

Minutes of the Regular Meeting of Stow City Council held on Thursday, February 22, 2018, at 7:24 p.m.

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

Council Members Absent: Costello & Lowdermilk

City Officials Present: Mayor Kline, Finance Director Baranek, Service Director Wren, Economic Development Coordinator Trenner, Director of Planning & Development Kurtz, Director of Budget & Management Earle, Law Director Zibritosky, Police Chief Film, Fire Chief Stone, Mayoral & Planning Department Intern Moyer, Director of Information Systems Germano, Fire Captain Amonett & Clerk of Council Emahiser

Press Representatives: Beacon Journal & Stow Sentry

Call to Order

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

Approval of Minutes

MOTION:

Mr. Rasor moved and Mr. Pribonic seconded to approve the Minutes of the Regular Council Meetings of January 25, 2018 and February 8, 2018 as circulated.

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

No Vote: None. The motion carried.

Committee Reports

Mr. Riehl reported on the Finance Committee and Committee-of-the-Whole Meetings of February 22, 2018 as follows:

1. Recessed C.O.W. into executive session to discuss the compensation of a public employee.
2. Several items from the Finance Committee would be introduced in motion and legislative form this evening.

Mr. Pribonic reported on the Planning Committee Meeting of February 22, 2018 as follows:

1. One item would be introduced in legislative form.

Mr. Rasor reported on the Roads & Safety Committee Meeting of February 22, 2018 as follows:

1. Awarded the very first Service & Valor Awards to some very worthy recipients.

Comments from Other Persons Present

Jeremy McIntire
3630 Darrow Road
Stow, OH 44224

Mr. McIntire didn't think a time was announced for the March 8th Committee Meeting. Mr. Riehl stated that they typically did that at the end of the Council Meeting. However, he would imagine that it would probably be 5:00 p.m. since it would be a big one. Mayor Kline stated either 5:00 p.m. or 5:30 p.m. They would nail that down and make sure there was plenty of announcement of it.

Mr. McIntire stated as far as questioning goes, obviously for efficiency and effectiveness, people weren't going to be allowed to ask questions. However, he asked if they would be available to answer questions that the community might have? Mayor Kline stated absolutely.

Mr. Riehl stated in the meantime people could send emails or whatever to their elected representatives and the Administration. They weren't in a rush. They were going to let this play out. They were going to get as many opinions of the community as they could before they made their decision.

Alex Bryan
4674 Trillium Drive
Stow, OH 44224

Mr. Bryan stated back in 2016 the U.S. Department of Veterans Affairs and Social Security Administration were both investigating Nicole Welsh. She is an Assistant Prosecutor employed in our Law Department.

WWS, Channel 5 in Cleveland, conducted an investigation and found that Ms. Welsh was barred from serving as a fiduciary for the U.S. Department of Veteran Affairs. It was found that she had misused and mismanaged the funds of a former U.S. Airforce Senior Airman and she had managed benefits for between 10 and 20 disabled Veterans. Ms. Welsh had allegedly transferred the Veteran's money into her personal account and subsequently denied the allegations.

In that story our Law Director, Mrs. Zibritosky, released a statement stating that the City of Stow would refrain from comment or taking action until the matter was resolved and facts from the V.A. were available. He had requested a follow-up from Mrs. Zibritosky and attempted to get answers himself from the V.A. but has not had any luck so far.

Therefore, he had some questions. He asked if the City was aware of both of these investigations of one of our Assistant Prosecutors? Have these investigations concluded and if so, what were the findings? Also, was any disciplinary action taken?

It didn't seem like this story had received any local coverage. He wasn't quite sure anyone on Council had much, if any, information regarding this situation. He asked if they were able to address these concerns at this time?

Personally, he was extremely concerned that one of our Assistant Prosecutors, who is paid with Stow taxpayer dollars, may have betrayed public trust and possibly defrauded a Veteran. That they must resist.

Mrs. Zibritosky stated she was out-of-the-office today so she was unable to return Mr. Bryan's call. As he could imagine, they couldn't talk about things in great detail. However, she would tell him that to her knowledge this is a civil matter and that her attempt to get information from those agencies has been met with the same results as his. They didn't reveal that.

