

Minutes of the Regular Meeting of Stow City Council held on Thursday, March 22, 2018, at 7:48 p.m.

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

City Officials Present: Mayor Kline, Director of Budget & Management Earle, Director of Planning & Development Kurtz, Deputy Service Director Brooker, City Engineer McCleary, Fire Chief Stone, Economic Development Coordinator Trenner, Manager of Information Systems Germano, Lieutenant Snavelly, Law Director Zibritosky & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

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

Approval of Minutes

MOTION:

Mr. D'Antonio moved and Mr. Pribonic seconded to approve the Minutes of the Regular Council Meeting of March 8, 2018 as circulated.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to approve the Minutes of the Public Hearing of March 8, 2018 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 Roads & Safety Committee Meeting of March 22, 2018 as follows:

1. Presented some Service & Valor Awards to some very deserving dispatchers.

Mr. D'Antonio reported on the Public Improvements Committee Meeting of March 22, 2018 as follows:

1. Discussed one item that has been moved on.

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

1. Two items would be introduced in legislative form.

Mr. Costello reported on the Finance Committee Meeting of March 22, 2018 as follows:

1. One item was approved.
2. Six items would be introduced in legislative form.

Mr. Riehl reported on the Committee-of-the-Whole Meeting of March 22, 2018 as follows:

1. Discussed the Community Entertainment District.
2. Solicited residents' input on downtown Stow.
3. One item would be introduced in legislative form.

Comments from Other Persons Present

Paul Zuravel
3720 Gilbert Road
Stow, OH

Mr. Zuravel stated that he appreciated Council keeping the OHM item about spending extra money in Committee because if the truth was known, OHM originally suggested 350 apartment units and it was scaled back because of pushback from the Committee to 105 so already they were rejecting what they really thought needed to go up there.

He thought before they spent any more money with them, they should maybe get some more feedback from the community thru setting-up a booth at the Showcase to ask for peoples' opinions. They could see how many people really wanted a downtown area and if it does go forward, to put it to a vote of the people.

That way they would see how many people wanted it. Like Mr. Lowdermilk had said, you might get 20-30-200 people out of 34,000 in the community. He didn't know if they really knew that that's what people really wanted overall. So he would be against spending any more money on that until they got a clearer picture.

Jeff Huffman
3878 Kent Road
Stow, OH

Mr. Huffman stated that he just wanted to echo what they had talked about before at the earlier meeting about the buffer zone, the security issues and the sound with the proposed church that is going in.

City Officials' Reports

Mayor Kline reported as follows:

1. She wanted to remind the community that on April 7th and 8th the City of Stow, the City of Munroe Falls, the Stow-Munroe Falls School District and the Stow-Munroe Falls Chamber of Commerce were collaborating on the Community Showcase. That was held every two years. It would be at the high school. It would be an opportunity to learn about non-profit businesses and organizations in the community.

As they had talked about a number of times this evening, the City intends to seek input regarding the potential redevelopment of the City Center site. She asked people to please stop by the City's booth, which would be in the gymnasium in the back, and talk to them about that.

She encouraged everyone to attend. There would be lots of free chotchkies for the taking and a lot of information. It was a good time to see neighbors and friends after being cooped-up all winter.

Deputy Service Director Brooker reported as follows:

1. The Water Department will start hydrant flushing on the 1st of April. If residents get discolored water, they should let it run for a while. The flushing would be done weather-dependent. They would get it done as soon as possible.

Mr. Riehl stated that they usually put signs up. Mr. Brooker stated they would be putting signs up in the neighborhoods as they go.

Old Business

Mr. Adaska stated he had been very disturbed that the SKiP Playground was torn down. Nobody really discussed it with Council.

He knew the Mayor had the authority, but he also wanted the Mayor to take responsibility for it. They took down a usable playground where buses last season were pulling up in the parking lot and letting children out to play. He knew a lot of mothers and fathers that were still taking their kids to the playground.

