

Minutes of the Regular Meeting of Stow City Council held on Thursday, April 12, 2018, at 7:00 p.m.

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

City Officials Present: Finance Director Baranek, Director of Budget & Management Earle, Service Director Wren, Deputy Service Director Brooker, City Engineer McCleary, Lieutenant Snavely, Economic Development Coordinator Trenner, Parks & Recreation Director Nahrstedt, Law Director Zibritosky, Police Chief Film & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

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

Reading of Communications

The following correspondence was read or referred to by the Clerk:

1. Letter from Diana Colavecchio, the Clerk of Courts, regarding her budget. This item was read in its entirety. A copy of the letter is attached to these minutes.

Comments from Other Persons Present

Pastor Karen Droder
The United Methodist Church of Stow
4880 Fishcreek Road
Stow, OH 44224

Pastor Droder read a letter regarding gun control laws, a copy of which is attached to these minutes.

Kevin Clark
2291 E. Gilwood Drive
Stow, OH 44224

Mr. Clark stated in the newspaper it said according to Kline, Council declined to spend money to rebuild or renovate the playground. The thing is in 2014 in the Mayor's State of the City Speech she promised to rebuild SKiP Park with 100% donations. A few months later she asked for \$252,000. He came and spoke to Council and asked what had happened to the donations?

She did it again a few months after that. Later he found out that there had been no preventative maintenance done by the City on Skip Park. He felt if they had done preventative maintenance on that park it would still be there.

He stated that she lied to the people of Stow and the children paid for it. There's no SKiP Park anymore. The big thing is that there was a chance. She kept on saying that she was going to do it.

At one time he asked her how about every time you go out for a photo-op you take a can, jar or box. He felt she could have collected half of that money by now. People had laughed. However, it wasn't funny. They didn't have a SKiP Park.

He had four granddaughters in this City. They don't have SKiP Park like his kids had had. The Mayor lied. She knowingly and willingly lied to people. She never had any intention of collecting that money. She wanted to build SKiP Park alright, but she wanted it for her re-election campaign photo-op. That's what she wanted.

He felt sorry for Mr. Adaska. He had watched Sara Drew/Sara Kline since she was on Council with Councilman Wysmierski. She was a bully on Council then. She was a bully on Council when Mr. Rasor first started. He had watched her bully him. And she was a bully as a Mayor.

She disgusted him to no end with what she had done in this City. There's no logic to Adell Durbin Park anymore. She finally fixed the roof on the restrooms at SKiP Park but for what? Was that so people could walk by SKiP Park and take a leak? He thought it was ridiculous.

He was disgusted with the Mayor. He was glad she was going to Cuyahoga Falls because she would be out of our hair. The sad thing was she was getting another public funded paycheck.

Don Daugherty
3688 Hudson Drive
Stow, OH 44224

Mr. Daugherty agreed with some of the things Mr. Clark had said. As a matter of fact, he agreed with the majority of them.

One of the things he didn't agree with was the fact that there are certain members in this room who did not step-up to bat that witnessed what happened during the altercation with Mr. Adaska. She was allowed to lie in the newspaper about Mr. Adaska approaching her when it was extremely clear on the video that she went at him.

It was his understanding that that altercation should have ended the first time she turned around and walked away. When she went back, she was at fault. He really really had a distain for the people that were standing within 10' of that altercation that said that they saw nothing or they would not come forward and speak out about what they saw.

Another thing about the SKiP Playground was she wanted \$252,000 to build a playground that she would have already torn-down while this Entertainment District was still in the planning stages. It hasn't even been completed yet and she went ahead and tore the playground down.

Former Mayor Don Robart from Cuyahoga Falls brought his two granddaughters over here to play. He had called him and asked him what happened to it because he had no idea? It was an insult to Mr. Adaska and it was an insult to everybody in this City. It was an insult to him because he was the Ward IV Councilman. He should have been informed.

Mayor Kline was wrong and she needs to go to Cuyahoga Falls. They could have her. He would sign her release papers.

Valene Douglas
1678 Ritchie Road
Stow, OH 44224

Mrs. Douglas found the allegations presented against Mr. Adaska to be very disconcerting. She had known him for at least ten years.

As her Councilman he has been the best of the best. His sole interest was in serving the people of Stow and being accountable on how their money was spent. He was a man of integrity who was willing to work hard to get good results and good results for our taxpayers. To see his good name smeared like this was very sad indeed. She hoped that truth would prevail.

Nancy Kroft
1783 Ritchie Road
Stow, OH 44224

Mrs. Kroft stated that Toby just told people what was true. She hoped they would pay attention to it. She told it just the way it was.

