

Minutes of the Regular Meeting of Stow City Council held on Thursday, May 24, 2018, at 7:00 p.m.

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

City Officials Present: Chief of Staff/Service Director Wren, Deputy City Engineer Jones, Finance Director Baranek, Director of Budget & Management Earle, Law Director Zibritosky, 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. Pribonic 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 April 12, 2018 as circulated.

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

No Votes: None. The motion carried.

MOTION:

Mr. D'Antonio moved and Mr. Lowdermilk seconded to approve the Minutes of the Regular Council Meeting of April 26, 2018 as circulated.

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

No Votes: None. The motion carried.

MOTION:

Mr. Pribonic moved and Mr. Lowdermilk seconded to approve the Minutes of the Regular Council Meeting of May 10, 2018 as circulated.

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

No Votes: None. The motion carried.

Committee Reports

Mr. Pribonic reported on the Planning Committee Meeting of May 24, 2018 as follows:

1. One new item would be introduced in legislative form this evening.

Mr. D'Antonio reported on the Finance Committee Meeting of May 24, 2018 as follows:

1. One item would be introduced in motion form this evening.

Mr. Adaska reported on the Public Improvements Committee Meeting of May 24, 2018 as follows:

1. Had an excellent presentation by Mr. Jones regarding storm water projects.

Comments from Other Persons Present

Beverly Jackson
1930 Echo Road
Stow, OH 44224

Mrs. Jackson stated that she wanted to congratulate the new Mayor, but he wasn't present. She thanked the President of Council, the Council Members, the Fire Chief and the Police Chief for the good work that they did. She appreciated that very much.

She knew the Fire Department had had a big crisis today because they were going by her when she was walking. She gave them a bravo.

With the Police Department she had had a sick raccoon in her yard that was foaming at the mouth. The Animal Control Officer came out to her house within 20 minutes and was able to subdue the situation. She thought that was very important because he could have bitten a child when kids were walking to school.

She also wanted to thank Nick Wren. She had been talking to him about two problems that she had with her ditch and street (broken pavement). He had called her back very promptly twice.

Last but not least she wanted to congratulate Mr. Razor on winning his primary election. She thought that was nice because he was a Stow resident, has served on Council and was an excellent lawyer. She thought all the citizens of Stow should be proud of him.

Christine Shaw
2151 Graham Road
Stow, OH 44224

Mrs. Shaw stated she was representing Moms Demand Action. She had brought this up to the Mayor on Monday, but he refused to hear it.

June 1st is National Gun Violence Awareness Day across the country. She stated it was not an infringement on anybody's Second Amendment Rights. She thought that was very important.

She read a draft Proclamation, a copy of which is attached to these minutes.

Don Daugherty
3688 Hudson Drive
Stow, OH 44224

Mr. Daugherty stated that he wanted to congratulate the new Mayor also, but he could see that he wasn't here.

The other reason he came here was because he had heard that somebody was going to be here speaking about gun violence. He really didn't think that that had any place in the City of Stow. As far as he knew, that hadn't happened. However, he knew there had been a couple of people that had been shot by firearms.

One of the things that he thought the young lady who was just speaking should remember, since he had been around firearms longer than she was old, was that his firearms had never harmed anybody and they were kept secure and locked.

She was infringing on Second Amendment Rights by being involved in an organization that believes in the suppression of his Second Amendment Rights because that was exactly what she was doing.

It has no business being brought forth in this format by anyone who doesn't understand that they are infringing on other citizens' rights by speaking out in this manner. He had rights under the Second Amendment. They want to change the Second Amendment. That's what all of these organizations are all about.

These organizations are absolutely nothing but political action committees that are sponsored by a group of people that do absolutely nothing but go around and advocate gun control and then they move to gun confiscation. That was taking away his rights as a private citizen.

He thought it was absolutely ridiculous to even be having this type of conversation in the City Council Chambers. It's not about the guns. It's not about the people that own them. It's about the people who are firing them illegally, who are underage, who don't have parents in the house, who are not taught any better, who are not being disciplined, and basically it's a non-issue.

It shouldn't even be anything in the forefront of the news media. It should be absolutely nothing because there are people like him that are 60-61 years old that grew up with grandfathers that were farmers who taught them how to shoot. They also had joined the NRA, which promotes gun safety.

