

Minutes of the Regular Meeting of Stow City Council held on Thursday, April 26, 2018, at 7:00 p.m.

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

City Officials Present: Service Director Wren, Finance Director Baranek, Law Director Zibritosky, Director of Budget & Management Earle, Director of Planning & Development Kurtz, Police Chief Film, Fire Chief Stone, Manager of Information Systems Germano, Parks & Recreation Director Nahrstedt & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

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

Approval of Minutes

MOTION:

Mr. D'Antonio moved and Mr. Costello seconded to approve the Minutes of the Regular Council Meeting of March 22, 2018 as circulated.

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

No Votes: None. The motion carried.

Committee Reports

Mr. Rasor reported on the Roads & Safety Committee Meeting of April 26, 2018 as follows:

1. Awarded a very worthy Service Department employee for his work in helping to put out the fire at Wendy's.

Mr. Costello reported on the Finance Committee Meeting of April 26, 2018 as follows:

1. Two items would be introduced in legislative form.
2. Four items would be introduced in motion form.

Mr. Lowdermilk reported on the Committee-of-the-Whole Meeting of April 26, 2018 as follows:

1. One item would be introduced in legislative form.

City Officials' Reports

Service Director Wren reported as follows:

1. Mayor Kline regrets that she could not be here tonight. She had a previous commitment.

2. The Paving Program has begun on Stow Road and some of the surrounding roads. Half the program will be done now. Those would be all the roads they were doing that didn't need concrete repairs to the curbs.

Perrin will come in in about two weeks to start the Concrete Program as well as the curbs. Once they are done with the curbs, Karvo will come back in. They should be wrapped-up before the end of August of this year.

Finance Director Baranek reported as follows:

1. At the finish of the tax year for 2017, 1,505 taxpayers had visited the office in the income tax area between January thru April 20th. During that period of time they also had been open on two Saturdays and six separate evenings until 6:00 p.m. to help anyone that could not come in during the day with their local taxes.

They had 4,222 taxpayers that e-filed thru the website. On average they process approximately 17,300 income tax returns each year. As a result of that 23% of their filers filed thru the e-file return. Thru the e-file return people who owed City taxes paid \$176,496 utilizing that system.

They had had people come in after hours. Usually for one to one-and-a-half hours they would have anywhere between 15 and 20 people after 4:30 p.m. that would come thru. Then on Saturdays they had spots where they were busy. They probably served about 35 people in a three-hour period of time.

2. The City went out to bid for their annual renewable notes. This year, as they had in the past, they had reduced their one-year notes by \$400,000, so they went from \$2.5 million down to \$2.1 million. The bid on the \$2.1 million note was won by T. D. Securities.

They were starting to see an upturn in short-term interest rates. Last year on their \$2.5 million one they had a 2% coupon rate. This year it went up to 3%. They saw approximately a 1 ½% increase on the net yield on that. So they were starting to see the market for short-term creep-up, which in turn will equate back to the long-term eventually. However, currently they did not have anything they were looking at to go out for bonds or short-term notes.

New Business

MOTION:

Mr. Costello moved and Mr. Rasor seconded to authorize the hiring of a Firefighter due to the untimely passing of Firefighter Whipkey.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to authorize the hiring of a Laborer I employee for the Building Maintenance Department.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to authorize the hiring of a full-time Secretary I employee for the Records Department.

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

No Votes: None. The motion carried.

MOTION:

Mr. Costello moved and Mr. D'Antonio seconded to authorize the hiring of a Police Office.

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

No Votes: None. The motion carried.

Mr. Riehl stated that he was sure everyone had received a letter of resignation from Mayor Kline. She was resigning as Mayor as of May 13th at 11:59 p.m. A new Mayor would take over on May 14th.

He appreciated all of the calls he had received from members of City Council, the City Administration and residents of the community asking him to take a look at this. The way he approached it was they were going to have an election this fall. They, as a body, shouldn't be picking winners or losers to give someone an advantage. He didn't feel that was right.

They also needed to look at this being a full-time job. The Charter says that you have to devote full time and attention during working hours. That narrowed it down a lot because a lot of them were mid-career professionals or were in different states of their careers. So that was something that they also had to look at.