She thought they better start telling people about this new program they were trying to do. It appeared to her when she attended the meetings that they already know what they are planning to do. She thought they should probably take a vote on it instead of just telling people about it.

Mary Mumper
4242 Hile Road
Stow, OH 44224

Mrs. Mumper stated that everyone in this room should be concerned about the abuse of power that Mayor Kline had leveled against Mr. Adaska because that was what a corrupt government can do to you or your family. She didn't care what people's politics were.

It was only a few years ago when Councilwoman Sara Drew, now Mayor Kline, and Mayor Fritschel accosted Officer Beal and her when they were passing out literature for Ms. Drew's opponent.

Mayor Fritschel drove-up in her car and Ms. Drew came charging down the street to confront Officer Beal and her. Mayor Fritschel demanded to search their bags. Mayor Kline has a history of accosting people when they counter her opinions. Officer Beal filed a police report.

As they say, a picture is worth a thousand words. In her opinion the video of Mayor Kline accosting Mr. Adaska in a violent rage was clear and her fabricated announcement that Mr. Adaska pushed her could not be proved because he clearly did not push her.

So now she attempts to save face by accusing Mr. Adaska of disorderly conduct – all at taxpayers' expense. This entire event has the look of a pre-planned malicious attack on Mr. Adaska.

She asked how many times had they seen those people in the resist movement scream out in a group of people that their political opponent did something to harm them? This was nothing less than an attempt to punish Mr. Adaska for his speech and an attempt to silence and defame him.

Why did the Mayor continue to block Mr. Adaska's exit when she turned around? In her opinion it was because this Mayor was itching for a fight even if she had to invent one.

What this woman had done to Mr. Adaska was unconscionable. Mr. Adaska was a man of integrity, honesty and a man who had principles. She asked Mayor Kline to enroll in anger management classes and take some classes on the Constitution and Bill of Rights but not at the taxpayers' expense.

JoAnn Gross
4651 Grafford Lane
Stow, OH 44224

Mrs. Gross stated Councilman Bob Adaska was the Councilman for Ward IV. Although he was the Ward IV Councilman, his vote counts for all citizens of Stow. She felt Mr. Adaska had made excellent decisions - positive votes for the residents of all of Stow. He was fiscally conservative with taxpayer dollars and he genuinely cares about every Stow resident no matter what their political affiliation is.

Recently Stow spent \$54,000 for a supposedly professional consultation regarding the proposed shops and playground here in Stow. The professional consulting firm actually suggested putting the playground on the corner of S.R. 91 and Graham Road. Any parent of a child would know that that was ridiculous.

Then our Mayor wanted to spend \$30,000 more for more consultations. Mr. Adaska was against that proposal. She applauded him for his decision.

It was Mr. Adaska who sawed every board for the SKiP Playground at his own expense. There were many many residents who put in long hours of their time and labor to build that playground. Mayor Kline tore it down without even informing Council that she was going to do that. She didn't even have the courtesy to let Mr. Adaska know about that since he had been the foreman when building it.

Just ask the residents of Ward IV what they think of Mr. Adaska. He has never missed a day of serving at his post on City Council and he does his best to accommodate any resident that calls him for help.

Becky Rooper
3759 Osage Street
Stow, OH 44224

Mrs. Rooper stated that she had three boys five years of age and under. They spend a lot of time at Silver Springs Park. There's a playground in the back (the Soar Playground) which was targeted towards more children with disabilities, but it's great for her children just because they are smaller.

Her husband and her were a little disheartened that a road went in back there. It used to be a very secluded playground. It was a dead-end road. Now there was a road that cuts entirely thru. It was finished sometime in the last couple of days. Her kids had been quite excited that there were excavators there, but they were quite disheartened that that was there.

Now that the road is open cars are tearing thru there. She was worried about the safety of her children, cars going thru there and cars running them down. Of course as a parent she was always there and was always watching them, but they were three boys and she can't keep an eye on all three of them. To the best of her ability she did.

She just wanted to share with everyone that she was a little disheartened by that. She didn't know if they were planning on installing speed bumps or if there was some sort of fencing that was planned on being put in there to help people. She didn't know what the plan was. However, clearly that wasn't a well thought-out plan.

She reads the Stow Sentry every single week. She hadn't seen anything in there about that.

Michele Rohler
4075 Beckley Road
Stow, OH 44224

Mrs. Rohler asked out of all the departments of the City that had to submit a budget to the City how many of their budgets were cut? Was it just the Clerk of Court's budget that was cut or were their other department's budgets that were cut?

Mr. Riehl stated that the CIC budget was also cut – in fact it was eliminated.

Mrs. Rohler asked if that was the only one?

Mr. Lowdermilk stated there was also an Engineer that was budgeted for that was cut.