It just appalled him that certain groups and certain people feel that they have the need to bring this forward when there's absolutely no reason for it whatsoever except for the fact that they don't want to take personal responsibility for the short-comings of the people that they won't discipline and the people that they won't teach so they want to blame them the law abiding citizens.

That was how he felt about it. He really was tired of hearing about it. He was tired of hearing about it from the media and....Nobody brings up the mental health issue. Nobody brings up personal responsibility. Nobody brings up parental responsibility. That's what it all comes down to.

All but three high school shooters, where shootings had happened, were under the age of 18, which means that they can't even legally own a...gun.

Don Bettio
4155 Osage Street
Stow, OH 44224

Mr. Bettio stated he had had no intention of talking tonight. However, he didn't know where this lady was coming from.

He was a Vietnam Veteran. He had served...He was proud to be what he was. He was very perturbed with the shootings. He was an avid shooter. He believed in his constitutional rights to speak. He felt they were wrong. He didn't understand it.

He remembered when this lady had her campaign. He had gone up to her and told her about her campaign literature. It got him mad when he heard statements like she had made. She didn't even know how to take care of her signs, but she was worried about guns.

He thought it was wrong. This is not the place to discuss something like that. It is a constitutional right that they have.

He had been a police officer for thirty years. He was proud of that too. He had bad legs because of that. However, he was still proud of who he was. He thought people didn't know what they were talking about.

Alex Bryan
4674 Trillium Drive
Stow, OH 44224

Mr. Bryan stated he was just kind of...of the conversations they were starting to have in our City Council Meetings. Maybe it was a good thing. Maybe it was good that these types of grievances are being aired. Everybody has a right to their own opinion. Everybody has a right to speak on that.

One thing he did know, however, was they didn't need a publicity stunt being pushed by Michael Bloomberg every time...thru Moms Demand Action and subsidiaries of them. They were trying to remind them of the gun violence that we have in our country. He didn't know about everybody else, but if you live in the real world, you are reminded on a daily basis of the gun violence in this country.

Words can hurt you in this. It is being perpetrated in our large cities, cities like Chicago, Washington D.C. and cities that have some of the most strict, stringent gun control laws there are in this country.

The conversations we always have are that we should create more laws and more restrictions to their Second Amendment Rights. He asked why?

These laws that they try to implement, such as in Moms Demand Action which goes around parading that they care about violence, if they cared about gun violence, they would care about educating people on the proper safe use of firearms.

That is something that the NRA has been doing for a good part of the last century. However, instead they want to keep pushing the overreaching laws that have been nothing but proven to be both failures and policy...

He hadn't wanted to speak regarding gun violence. However, he did want to offer some thoughts on it since it had been brought-up.

In 2013 President Obama ordered the Department of Health and Human Services and the CEC to conduct a study into what causes gun violence. Actually that study found that almost all national surveys estimate that defensive gun uses by victims are at least as common as offensive uses by criminals. These estimates range from 500,000 to more than 3,000,000 uses annually where people use firearms for defense.

Gun control is nothing but disarming law abiding victims. Criminals aren't...; the laws are in-place.

Mr. Bryan asked everyone to take a moment this Memorial Day weekend to honor those heroic men and women who have served in our armed forces and gave their lives defending our freedoms, our Second Amendment Rights and all of our rights. God Bless Americans. May their sacrifices never be forgotten.

JoAnn Gross
4651 Grafford Lane
Stow, OH 44224

Mrs. Gross stated that she believed in the Second Amendment. She believed she and anybody else should have the right to have a firearm, except those who are felons.

Criminals most of the time are the ones who have and perpetrate these problems, as well as mentally ill people who come from families that are disorganized. They don't

have a positive home. They don't have a mother. They have drug problems. They have all kinds of mental health problems. That was her take on the gun situation.

She thought Council was going to vote tonight on the Community Entertainment District. She was going to say again that she was opposed to it. She didn't know that they really needed 150-units of apartments in the area.

If they were going to have any kind of a water park, she thought they should have a real pool. There was a nice design in the front lobby. If they could put a water park that looked like that size, she asked why they couldn't just make it a little bit deeper and make a pool for the City because they didn't have one? Everything they had like that was gone, including the wonderful Silver Springs Park that is now a doggie park.

Those were two issues that she really thought were important.

She hoped that Council has decided who is going to temporarily replace Mr. Costello as a Council Member. She hoped that replacement would be in the best interests of the people in the City of Stow. She thought that was the most important thing – that that person was willing to listen to what they had to say and then do something about it.