Some of our staff members didn't want to maintain that playground anymore. They said it was very difficult because of the wood structure. He just wanted to point out that if you go to Virginia Kendal Park, there are a lot of structures there that were put-up in the 30s. The same wooden structures were still viable and were still being used by the public.

There was something that they could have done to increase the value of that playground and keep people being able to use it. However, because of this Entertainment District, he was told by the Service Director, that the decision was made by the Administration to remove it now because it was not something that they wanted on that corner.

That's pretty disturbing because a lot of work went into building that playground. A lot of citizens of Stow volunteered their time, tools, materials and equipment over he believed a four-day process. The public got together and put-up the playground. To see it now torn down just because of a possibility that that corner might be used in an Entertainment District he thought was unconscionable.

He would never have made that decision. It was still a usable playground. Until they decided that they were going to use that land for an Entertainment District, which hadn't even been voted on yet, to tear down that usable playground that for years served the public he thought was the wrong decision to make.

Mayor Kline stated that she took full responsibility for the SKiP Playground being torn down. Candidly, she referred Council and the community back to the assessments that they had had done, both internally by our certified playground specialist and Leathers, who came out and did an assessment.

She wanted to correct for the record the inaccuracies that it was torn down because of the potential Community Entertainment District. All of them would recall that several years ago the Administration informed Council of the safety risks of that playground. Council at that time declined to spend money to rebuild or renovate that playground. It had continued to deteriorate.

Safety was always foremost in their minds and was one of their top priorities in all things that they did including playgrounds. So it absolutely was not torn down because there potentially might be an Entertainment District. It was not torn down because they didn't want to maintain it. It was torn down because it was, in fact, posing some significant safety hazards.

They had taken out much of the equipment over the last couple of years to try and salvage as much as they could. It simply got to the point that it was not salvageable.

She was happy to take responsibility because she would never apologize for putting the citizens' safety, especially their children's safety, first and foremost. So she was happy to take responsibility for that decision and that action.

Mr. Adaska wanted to point out that Council did not deny the Administration money to rebuild that playground or to fix it up. They encouraged the Administration to spend the money to fix it up.

The Mayor wanted to put a brand new playground there at the cost of \$250,000. When you look out the window and see the condition of the roads out there, you have to ask yourself do you want to spend \$250,000 for a new playground or keep the one you have that's still functional and spend just a little bit of money repairing it? That was Council's decision.

He knew the Mayor was disappointed by that because she didn't get her new plastic playground. However, that was the truth. They had minutes that would verify that.

Disposition of Ordinances & Resolutions

Resolution No. 2018-8 remained on the table.

Mr. Costello 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 third time.

Mr. Costello moved and Mr. Rasor seconded for the adoption of Ordinance No. 2018-29.

Mr. Lowdermilk stated that he wanted to look at Page 33 in the Revenue section of the Budget regarding the Community Improvement Corporation. There was a line item in there for miscellaneous contributions.

MOTION:

Mr. Lowdermilk moved and Mr. Rasor seconded to remove the \$50,000 expenditure from Miscellaneous Contributions on Page 33 of the Budget.

Mr. Lowdermilk stated the reason for that was they had had some recent resignations and discussions on how the CIC should operate and the value that it was bringing to the City. He thought until they answered some of those questions, he wasn't sure that they just wanted to send money in that direction. Through the year if they come back with a plan and have something viable, they could always look at it again.

Mr. Earle stated the correct way to do that was to take Ordinance No. 2018-29, on Page 5, and amend the appropriation for the Stow Community Improvement Corporation. The Budget document that had the Revenue Expenses in it was a reference document. The Appropriation Ordinance was the official one.

Amending the Budget document didn't legally bind or unbind anybody. It had to be done in the Appropriation Ordinance. If they were going to do that, on Page 5, the 850 Fund for the Stow Community Improvement Corporation would have to be reduced from \$80,202.00 to \$30,202.00. That would reduce it by the \$50,000 donation.

MOTION:

Mr. Lowdermilk moved and Mr. Razor seconded to change his motion to amend Ordinance No. 2018-29 to reduce the Stow Community Improvement Corporation's allocation to \$30,202.00.