Scott Grieshammer
3127 Deercrest Path
Stow, OH 44224

Mr. Grieshammer stated he lived in Highland Chase. Everybody that he knew in his allotment and in Hunter's Crossing, which was a reasonable amount of people, all think that this lawsuit is ridiculous and that it is absurd that the Mayor is wasting the court's time and the money to pursue this.

It obviously was a heated conversation. He wasn't present. However, he watched the tape. It was a nothing burger. He asked for a show of hands about how many other people thought that it was ridiculous that she was wasting the court's time (the majority of the audience raised their hands).

Mr. Grieshammer stated everybody that he knew felt that way. It was ridiculous. They should shake hands and forget about it.

Richard Henkel
1529 Graham Road
Stow, OH 44224

Mr. Henkel stated as a retired Stow Firefighter he wanted to one more time ask people to keep Dan Whipkey's family in their prayers.

He hadn't had time to prepare a speech today because he was at the funeral home. He just wanted to speak-up on behalf of Bob Adaska. He had been waiting because he thought there may be someone with an opposing view point but they didn't seem to have too many of those.

He had known Bob's family for years. He grew up in Stow. He knew Bob's mom. He was being petitioned by many friends of his to run for City Council. He really didn't want to do it. This was an example of why he didn't want to do it.

He had talked to a few of his friends on this Council. They knew where he was coming from. However, he found out that Bob was going to run. He couldn't be more elated because there wasn't a better man.

Bob was a much better man for the job than he was because he didn't believe Bob Adaska had ever been in a fistfight. Unfortunately, he wasn't bragging, but he had been in some.

One thing you don't do, especially in a heated moment, is you don't go running up to somebody in an agitated state and get in their face. He believed wholeheartedly that that was what happened to Bob.

His friends on the Fire Department couldn't be here tonight for obvious reasons. He knew most people hated public speaking. He just wanted to let people know that this was the opinion of many people.

He believed the police must think it was a no-brainer because they didn't go with an assault charge. He thought it was ludicrous that his tax dollars once again, as they had in the past, were being wasted on frivolous lawsuits.

This is a total non-issue. His heart goes out to Bob because there were some things that you just can't erase.

Matthew Gabanyic
4052 Osage Street
Stow, OH 44224

Mr. Gabanyic stated this isn't a lawsuit. It is in the wheels of justice right now. This is what happens when people come-up and claim victimhood just to push an agenda or push their point.

The Mayor admitted on that bodycam to the officer that she knows that she has a temper. Yes she does. Unfortunately that temper has put Bob Adaska and his family in a very bad spot.

This isn't the wheels of justice. Even if the Mayor wanted to stop it she can't. He has to deal with this now. His family has to deal with this now.

They were seeing a lot of this in this City. It's starting to get not only annoying, but disgusting. It's a horrible place to live when you have to worry about walking within 10' of people, being worried about them calling the police and making charges on you. He asked what kind of a place was that to live?

He had watched City Council for the last few years and they seemed to be getting along quite well. He hadn't seen a ton of major issues out there. However, he had seen the Mayor turn red faced. He had seen her lose her temper.

He watched the video that everybody else saw and what he saw was somebody trying to set-up, which is against the law by the way. He felt what Mr. Adaska was charged with the Mayor should be charged with.

If you look at the law and how it's written, you cannot instigate a situation that could eventually turn into a violent outcome and that's exactly what she was doing. She should be facing these charges too.

They need to stop this in this community – people saying they are going to the police because someone looked at them funny. That starts ruining people's lives.

He was a rough guy. He says it like it is and there are a lot of people who don't like what he has to say. However, he had never threatened anybody because he didn't wish harm on anybody. He wanted them to get it. They just don't get it in this City anymore. He thought it was time to stop that.

Raymond Gentile
1703 Ritchie Road
Stow, OH 44224

Mr. Gentile stated he has lived in Stow since 1935. He had attended Council Meetings several times. This operation had really run pretty smoothly to his knowledge. However, to hear this out of the Mayor to another fellow worker he could not believe it.

He didn't know if anybody else turned in a report to the police department but he did. On Monday morning he reported what he saw.

Mr. Adaska did not push her. He believed the extent of it was that she ran up against him and backed off because she lost her balance. Then she started hollowing that he pushed her. He did not push her.

That's where he stood. He stood behind each one of the people who gave a report before he did. He agreed 100% with them.

Mr. Adaska was an outstanding man. He had had an opportunity a few weeks ago to talk to him because his road had several chuckholes. He called him about it and the next day they were all fixed. He appreciated what he did for this City.