We don't take action without evidence here. She thought he could agree that that was warranted. However, if and when such evidence would indicate that any of those allegations were indeed true, she could assure him that that individual would not be paid with Stow tax dollars anymore. She promised him that.

City Officials' Reports

Mayor Kline reported as follows:

1. As Mr. McIntire had asked in his questions, her Mayor's report was going to consist of reminding people that on March 8th, the next City Council Meeting, they were planning of having OHM do a presentation. She imagined that it would either be at 5:00 p.m. or 5:30 p.m. They would make sure that that time was well publicized locally. They would certainly make sure that they were available to answer questions or follow-up as needed.

She encouraged everyone to attend that meeting if they could. She knew it would not be the last time that they discussed it, but it would be a great opportunity to hear directly from the consultant what their methodology of analysis was and why they reached the conclusions that they had. So she hoped everyone would be able to attend.

Mr. Riehl stated it would probably be at 5:00 p.m. since there was already a Public Hearing scheduled on the industrial districts at 5:30 p.m. Mayor Kline anticipated that they would need more than one-half hour. Therefore, she assumed they would recess, do the Public Hearing, and then go back to the presentation.

Finance Director Baranek reported as follows:

1. Everybody received the City's Operating Budget. They had also had a very quick overview by Mr. Earle.

He encouraged once any member of City Council looked over the Budget thoroughly if he had any questions that he call his office. He would be more than happy to setup a meeting with whoever needs to be there, whether it be Mayor Kline, John Earle or him.

Mr. Riehl stated and they would have two additional Finance Committee Meetings and two City Council Meetings where people could also ask any questions that they wanted.

Director of Budget & Management Earle reported as follows:

1. They had had one Council Member in today asking questions about the Budget. Those questions were satisfactory answered as far as they knew.

New Business

MOTION:

Mr. Rasor moved and Mr. Pribonic seconded to excuse the absences of Council Members Costello and Lowdermilk.

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

No Vote: None. The motion carried.

MOTION:

Mr. D'Antonio moved and Mr. Rasor seconded to authorize the hiring of a Specialist for Safety Education.

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

No Vote: None. The motion carried.

Old Business

Mr. Adaska stated two weeks ago during their Council Meeting Council approved Ordinance No. 2018-27.

They hadn't had the opportunity to hear from Mr. Germano. They had heard from Chief Film and Mayor Kline as to what created the emergency where City Council was given the ordinance when they actually got to the meeting. They hadn't been given a chance to research it or ask any questions in advance.

It has already been adopted. He realized there was nothing they could do about that. However, he would like to hear from Mr. Germano as to what created that instant emergency where all of a sudden they don't have phones for their 911 System which were crucial to handle emergencies throughout the City of Stow. He didn't want to put him on the spot. However, he would like to know what created that all of a sudden emergency where they didn't find out about it until the very last day.

Mr. Germano stated that it has been an on-going issue. They had hoped by this stage in the game that they would not be operating out of their Dispatch Center. They had hoped by this point in time that they would be in a new Regional Dispatch Center.

The original plan was that rather than going in and taking a working 911 Center and ripping equipment out while they were taking calls and putting stuff in, it would be much simpler to move into a new facility, install all the new equipment, get it up and running, close the old and move in.

Things obviously did not work as they had planned. They found themselves in a bind, sitting on some older equipment that the previous vendor has been very reluctant to give them any assistance in keeping it running.

Normally you get into a situation where you don't have a warranty, but if you are willing to pay time and material, the vendor will come out and bail you out – particularly in public safety that's been pretty much the case.

In this case, for whatever reason, they have chosen not to even sell them any support. That's how they ended-up when this one station came down. That's when it became an emergency.

Mr. Adaska thanked Mr. Germano for his explanation.

Disposition of Ordinances & Resolutions

Ordinance No. 2018-7 was held. A Public Hearing on it was scheduled for Thursday, March 8, 2018, at 5:30 p.m.

MOTION:

Mr. Rasor moved and Mr. Pribonic seconded to table Resolution No. 2018-8.

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

No Vote: None. The motion carried.

Resolution No. 2018-8 was declared to be tabled.