As a result, he could not take the position. First of all, it wouldn't be fair to the citizens of Stow because once he resigned from one job he would be looking for another one that would begin in December.

He opened the matter up to Council for any other nominations from the floor.

Mr. Costello stated that he didn't want to nominate himself. However, he was retired. He had the time available.

If he was so nominated and selected, he would be more than honored to serve as the interim Mayor. He would tell them at this point that he would not run for the full-time Mayor's position. He would come back to his Council seat and upon completing his term-limited Council seat, he would be done with politics. He threw that out there.

MOTION:

Mr. D'Antonio nominated Mr. Costello for interim Mayor. Mr. Pribonic seconded the nomination.

Mr. Lowdermilk asked what Council's intent was this evening? Were they going to vote on a replacement this evening?

Mr. Riehl stated that was up to this body. It was an organic process. It does not require this to be in legislative form so there was no suspension of rules. The Charter does not call for that.

His intent was to leave it up to this body. They were all elected and they all had the same power.

Mr. Razor stated for the reasons he had been quoted in the press he also could not accept the position of interim Mayor, although he had had a lot of supporters ask him to do so. He appreciated that and was flattered by that. However, this was a job that does require full-time attention and he couldn't take time away from his family, law practice and campaign for State Representative.

He appreciated Mr. Costello putting his neck out there as the first person. However, he felt it would be nice to know who among them would be interested so that they could mull it over and decide. He asked who wanted to do it?

Mr. Pribonic stated he would be honored, however, he had 41 years of experience with Albrecht Grocery. His job was a lot different than any other job position was. He held an executive position with them. That being said, he would not feel it would be correct for him to give them one to two weeks' notice in order to do it.

He knew he had released a Press Release about running in November. He planned fully on doing that. His company did know that. However, his job was not one that could be readily filled and he did not feel after 41 years with a company that had given him his living and his great standard of living that he would feel right doing that.

That was his reason. It had already been published that he was running in November. He agreed with Mr. Riehl that he wouldn't want to see anyone have what would be a perceived jump. He also felt that he owed his company after 41 years of service that had done very well by him. That was his reason.

Mr. Riehl agreed with Mr. Pribonic. The way the Charter was written, it was a full-time position. He thought an interim Mayor who was not running in the fall would be appropriate.

They were going to look at possible changes to the Charter structurally because it said legitimately all members of City Council could be elevated to the position of Mayor. However, they may have all seven members who are in mid-careers or who are at the end of their careers and need those extra years for social security, pension or whatever and are unable to do that. What that looked like he didn't know. He was sure they would discuss that going forward.

It was reasons like that why a lot of them get upset during Charter review. They say look at the Charter and see what concerns there are and nine times out of ten the only recommendations they get are to either extend the terms or get rid of term limits.

That was why there was a lot of frustration from them during the Charter review process - because they didn't look at situations like this. There were some other issues in the Charter that he had talked to the Law Director and other members of Council about that they were going to have to look at as well.

Mr. D'Antonio stated that he as well has given 26 years to his company. He certainly wasn't close to retirement as far as age goes. He didn't feel it would be fair to his company or his family to ask them to leave for six months. He appreciated everybody who had asked. However, he was certainly not in a position of becoming a full-time Mayor.

Mr. Lowdermilk stated he was going on 30 years with his company. Fortunately he was younger, so he was in a similar position. As much as he may like that opportunity, right now was not the time. He did appreciate the many residents who had approached him and given their support.

He thought he saw where this was heading so there may not be a need to postpone it.

Mr. Adaska stated he didn't have any comments.

Mr. Riehl stated this was something that a lot of them would want to do. However, to resign their jobs for six months was a problem. He was sure some people's wives or kids probably wouldn't allow it. It was a tough decision.

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

No Votes: None. The motion carried.

Mr. Riehl congratulated Mr. Costello for being appointed interim Mayor as of Monday, May 14th.

Mr. Costello thanked everyone for their support. He also thanked the people who had contacted him. They would all love to do it. Thankfully he was old and retired.