Alex Bryan
4674 Trillium Drive
Stow, OH 44224

Mr. Bryan offered his prayers and most sincere condolences to the family, friends and co-workers of Fireman Dan Whipkey. He prayed for God to bless and protect our first responders as they continue to watch over us.

Recently they had heard calls for the resignation of a man who has been dedicated to service. Mr. Adaska, an Airforce Veteran, has served our country in the community of Stow for many years. He, like so many others who have spoken this evening, had found this man to be both friendly and respectful.

He was in attendance at the meeting where it was reported that Mr. Adaska assaulted our Mayor. From his recollection, the Mayor never yelled that she was assaulted. Perhaps she stated that in the police report since the local media reported the incident as assault.

Ultimately Mr. Adaska was not charged with assault. He was charged with simple disorderly conduct, something, mind you, that your everyday citizen could interpret the Mayor being guilty of that same evening.

Regardless, we now have individuals who don't even reside in Mr. Adaska's ward, who don't even reside in the City of Stow, calling for his resignation. He wanted to remind those individuals and everyone else that we have a presumption of innocence in this country and there is a judicial process called due process that we have a right to.

While he would never justify assault, which evidently clearly was not the case here, he had great objection to anyone's calls of misogyny and for the resignation of a person without his due process rights. Thanks you and God bless.

City Officials' Reports

Service Director Wren reported as follows:

1. The Mayor and the entire Fire Department are at the calling hours for Firefighter Whipkey. Tomorrow is his funeral.

They would like to extend their sincere gratitude to the Cities of Kent and Cuyahoga Falls who were manning their fire stations today so our Firefighters could be with their fallen brother.

In addition they would like to thank the Cities of Brooklyn and Cleveland Fire Departments as they would be assisting with the funeral tomorrow morning.

Mr. D'Antonio asked Mr. Wren to explain what was paved at Silver Springs. They had had a comment made today. He thought they had just resurfaced a road.

Mr. Wren stated no. It's not surface actually, it's asphalt grindings. They connected both sides of the park.

There were plans for barricades, speed bumps and signage for the road. They cannot use speed bumps on public roads to control speed. However, they could on private property (not a dedicated roadway). So that was what they would be doing in order to control speed.

Law Director Zibritosky reported as follows:

1. She wanted to update Council on the litigation that the City was a party to with regards to suing the Opiate manufacturers, Purdue Farma. They recently got

put on the first fast-track along with Cuyahoga County and the City of Cleveland to be the first case in the country. It has a trial date of March 18, 2019.

It's a big deal. It is still a long ways away and they are not sure what is going to happen in the meantime, but it's a very big deal because it means that they along with their fellow plaintiffs in Summit County will probably be the first to get an answer and get relief to our citizens.

That just came out yesterday. She wanted to share that. It was in the federal court with Judge Polster.

Mr. Lowdermilk stated there were some comments made concerning the budget that he wanted to clarify. It was actually a Laborer that they had cut.

Mr. D'Antonio stated that apparently there have been some issues with speeding in some of the school zones. The ones people were specific about were the Woodlands, Lakeview/Highlands and Fishcreek. The other one was in Munroe Falls. He was sure they could ask them about that.

They were concerned that there was a lot of speeding. Obviously, people think there are police there but sometimes they are in the schools, which was what they were being paid to do at that time. He asked the Police Chief if he was aware of any incidents or could clarify what they were doing?

Chief Film stated they were currently working ten different traffic appliances in the City. They do have officers working the schools. He could not have them reassigned to work traffic details. However, they encouraged those officers to park their vehicles in front of the schools as a deterrent not only for any type of criminal activities but also to slow our traffic down.

He encouraged any citizens who had complaints of certain school districts where they see violations to report them. They complete a traffic complaint, which is good for 30 days. In the morning he would remind the supervisors and encourage the officers to work the school zones during the day and in the afternoons.

New Business

Mr. Pribonic introduced Ordinance No. 2018-60, entitled:

AN ORDINANCE AMENDING THE ANNUAL APPROPRIATION ORDINANCE NO. 2018-29 WHICH PROVIDES FUNDS FOR THE EXPENSES OF THE CITY OF STOW FOR THE YEAR 2018 AND ALL AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

Mr. Costello asked if this was regarding the Clerk of Court's budget? Mr. Riehl stated it was.

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

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

No Votes: D'Antonio. The motion carried.

Mr. Pribonic moved and Mr. Costello seconded for the adoption of Ordinance No. 2018-60.

Mr. Pribonic stated this was not political. They had spoken last year when a lot of this came about with the Clerk's office. They didn't have information at the last meeting so he emailed Mrs. Colavecchio some questions.

He asked her how many employees did she have in 2017 compared to the previous year? Her response was at the end of December and just prior to her arrival in January, there were 16 full-time and 4 part-time employees. One of the part-time employees moved to the court's side on January 1st leaving her with three part-timers to start the year. She hired a full-time Collection Manager plus another two full-time employees.