Mr. Razor introduced Ordinance No. 2018-10, entitled:

AN ORDINANCE AMENDING CHAPTER 549, C.O.S., ENTITLED "WEAPONS AND EXPLOSIVES", PARTICULARLY SECTION 549.10 THEREOF, ENTITLED "AIR GUNS; SLINGSHOTS; BOWS", TO "USE AND POSSESSION OF AIR GUNS; SLINGSHOTS; BOWS".

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

Mr. Pribonic introduced Resolution No. 2018-28, entitled:

A RESOLUTION AMENDING RESOLUTION NO. 2017-100, WHICH GRANTED CONDITIONAL ZONING CERTIFICATE, SITE PLAN AND VARIANCE APPROVALS TO KEN KNUCKLES OF DEVELOPMENT MANAGEMENT GROUP, LLC, APPLICANT AND AUTHORIZED AGENT FOR THE PROPERTY OWNERS, TO PERMIT A MULTI-TENANT RETAIL DEVELOPMENT ON PROPERTIES KNOWN AS 4185-4217 KENT ROAD, IN THE CITY OF STOW, AND DECLARING AN EMERGENCY.

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

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

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

No Vote: None. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2018-28.

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

No Vote: None. The motion carried.

Resolution No. 2018-28 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2018-29, entitled:

AN ANNUAL APPROPRIATION ORDINANCE PROVIDING FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR 2018 AND DECLARING AN EMERGENCY.

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

Mr. Riehl introduced Ordinance No. 2018-30, entitled:

AN ORDINANCE AUTHORIZING THE CITY OF STOW TO RENEW THE CONTRACT WITH GEORGE HANSON AND PATRICIA HANSON FOR THE PURPOSE OF LEASING THE REAL PROPERTY AT 2861 CALL ROAD IN THE CITY OF STOW FOR THE USE OF THE FOX DEN GOLF COURSE DRIVING RANGE AND DECLARING AN EMERGENCY.

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

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

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

No Vote: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-30.

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

No Vote: None. The motion carried.

Ordinance No. 2018-30 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2018-31, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE AND INSTALLATION OF SIX (6) RADIO CONSOLES TO REPLACE OUR CURRENT CONSOLE SYSTEM FOR THE POLICE AND FIRE DEPARTMENTS FROM SOLE SOURCE PROVIDER MOTOROLA SOLUTIONS, WITHOUT THE NECESSITY OF PUBLIC BIDS, AND DECLARING AN EMERGENCY.

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

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

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

No Vote: Adaska. The motion failed.

Ordinance No. 2018-31 was declared to be read for the first time.

Mr. Adaska stated that he wanted to clarify why he voted not to suspend the rules. They were missing two of their colleagues this evening. This was spending over \$600,000. He would prefer that all Council Members be present and have a chance to ask questions and discuss the item before they made that large of an expenditure.

Mayor Kline stated she appreciated Mr. Adaska's comments. She thanked him for bringing that up. She thought this was one of the frustrating things - that they were now putting on hold something that directly impacts public safety because they have one Council Member who has missed two meetings in a row and another Council Member who was not here tonight.

Certainly it was Council's right to have three readings on any item. She wasn't questioning that. However, it was very frustrating from a public safety standpoint that two Council Members' absences were impacting a purchase that is needed for something that is so critical to the City's operations.

Mr. Riehl introduced Ordinance No. 2018-32, entitled:

AN ORDINANCE REALLOCATING 1043 HOURS OF SICK LEAVE THAT WERE PREVIOUSLY USED IN PLACE OF WORK-CONNECTED INJURY LEAVE HOURS TO MIKE HART AND DECLARING AN EMERGENCY.

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

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

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

No Vote: None. The motion carried.

Mr. Rasor moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-32.

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

No Vote: None. The motion carried.

Ordinance No. 2018-32 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Approval of Bills

MOTION:

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

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

No Vote: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, March 8, 2018
at 5:00 p.m.

Public Hearing
Thursday, March 8, 2018
at 5:30 p.m.

C.O.W.
Thursday, March 8, 2018
to Follow the Public Hearing

Finance Committee
Thursday, March 8, 2018
to Follow the C.O.W.

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

Adjournment

MOTION:

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

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

No Vote: None. The motion carried.

The meeting adjourned at 7:44 p.m.

Bonnie J. Emahiser
Clerk of Council

Matt Riehl
President of Council