Mr. Adaska stated they could do this to provide more money for the Budget. If it becomes necessary to appropriate money for the CIC, they could come to Council and make a request which Council could vote on to provide funds for the project that they brought forward. So he didn't have any problem with Mr. Lowdermilk's motion.

Mr. Razor called the question; Mr. D'Antonio seconded the motion.

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

No Votes: None. The motion to call the question carried.

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

No Votes: Costello & Pribonic. The motion to amend the motion carried.

MOTION:

Mr. Lowdermilk moved and Mr. D'Antonio seconded to amend Ordinance No. 2018-29 by removing \$50,000 of the Stow Community Improvement Corporation's allocation of \$80,202.00.

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

No Votes: Costello & Pribonic. The motion to amend the ordinance carried.

Mr. Razor stated so the Budget had now been amended to reduce the CIC allocation. Mr. Riehl stated that was correct.

Mr. Razor stated he had another motion.

A few years ago they had the Clerk of Courts come in and explain that she needed a significant amount more money than her predecessor, however, that amount of allocation was going to eventually go down in subsequent years because of a new computer system which would reduce labor. They came to somewhat of a compromise position on that.

For the Clerk of Court's budget this year the allocation went up again when it should be going the opposite direction – employee wages specifically. On Page 14 of her Expenditures, it went from \$707,190.20 to \$753,792.00.

He thought they needed to hold the Clerk to her promise about labor going down as the result of their technology investment. However, it would be his motion that they reduce her allocation by \$32,458.00 to a total of \$1,247,234.00. The reason for picking the precise number of \$32,458.00 was that provides a 2% cost-of-living increase on the employee wages from 2017 heading forward into 2018.

Basically this was a compromised position to begin with and they were just saying that she couldn't hire more people when she promised that she was going to need fewer people.

MOTION:

Mr. Razor moved and Mr. Lowdermilk seconded to amend the Clerk of Court's budget by reducing the employees' wages allocation by \$32,458.00 and making the total allocation \$1,247,234.00.

Mrs. Zibritosky wanted to remind Council that she had sent them a legal opinion last year. She hoped they would remember it. She hadn't known about this, so she didn't get to resend it, but all the same points and legal conflicts given that it's a separate branch of government still apply. Mr. Riehl stated he appreciated that clarification.

Mr. Lowdermilk stated he wanted to reiterate what Mr. Razor had said. When the citizens of Stow and the members of the Court agreed to spend money to update the system, it was supposed to make it more efficient and cost effective. They were going to see costs come down when they had this automated system because things would be more easily and quickly accessed and easier to put in. He thought that they needed to hold them accountable and that there needed to be some cost-savings as a result.

Mr. Costello asked Mr. Earle to again go to the Appropriation Ordinance and tell them which line items they were talking about? Mr. Earle stated it was on the first page, under Municipal Court Clerk's, whatever the number was would come out of the personal services and the total for whatever the reduction was.

Mr. Razor stated that the number was going to be decreased by \$32,458 and the new number would be \$1,247,234.00. Mr. Earle stated the total would also have to come out of personnel services as well. They would make that change if the motion passed.

Mayor Kline suggested that perhaps Council ought to consider cutting the Judges' budget as well since there seemed to be concern regarding the budget at the court. It certainly didn't seem fair to single-out the Clerk as this was a combined budget. She thought that they would find that the Judges' budget also increased this year.

So if there was that concern and she was sure to avoid the appearance that they were singling out one elected office holder over others, which she knew was certainly not their intent, she thought they ought to consider what was good for the Clerk ought to be good for the Judges as well.

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

No Votes: None. The motion to amend carried.

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

No Votes: None. The motion to adopt carried.

Ordinance No. 2018-29 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Resolution No. 2018-37, entitled:

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND SITE PLAN APPROVAL TO RICK MCKEE OF THE REDEMPTION CHAPEL, PROPERTY OWNER, FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING REDEMPTION CHAPEL LOCATED AT 3900 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 introduced Resolution No. 2018-38, entitled:

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE, SITE PLAN AND VARIANCE APPROVAL TO PAUL ZURAVEL, PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF A CLUSTER DEVELOPMENT ON HIS PROPERTY LOCATED AT 3720 GILBERT 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. Rasor 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. Lowdermilk seconded for the adoption of Resolution No. 2018-38.