When she appeared before Council on March of 2016 she reported that she had 19 full-time and 3 part-time employees. A year later at the March 2017 Budget Meeting she reported that she had 16 full-time and 6 part-time employees. However, she stated she would need to replace her Chief Deputy who retired and by the end of 2017 she had 17 full-time and 5 part-time employees which is still true today.

Hopefully they would also recall when she first came to Council in March of 2016 she shared with them the fact that she had inherited 695.75 hours of comp time accumulated by 12 employees in 2015. Her then Chief Deputy did not include her accumulation in that total, but if she had, it would have added some 300+ hours to this figure. Had it been sufficient that staff would not have worked nights and weekends to keep up.

She immediately put an end to comp time accruals. The law was about to change in October anyways. She decided to make additional hires to get the office brought-up to speed so that they could perform their ORC duties without additional comp time accruals and let the number of employees decline via natural attrition.

That plan worked very well. Two employees left during the 2016 year and she had sustained the office on 17 full-timers. Additionally she brought in volunteer Interns to assist with performing the many clean-up projects that had sat untouched for years.

As reported by her to Council on more than one occasion they had become more proficient and efficient with their new software thus allowing them to drop their numbers back to the now 17 full-timers noted above.

They continue to operate well on this number but she could not promise any further reductions at this time given that they were now forced to back-scan files stored in their basement because they had run out of space.

Mr. Pribonic stated that he had asked her if she was under budget for 2017?

Her response was yes. They could see the attached budget sheet. She was under by \$53,991.96. She also attached a similar budget sheet for 2016 with 27 pays.

Mr. Pribonic stated that he asked her for the percent of Operating Budget compared to the total Operating Budget?

Her response was in 2017 the Clerk's budget comprised 46.3% of the total court operations which was detailed in a spreadsheet from 2013 to 2017. The Clerk's percentages inclined over those years.

Mr. Pribonic stated that the reason why he had asked the questions was because she was not present at the meeting when they discussed the budget and he believed that he was responsible as well as all of them to make sure they were doing the correct thing within the City under the guidance of the City's Law Director.

Mrs. Zibritosky stated that she couldn't comment in detail because it was given in an opinion to Council, but as they had done before with the CIC, if Council had no objection to releasing that memo, she could release it. It would fully describe the legalities involved which she thought the Clerk had kind of hinted to because she was able to receive a copy. She wouldn't go into detail about that because of attorney/client

privilege. However, that was the privilege that Council had the power to waive if they choose to do so.

Mr. Pribonic stated that was his intention in bringing this forward this evening. Under recommendation, what occurred last year, etc. He just wanted to make sure that that was addressed at this time.

Mr. Razor stated he had just learned about this a couple of hours ago so he didn't really have a chance to prepare. However, for the listening audience at home, those in the room and to refresh Council's memory, a few years ago after Clerk Colavecchio was elected she asked for a significant increase in her budget above what her predecessor Keven Coughlin had asked for. He did some leg work, he met with her, he examined her budget and he came to his own conclusion that that was not warranted.

He made a motion to amend the budget. Council did. She came back later in the year and requested more money. Council gave it to her under the promise that she made that the Clerk's office was going to become much more efficient in the future because they just purchased some really expensive computer equipment.

It all sounded right. He didn't really pitch much of a fit but he remembered it. He said they were going to keep that in mind in future years and hold her accountable. That's where the word accountable comes from. If you make a promise you should be accountable for it.

So in future years, last year and this year, she again came-in with budget increases that were not justified in his opinion, weren't based on fact and they certainly didn't go the trend that she had promised them, which was that they would need fewer staff members.

So watching over taxpayers' dollars as they were hired to do, he made a motion to amend her budget not to cut for what she asked for, but to decrease the increase to just a 2% cost-of-living increase. What they gave her was in effect an increase over 2017 numbers, but not a dramatic increase over 2017 numbers.

What the Clerk needs to realize is that we have a fiduciary obligation to watch over the taxpayers' dollars. They do that on a weekly basis before City Council. You just witness it with Brian Lowdermilk and him voting against hiring a full-time janitorial staff member. They do the small things right. They didn't really see the Clerk on a regular basis so they have to judge her on a more aggregate macro scale.

So what they did was they made a very reasonable motion. It passed unanimously and the Clerk doesn't like it because she can't increase her budget to the amount that she wants. He was sorry but he was not going to support the motion.

Mr. Lowdermilk stated that he wanted to echo what Mr. Razor had said and also address the letter from the Clerk of Courts that was read earlier that suggests that unless the City is in financial hardship, they should not cut anybody's budget.