She stated she had attended Mr. Adaska's trial. She was very glad that the Magistrate made a very wise decision. She hoped that was the end of it.

She hoped they didn't have any more confrontations of people in power who think that they can stand-up and get in people's faces to tell them what they want to do and not allow the citizens to speak their minds.

Tammy Weaver

Mrs. Weaver stated she hadn't been planning on talking this evening. However, she felt like she had to say something.

Someone had stolen her thunder regarding the CEC's survey from the Obama Administration. However, he was totally correct. So many people defend themselves with guns. That really didn't get credit. That didn't mean that they were going around shooting people. It could just be that they show a gun to them or let those criminals know that they have one so they change their minds.

The NRA truly does teach gun safety. It is so disturbing that people are going around and calling them a terrorist organization and that law abiding gun owners are made out to be the bad guys when in all of these school shootings not once has anyone from the NRA or national law abiding guns in the system have been involved.

Regarding the schools, she thanked Mr. Biden for the Gun-Free School Zone Act that was passed. She really wished that all of these people who think that gun-free zones keep you safer would put signs up about grandsons in their own homes that say this is a gun-free zone. She hadn't seen any. She thought if they believed that, they should be putting signs up at their own homes. That's what the kids were living with – a big advertising that there is no protection there.

City Officials' Reports

Service Director Wren reported as follows:

1. Read the following statement from Mayor Costello as follows:

Tonight was supposed to be my first Council Meeting as Mayor. It was unimaginable to me when I was elected to Council 15 years ago that I would actually someday be Mayor. It is equally

unimaginable that I am going to miss my first meeting as Mayor, but life events have a way of changing things.

Tonight there are a fine group of young ladies and gentlemen who are about to spread their wings and go forth to different places to grow, learn and become our future leaders. The Class of 2018 from Stow-Munroe Falls High School graduates this evening and my grandson is one of them. That is why I am unable to attend tonight's Council Meeting.

Since I have only been on the job for a week-and-a-half, I really have nothing to report.

I do want to mention that this weekend is Memorial Day Weekend, which typically marks the beginning of summer, but I want to remind everyone the true meaning of Memorial Day was established in 1868 to honor those that died in the Civil War and who were buried in the Arlington National Cemetery. In 1971 the Holiday Act established the last Monday in May as Memorial Day.

As in the past the City, along with the American Legion VFW, will be honoring those who gave their all to us by holding a Memorial Service at 10:15 on Monday, May 28th, at the Stow Cemetery on Route 59. Immediately following the ceremony a dedication of the wreath at the Doughboy and a reception at the Acker-Moore Memorial Post will be held.

The public is invited to all events and for those who have not attended in the past you will find it both rewarding and a moving experience. Thank you.

Fire Chief Stone reported as follows:

1. He believed last October they had asked for permission to apply for a couple of grants to help out with purchasing and installing a diesel exhaust reclamation system in Fire Stations Nos. 2 and 3. A separate AFG Grant was done last year for Fire Station No. 1.

Earlier this month they were awarded a Firefighters Exposure to Environmental Elements Grant, which is a new BWC Grant based on the Presumptive Cancer Bill with Firefighters thru part of their exposure to carcinogens. He believed that they were one of the first departments to be awarded that grant. They were also awarded a Safety Intervention Grant that they had applied for.

Both of those grants were earmarked for diesel exhaust reclamation systems in both Fire Station Nos. 2 and 3. The grant totals were \$15,000 and \$40,000 - for a total of \$55,000 towards the system. It would pay for at least half of the systems.

When the money comes and is deposited into their account, they have 90 days to spend the funds and get the systems installed. Therefore, at the next Council Meeting he very like would be asking for authorization for funding for the balance of that installation and purchase.

They met with the company today to get a more refined price quote. It would actually be less than what they had been quoted last year due to some trimming that they had done. They were very excited about that grant being awarded to help reduce the amount of exposure that their firefighters have to some of the carcinogens from the exhaust.

The other grant that he had mentioned earlier was the AFG Early Assistance to Firefighters Grant, which was a federal grant from FEMA. They were still in the running for that grant. Typically at this time of year they would know whether they were going to get it or not. However, they were running a little bit behind this year.

They had survived the first cuts. They were ranked by order of importance. So if there is money in the coffers when it gets to them, they would be awarded that grant.