Mr. Rasor moved and Mr. D'Antonio seconded to amend Resolution No. 2018-38, specifically in Item (B)(3), to delete the word "deciduous".

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

No Votes: None. The motion to amend carried.

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

No Votes: None. The motion to adopt carried.

Resolution No. 2018-38 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-39, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A TWO-YEAR CONTRACT WITH AT&T CORPORATION, WITHOUT THE NECESSITY OF PUBLIC BIDS, TO PROVIDE TWO (2) T1 LINES CONNECTING TALLMADGE AND MOGADORE AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-39.

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

No Votes: None. The motion carried.

Ordinance No. 2018-39 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately,

Mr. Costello introduced Ordinance No. 2018-40, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A THREE-YEAR CONTRACT WITH AT&T CORPORATION, WITHOUT THE NECESSITY OF PUBLIC BIDS, TO PROVIDE INTERNET AND IP FLEX BVoIP SERVICES AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-40.

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

No Votes: None. The motion carried.

Ordinance No. 2018-40 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Resolution No. 2018-41, entitled:

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR COOPERATION AND COST SHARING FOR THE PURCHASE OF SIGNAL POLES FOR TWO SEASONS ROAD/S.R. 8 INTERCHANGES WITH THE CITY OF HUDSON AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Resolution No. 2018-41.

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

No Votes: None. The motion carried.

Resolution No. 2018-41 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-42, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SQUIRE PATTON BOGGS (US) L.L.P., FOR PURPOSES OF PROVIDING OUTSIDE LEGAL SERVICES AS BOND COUNSEL FOR DEBT ISSUANCE AND RETIREMENT ASSOCIATED WITH VARIOUS CAPITAL PROJECTS INCLUDING LEASING AND S.E.C. REPORTING AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-42.

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

No Votes: None. The motion carried.

Ordinance No. 2018-42 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-43, entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$2,100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A NEW STOW MUNICIPAL COURT FACILITY AND EQUIPPING AND IMPROVING ITS SITE, 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: Riehl, Adaska, Costello, D'Antonio,
Lowdermilk, Pribonic & Rasor

No Votes: None. The motion carried.

Mr. Costello moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-43.

Mr. Adaska asked if they had taken any of the current debt and attached it to this bond issue? Mr. Earle stated no.

Mr. Adaska stated so they were just reissuing...Mr. Earle stated reissuing the note that was only for one purpose which was the court construction. It was originally issued eleven years ago and simply renewed with a pay-down. There was no other debt attached to it.

Mr. Adaska stated he just wanted to know if there was any current debt that may have come-up in the last year or two. Mr. Earle stated no not attached to this.

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

No Votes: None. The motion carried.

Ordinance No. 2018-43 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2018-44, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2013-63 TO CHANGE THE NAME OF THE POSITION OF DIRECTOR OF PUBLIC SERVICE TO DIRECTOR OF PUBLIC SERVICE/CHIEF OF STAFF AND DECLARING AN EMERGENCY.

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

Mr. Riehl moved and Mr. D'Antonio 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 Ordinance No. 2018-44.

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

No Votes: None. The motion carried.

Ordinance No. 2018-44 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. Lowdermilk 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.

Committee Meetings Scheduled

Planning Committee
Thursday, April 12, 2018
at 5:00 p.m.

C.O.W.
Thursday, April 12, 2018
at 5:30 p.m.

Finance Committee
Thursday, April 12, 2018
to Follow the C.O.W.

City Council
Thursday, April 12, 2018
at 7:00 p.m.

MOTION:

Mr. D'Antonio moved and Mr. Razor seconded to cancel the March 30, 2018 Council Meeting.

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

No Votes: None. The motion carried.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 8:15 p.m.

Bonnie J. Emahiser
Clerk of Council

Matt Riehl
President of Council