He thought that was ludicrous. As City Officials if anybody lets your City get into fiscal crisis before they decide to manage the budget they should be voted out. He thought what Mr. Razor had proposed and what was passed was a fair solution.

Mrs. Zibritosky stated that she just wanted to clarify something. Regarding the letter that was read that said the City was in financial crises, she thought what she was referring to was the legal standard in order to cut a budget for a different branch of government. She thought that was a little bit different than the way they had characterized that.

She encouraged Council if they were going to get into the legalities to release the memo and allow that to happen.

Yes Votes: Adaska, Costello & Pribonic

No Votes: D'Antonio, Lowdermilk, Rasor & Riehl.
The motion failed.

Ordinance No 2018-60 was declared to be defeated.

MOTION:

Mr. Lowdermilk moved and Mr. Adaska seconded to assign a number to the sample legislation to amend the code to require the City Arborist's approval of landscaping plans prior to Council approval.

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

No Votes: None. The motion carried.

Ordinance No. 2018-61 was assigned to that legislation.

Mr. Lowdermilk stated they had had some conversations in the past regarding people getting their projects approved prior to the City Arborist approving their landscaping plan. It may be a plan that they submitted or it may be something completely different.

What he would like to do is send this amendment to the Planning Commission for their recommendation. It would make sure that the applicants knew what was expected of them relating to landscaping by the time they came before Council and that the citizens that abut up to these properties also knew what was expected so they didn't get into problems like they had with the Marhofer Project and others where residents thought they were getting one thing, the business owner thought he was getting one thing and neither of them were getting what they thought.

He encouraged Council Members to support sending this to the Planning Commission for their recommendation.

Mr. D'Antonio asked what they were voting on? Mrs. Emahiser stated in order to send a piece of legislation to the Planning Commission for their recommendation Council would have to do that by majority vote. So the motion should be to refer the matter to the Planning Commission for their recommendation.

MOTION:

Mr. Lowdermilk moved and Mr. D'Antonio seconded to refer Ordinance No. 2018-61 to the Planning Commission for their recommendation.

Mr. Pribonic asked if they were looking for anything that was in the process to be grandfathered in? Mr. Lowdermilk assumed since it wasn't in effect today, they couldn't do that. There was nothing in the proposed legislation that would do that.

Mr. Pribonic stated so anything that was in the process right now would run its natural course. Mr. Lowdermilk stated that was correct.

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

No Votes: None. The motion carried.

Ordinance No. 2018-61 was referred to the Planning Commission for their recommendation.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to authorize the donation of \$500 from Council's Contingency Fund to the Stow-Munroe Falls Speech and Debate Team to help send them to a National Tournament.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to authorize the hiring of a Deputy City Engineer.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to authorize filling the full-time position of Operator II in the Street Department.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to authorize filling the full-time position of Specialist in the Building Maintenance Department.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. Adaska seconded to authorize filling the two (2) full-time positions of Laborer II in the Water Department.

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

No Votes: None. The motion carried.

Disposition of Ordinances & Resolutions

Resolution No. 2018-8 remained on the table.

Mr. Riehl stated that the original plan was to vote on Resolution No. 2018-8 in May to allow for public comment.

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 second time.

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

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

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. Lowdermilk seconded for the adoption of Resolution No. 2018-37.

Mr. Adaska asked if the next door land owner was present? Since there was quite a discussion on this, he thought it would behoove Council to wait until the homeowner was present so that he could submit any objections to the new plan.

Mr. Lowdermilk asked if the landscaping had been addressed?

Mr. Adaska stated there had been quite a bit of discussion. He just wanted to make sure to be fair to everybody that their next door neighbor was okay with the amended landscaping plan.

Pastor McKee stated he would not presume to speak for him. He believed Mr. Huffman, having hired an attorney and having been present last time, was very aware of tonight's meeting.

He would be very hesitant to be penalized as the applicant because he failed to show up or did not submit a written statement. That would be disheartening to his congregation.

Mr. Pribonic knew the applicant and City Arborist had gotten together. He asked if he was comfortable with the plan?

Pastor McKee stated their neighbor, Mr. Huffman, built a house next to their church. The church was already there in full operation. He tore down the screening and built there.

As they intend to build a worship center on the south end of their building, they put in six screening trees. The City Arborist actually said that they were going for trees that were too tall. They wouldn't be able to purchase them. She recommended that they reduce the size because of the ability to purchase, so they did that.

She had some recommendations of various additions of some maples to some of the interior landscaping (the islands within the parking lot). They were more than happy with those as well.