Mr. Riehl stated that would now leave them with a vacancy on City Council in Ward II. He would send something out in writing, however, he would like to see a resume and a statement of interest sent to Mrs. Emahiser by 11:59 p.m. on Wednesday, May 9th.

That would give people plenty of time to get it out and plenty of time for them to put their materials together and deliver it to the Clerk of Council. They would then go thru the interview process. He thought there would be many candidates who would like to be a member of Council.

The way the Charter worked was whoever was selected as a replacement would only have the position until a new Mayor is in-place and the interim Mayor goes back to his seat. Then the interim member of Council goes back to being a citizen.

Mr. Pribonic asked if Mr. Costello would be allowed to be part of the selection process? Mr. Riehl stated no. Mr. Costello stated he would have abstained anyways. Mr. Riehl stated if City Council doesn't choose within a certain time frame, the Mayor would select the person.

Mrs. Zibritosky stated she didn't know if they were planning on voting on May 10th on the replacement? Mr. Riehl stated no. Mrs. Zibritosky stated for Council's information, they were permitted to go into executive session for interviews, etc.

Mr. Riehl stated there has been openings on City Council before that were decided over a couple days with no notice. He didn't think that was fair. They weren't going to do it that way.

It was going to be an open process. They were going to give people plenty of time to submit resumes and letters of interest to them. He asked people to address those things to the Council Clerk.

Disposition of Ordinances & Resolutions

Resolution No. 2018-8 remained on the table.

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 second time.

Mr. Riehl stated a Public Hearing was scheduled on Ordinance No. 2018-47 for May 24, 2018, at 5:30 p.m.

Mr. Costello introduced Ordinance No. 2018-48, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE TO RANDOLF M. STEGENGA, JR. AS AND FOR SETTLEMENT OF HIS MORAL CLAIM AGAINST THE CITY FOR DAMAGE INCURRED TO HIS PROPERTY AS THE RESULT OF AN ALLEGED BROKEN AND CRUSHED DOWNSPOUT DRAIN AND SEVERAL BREAKS IN THE PIPE THAT DRAINS THE WATER TO THE ROAD THAT BACKED-UP WATER INTO HIS BASEMENT AT 4202 LEEWOOD ROAD, IN THE CITY OF STOW, 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: Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor, Riehl & Adaska

No Votes: None. The motion carried.

Mr. Costello moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-48.

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

No Votes: None. The motion carried.

Ordinance No. 2018-48 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Costello introduced Ordinance No. 2018-49, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A ONE-YEAR CONTRACT WITH PRINCIPAL LIFE INSURANCE COMPANY FOR LIFE INSURANCE COVERAGE, 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: Costello, D'Antonio, Lowdermilk,
Pribonic, Rasor, Riehl & Adaska

No Votes: None. The motion carried.

Mr. Costello moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-49.

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

No Votes: None. The motion carried.

Ordinance No. 2018-49 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Ordinance No. 2018-61 was held.

Mr. Lowdermilk introduced Ordinance No. 2018-62, entitled:

AN ORDINANCE CONFIRMING THE PROMOTION OF LIEUTENANT ANNE STIRM TO THE RANK OF CAPTAIN IN THE CITY OF STOW POLICE DEPARTMENT; ESTABLISHING COMPENSATION FOR SAID APPOINTEE; AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Lowdermilk moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-62.

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

No Votes: None. The motion carried.

Ordinance No. 2018-62 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. D'Antonio seconded to approve the release of the checks for the current Bill Listing.

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, May 10, 2018
at 5:30 p.m.

Finance Committee
Thursday, May 10, 2018
to Follow the Planning Committee

C.O.W.
Thursday, May 10, 2018
to Follow the Finance Committee

Mr. Riehl stated that the C.O.W. Meeting would be to discuss the Community Entertainment Center and Downtown Stow. As he had said for months, their objective was to give the public plenty of time to discuss it openly and to discuss it with members of Council. It may come up for a vote in May. If it is Council's pleasure they may be voting on it at that meeting.

City Council
Thursday, May 10, 2018
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:30 p.m.

Bonnie J. Emahiser
Clerk of Council

Matt Riehl
President of Council