUPPORT SERVICES.

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: Lowdermilk, Pribonic, Razor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Razor moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-4.

Yes Votes: Lowdermilk, Pribonic, Razor,
Riehl & Adaska

No Votes: None

Abstentions: Costello. The motion carried.

Ordinance No. 2018-4 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Pribonic introduced Ordinance No. 2018-7, entitled:

AN ORDINANCE AMENDING CHAPTER 1147 C.O.S., ENTITLED "INDUSTRIAL DISTRICTS," PARTICULARLY SCHEDULE 1147.02 THEREOF, ENTITLED "PERMITTED USES IN INDUSTRIAL DISTRICTS", CHAPTER 1163 C.O.S., ENTITLED "SUPPLEMENTAL STANDARDS", PARTICULARLY SCHEDULE 1163.03 THEREOF, ENTITLED "AREA, WIDTH AND YARD REGULATIONS FOR CONDITIONAL USES", AND SECTION 1163.04 THEREOF, ENTITLED "SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES", SPECIFICALLY ITEM (EE) THEREOF, AND CHAPTER 1133 C.O.S., ENTITLED "DEFINITIONS", PARTICULARLY SECTION 1133.01

THEREOF, ENTITLED "DEFINITIONS", SPECIFICALLY ITEM 1133.01(B)(60) THEREOF, ENTITLED "HOSPITAL", TO ENCOURAGE POSITIVE ECONOMIC DEVELOPMENT IN INDUSTRIAL DISTRICTS.

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

Mr. Pribonic introduced Resolution No. 2018-8, entitled:

A RESOLUTION APPROVING THE CREATION OF A COMMUNITY ENTERTAINMENT DISTRICT PURSUANT TO THE PROVISIONS OF REVISED CODE SECTION 4301.80.

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

Mr. Lowdermilk thought it would be wise to maybe schedule a Public Meeting to discuss this and give residents the opportunity to look at it and voice their opinions.

Mrs. Emahiser stated that the notice that she had to publish in the newspaper says that City Council would be considering this ordinance on a specific date.

Mr. Riehl stated and they had media here that covers it. It was just required to have three readings. Therefore, to even bring this up would be the end of February. He thought that was plenty of time to get the message out.

Mrs. Emahiser stated that the legislation didn't require three readings. Mr. Riehl stated however if it is deemed appropriate by Council, which he was sure it would be judging by history, people would have the opportunity to come and speak before the meetings.

Mr. Lowdermilk thought any additional attention they could bring to it would be good because this would be a significant issue, especially for those residents living in some of that area.

Mr. Costello introduced Ordinance No. 2018-9, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH TERRY M. DONOVAN, P.E., LLC, AN INDEPENDENT CONSULTANT, TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE ENGINEERING DEPARTMENT AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-9.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-9 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Ordinance No. 2018-10 was held.

Mr. Costello introduced Ordinance No. 2018-11, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH HALL PUBLIC SAFETY CO., WITHOUT THE NECESSITY OF PUBLIC BIDS, FOR EQUIPMENT AND INSTALLATION ON THE POLICE DEPARTMENT'S CURRENT VEHICLE FLEET.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-11.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-11 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Costello introduced Ordinance No. 2018-12, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE FLEET REPAIR/MAINTENANCE OF VEHICLES FOR THE POLICE DEPARTMENT, FROM PREFERRED SOURCE AND SOLE SOURCE VENDOR KLABEN FORD LINCOLN, INC., WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Adaska seconded for the adoption of Ordinance No. 2018-12.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-12 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-13, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF PARTS AND REPAIR OF FIRE EQUIPMENT FROM SOLE SOURCE PROVIDER FALLSWAY EQUIPMENT CO. INC. FOR THE CALENDAR YEAR 2018 AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Rasor seconded for the adoption of Ordinance No. 2018-13.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-13 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-14, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE TO MARK F. LUCCO AS AND FOR SETTLEMENT OF HIS MORAL CLAIM AGAINST THE CITY FOR DAMAGE TO HIS VEHICLE AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-14.

Mr. Riehl asked if Mr. Lucco was given notice about the meeting? Mrs. Emahiser stated Mayor Kline had called him about it. Mayor Kline stated yes, she had talked to him at length.

Yes Votes: Lowdermilk

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

Ordinance No. 2018-14 was declared to be defeated.

Mr. Adaska introduced Ordinance No. 2018-15, entitled:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE STOW CODIFIED ORDINANCES AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Adaska moved and Mr. Rasor seconded for the adoption of Ordinance No. 2018-15.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-15 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-16, entitled:

AN ORDINANCE AMENDING CHAPTER 194, C.O.S., ENTITLED "MUNICIPAL INCOME TAX", PARTICULARLY SECTIONS 194.03, 194.063, 194.07, AND 194.10 THEREOF, ENTITLED "DEFINITIONS", "CONSOLIDATED FEDERAL INCOME TAX RETURN", "DECLARATION OF ESTIMATED TAX", AND "PENALTY, INTEREST, FEES AND CHARGES, ENACTING SECTION 194.21, "ENTITLED ADMINISTRATION OF MUNICIPAL INCOME NET PROFIT TAX FOR BUSINESSES WHO HAVE ELECTED TO FILE NET PROFIT RETURNS WITH THE STATE OF OHIO THROUGH THE OHIO BUSINESS GATEWAY", AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Rasor seconded for the adoption of Ordinance No. 2018-16.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-16 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-17, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH FEDEX (FEDERAL EXPRESS), WITHOUT THE NECESSITY OF PUBLIC BIDS, TO PROVIDE POSTAGE FOR THE CLERK OF COURTS' OFFICE FOR THE CALENDAR YEAR 2018 AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Rasor seconded for the adoption of Ordinance No. 2018-17.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-17 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2018-18, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE HOUSING OF PRISONERS, VIDEO ARRAIGNMENT AND RELATED EXPENSES FOR 2018 TO THE CITY OF MACEDONIA, WITHOUT THE NECESSITY OF PUBLIC BIDS.

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

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl & Adaska

No Votes: None

Abstentions: Costello. The motion carried.

Mr. Rasor moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-18.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl & Adaska

No Votes: None

Abstentions: Costello. The motion carried.

Ordinance No. 2018-18 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. 2018-19, entitled:

AN ORDINANCE APPROVING THE EMPLOYMENT CONTRACT BETWEEN THE CITY OF STOW AND SANDY RAY AS SPECIALIST – SAFETY EDUCATION FOR THE CITY OF STOW, ESTABLISHING COMPENSATION 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: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-19.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Ordinance No. 2018-19 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. Lowdermilk seconded to authorize the President of Council, or in his absence the Vice President of Council, to approve the release of the checks for the Bill Listing being prepared prior to the next Council Meeting.

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

Committee Meetings Scheduled

Roads & Safety Committee
Thursday, February 8, 2018
at 6:00 p.m.

Finance Committee
Thursday, February 8, 2018
to Follow the Roads & Safety Committee

City Council
Thursday, February 8, 2018
at 7:00 p.m.

Mr. Riehl stated that on February 5th, before the next Council Meeting, it is unfortunately the 7th year anniversary since Officer John Bastock died from injuries sustained in the line-of-duty. He was a man of honor and integrity and they still think of him and honor him today.

Adjournment

MOTION:

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

Yes Votes: Lowdermilk, Pribonic, Rasor,
Riehl, Adaska & Costello

No Votes: None. The motion carried.

The meeting adjourned at 7:50 p.m.

Bonnie J. Emahiser
Clerk of Council

Matt Riehl
President of Council