She also asked for an additional eight trees zig-zagging back not only along the worship center, which would be across the property line from Mr. Huffman's house, but also along the parking lot going back. It was a bitter pill to swallow, but he would do that.

What they would be doing in that case was they would be paying as a church to screen their parking lot from Mr. Huffman's junkyard to be frank. However, at the same time if that was what the City Arborist wanted (another eight trees), they loved the City and would put in the trees.

Mr. Pribonic stated that they appreciated having them here. He knew that was what Mr. Lowdermilk had been trying to achieve before they got too far on that for anything like that in the future. He just wanted to make sure that they were squared away and were good on the church's side.

Pastor McKee stated he had his Elder Chair here as well as the designer of the project. They were comfortable with what was on the plan from the City Arborist. They had submitted their plan. She submitted her adjustments. They were okay with them. Therefore, they felt they met the City's standards.

He thought nobody would be surprised. The City knows what he was asking for. They had agreed to it. There were no after-the-fact surprises.

Mr. Razor asked for the cost of the zig-zagging trees? Pastor McKee stated that was about a \$4,000 cost to the church. Mr. Razor thought that was ridiculous.

MOTION:

Mr. Razor moved and Mr. Pribonic seconded to amend the legislation to delete the requirement for the eight zig-zagging trees.

Mr. Adaska asked what the amendment was? Mr. Razor stated it was to remove the eight zig-zagging trees that screen the pre-existing church from the neighbor's, who moved in after the church was there, junkyard. He had seen the pictures overhead. He didn't feel that was a reasonable request.

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

No Votes: None. The motion to amend carried.

Mr. Costello asked if this individual had been contacted by Council to appear tonight? Mrs. Emahiser stated no. Mr. Costello stated but he did know from the previous meeting that this would be coming forward. Mrs. Emahiser stated either at this meeting or the next one.

Mr. Costello stated at the previous meeting he had also asked, because he was requesting that a fence be put up, to keep his property safe because of the police reports that were made in the area. He had looked at all of those reports. He felt that fence had nothing to do with keeping that area safe. In fact, one of the reports was for a dead bear in the road.

He felt that the individual knew what was going on. He felt he should have been here tonight if he had any objections. As far as he was concerned Council should move forward with this.

Mr. Adaska stated that he supported the addition to the church, but at the same time that individual was new to the process. He hadn't come in multiple times. He didn't know how the process worked.

He was told at the last meeting that they were going to do three readings, but if they didn't need the three readings, they would make a motion to suspend the rules. That might have confused him. He may think that they were going to have two more readings.

Just to be fair he would recommend that they hold this until the next meeting. Meanwhile, Mrs. Emahiser could send a letter out advising this individual that it is going to more than likely be voted on then.

Mr. D'Antonio stated, with all due respect, he thought they had already suspended the rules unanimously. He didn't totally disagree. However, he thought it was pretty clear

that there was a real good possibility that they would be voting tonight. They were just waiting on the church and the Arborist to get together. The rules had been suspended. He didn't know that they could take it back.

Mr. Lowdermilk agreed with Mr. D'Antonio. The meetings were scheduled. That was the concern they had talked about. It sounded like they had met with the Arborist and everything had been satisfied to at least the Arborist's concerns. He didn't think there was any reason not to vote on this.

Mr. Riehl thought it was pretty obvious that they were having a meeting tonight judging from the packed audience.

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

No Votes: None. The motion to adopt carried.

Resolution No. 2018-37 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Ordinance No. 2018-45 was withdrawn.

Mr. Pribonic introduced Resolution No. 2018-46, entitled:

A RESOLUTION GRANTING CONDITIONAL ZONING CERTIFICATE AND SITE PLAN APPROVAL TO THOMAS FINLEY OF OMNI SENIOR LIVING AND OMNI ALLEN ROAD LLC, APPLICANT AND PROPERTY OWNER, TO PERMIT THE CONSTRUCTION OF SIX (6) ASSISTED LIVING VILLAS ADJACENT TO THE PREVIOUSLY APPROVED 148-UNIT ASSISTED LIVING DEVELOPMENT LOCATED ON ALLEN ROAD.

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

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

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

No Votes: None. The motion carried.

Mr. Pribonic moved and Mr. Razor seconded for the adoption of Resolution No. 2018-46.

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

No Votes: None. The motion carried.

Resolution No. 2018-46 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. 2018-47, entitled:

AN ORDINANCE ENACTED PURSUANT TO SECTION 1137.08, ENTITLED "AMENDMENTS", TO PROVIDE FOR THE AMENDMENT OF THE ZONING DISTRICTS MAP AND ZONING DISTRICTS BY RECLASSIFYING FROM I-2 INDUSTRIAL TO I-1 LIMITED INDUSTRIAL APPROXIMATELY FIVE ACRES OF PROPERTY LOCATED ALONG HUDSON DRIVE NORTH OF THE OMNI SENIOR LIVING CAMPUS; AUTHORIZING AMENDMENT TO THE ZONING DISTRICTS MAP BY THE CITY ENGINEER.

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

Ordinance No. 2018-48 was held.

Ordinance No. 2018-49 was held.

Mr. Costello introduced Ordinance No. 2018-50, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2018 FORD F650 CONE SAFETY TRUCK FROM SOLE SOURCE PROVIDER ROYAL TRUCK & EQUIPMENT, INC. 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-50.

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

No Votes: None. The motion carried.

Ordinance No. 2018-50 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-51, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) SPECTRA PRECISION FOCUS 35 3" ROBOTIC TOTAL STATION FROM STATE OF OHIO VENDOR PRECISION LASER & INSTRUMENT, INC. 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-51.

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

No Votes: None. The motion carried.

Ordinance No. 2018-51 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-52, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF TWO (2) LUCAS 3.0 CHEST COMPRESSION SYSTEMS FROM SOLE SOURCE PROVIDER PHYSIO CONTROL 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-52.

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

No Votes: None. The motion carried.

Ordinance No. 2018-52 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-53, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF TWO (2) 2018 FORD UTILITY POLICE INTERCEPTORS FROM STATE OF OHIO VENDOR STATEWIDE FORD LINCOLN MERCURY, INC. 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-53.

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

No Votes: None. The motion carried.

Ordinance No. 2018-53 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-54, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2018 FORD F550 OUTFITTED AS A HYDRANT MAINTENANCE REPAIR TRUCK FROM STATE OF OHIO VENDOR SAFETY COMPANY, LLC 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-54.

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

No Votes: None. The motion carried.

Ordinance No. 2018-54 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-55, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2018 TRAILER MOUNTED 74HP JOHN DEERE 4045T TIER 4 DIESEL ENGINE LEAF MACHINE FROM STATE OF OHIO VENDOR ARM OPCO INC. 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-55.

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

No Votes: None. The motion carried.

Ordinance No. 2018-55 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-56, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2018 MASSEY FERGUSON MOWER, ONE (1) 2018 JOHN DEERE 324G SKID STEER LOADER BASE AND ONE (1) 2018 JOHN DEERE ROAD-HOG ROAD SAW RS-18 AND CP24D COLD PLANER FROM STATE OF OHIO VENDOR MURPHY TRACTOR & EQUIPMENT CO. AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-56.

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

No Votes: None. The motion carried.

Ordinance No. 2018-56 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-57, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2018 GMC 3500 4WD EXT CAB PICK-UP AND ONE (1) 2018 GMC 3500 4WD EXT CAB PICK-UP WITH PLOW PACKAGE FROM STATE OF OHIO VENDOR BOB ROSS BUICK, INC. 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Lowdermilk seconded for the adoption of Ordinance No. 2018-57.

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

No Votes: None. The motion carried.

Ordinance No. 2018-57 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-58, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF ONE (1) 2019 GMC SIERRA 2500HD WITH PLOW AND ONE (1) 2019 GMC SIERRA 2500 FROM STATE OF OHIO VENDOR M4 MOTORS AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Adaska seconded for the adoption of Ordinance No. 2018-58.

Mr. Rasor asked what these two vehicles were replacing and the mileage on them? Mr. Brooker stated the first one replaces a 2000 Chevy Truck. The second one replaces a 2004 Ford Taurus. He had no idea of the mileage.

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

No Votes: None. The motion carried.

Ordinance No. 2018-58 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2018-59, entitled:

AN ORDINANCE CONFIRMING THE LAW DIRECTOR'S APPOINTMENT OF NAOIBH CHAPLIN AS ASSISTANT LAW DIRECTOR / PROSECUTOR OF THE CITY OF STOW, ESTABLISHING COMPENSATION FOR SAID APPOINTEE, 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: Adaska, Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor & Riehl

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Costello seconded for the adoption of Ordinance No. 2018-59.

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

No Votes: None. The motion carried.

Ordinance No. 2018-59 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Bills

MOTION:

Mr. Costello moved and Mr. Rasor seconded to approve the release of the checks for the current Bill Listing.

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Roads & Safety Committee
Thursday, April 26, 2018
at 5:30 p.m.

Planning Committee
Thursday, April 26, 2018
to Follow the Roads & Safety Committee

C.O.W.
Thursday, April 26, 2018
to Follow the Planning Committee

Finance Committee
Thursday, April 26, 2018
to Follow the C.O.W.

City Council
Thursday, April 26, 2018
at 7:00 p.m.

Adjournment

MOTION:

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

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

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