They were keeping their fingers crossed hoping that they would receive that grant. It would provide the same type of system for Fire Station No. 1. If that funding comes thru, they would be able to do the same thing - put a diesel reclamation exhaust reclamation system in that fire station as well.

Mr. Razor stated if they didn't get that third grant, the Fire Chief should bring before Council authorization to purchase that system for Fire Station No. 1.

New Business

MOTION:

Mr. D'Antonio moved and Mr. Adaska seconded to authorize the hiring of two (2) Replacement Communications Specialists/Dispatchers for the Police Department.

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

No Votes: None. The motion carried.

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded to authorize the City Administration to proceed with the portion of the contract with OHM to assemble and request proposals for the City Center site.

Mr. Lowdermilk thought in reviewing some of the survey information and feedback he had gotten from residents not only in his ward, but in other areas too, until there was a plan that the residents had and there was some consensus as-a-whole that that's what it should be, going out for a request for proposals didn't make a whole lot of sense.

He asked for the process when they get the proposals back? He asked if they were going to get five different proposals, put each of them out to the public and let 20% of them decide which proposal gets approved?

He thought the CED could be done by anybody in the future that wants to develop the property if it is developed. At this point he thought it would be unwise to move forward with spending any further money until there's a clearer vision of what he thought the City as-a-whole wanted not a few hundred people.

Mr. Adaska stated, as he had stated at the Committee-of-the-Whole Meeting, he didn't think it was time to move forward with that legislation because they didn't have a consensus yet. From the people that he had heard from in Ward IV, which he represented, people didn't want the traffic or noise. Traffic was a big, big issue. They also didn't want to give up the open space.

There were a lot of people in Ward IV around the City Complex that walk thru there. They really enjoy the open environment. From the people he had talked to, a lot of communities would kill to have this much open space around their city complex.

He asked why would we want to put the possibility of 15 liquor licenses and restaurants there? We have restaurants on the outskirts of the community. If people want to go out to eat, they can go there.

Also he didn't want to compete with the businesses. They had to put up a lot of investment money to create their restaurants. He asked why would they want to encourage people to build around the City Complex restaurants, bars, etc.?

He hadn't had one person tell him that he better vote for that. We need a downtown area. No one had said that. What they said was why should they give up a good thing?

They had a lot of open space in their downtown area. He thought they should put some emphasis on other things that they could do there – not necessarily bring in more cars with exhausts, etc.

They had a lot of residents on Valley Forge, Elm Road and Oak Road that can't make a left turn onto Graham Road now. People on Lillian Road if they didn't have that light at S.R. 91 wouldn't be able to get out onto the roadway. He asked what they were going to end up having to do – put a light at Valley Forge, put a light at Elm Road and put a light at Oak Road? It doesn't make sense. That's exactly what our community doesn't need.

There are too many things that need to be worked out yet. Since he represented the residents of Ward IV who had asked him not to support this, he would not vote affirmative for this this evening.

Mr. Lowdermilk stated that he wanted to follow-up one other point. In discussing this with the residents he thought a lot of people were just reading the headlines for a downtown.

When you talk to them, they say yea shops, restaurants, etc. would be nice. However, when you ask them if they understand that what the consultants were saying was that you have to have a pretty large apartment base to make it work?

He thought the original plan was for 200 or 250. Mr. Wren thought 235. Mr. Lowdermilk stated now they were down to 100-150 just to make it more palatable.

Several people had questioned if they were high-end or not, what would make them high-end and if they were going to be in a brick-block building that ten years from now they would be fighting over keeping them maintained properly right next to what was supposed to be a downtown area?

People in Valley Forge and that area came in here concerned about restaurants. If he was them, his concern wouldn't be having a restaurant in his backyard, it would be a 2-3 story apartment building. That would be his concern, especially if he had young kids.

There were discussions about safety. He thought if they looked at police reports and things that had been filed, a lot of these types of incidents happen around apartment buildings, especially the older apartment buildings in the City.

Once this land is developed, they weren't going to do anything with it. If they make a mistake here, that mistake is going to be here for 30 or 40 years. Nobody is going to come in 5-10 years from now to bulldoze it all and say let's start over. Once they did this, it would be done.

He thought they better be darn sure that what they were doing was what the residents wanted and it was good for the City. Quite honestly, he wasn't so sure this plan and what the consultants say (what somebody will come in and invest their money in) was viable.

If apartments with a little bit of retail was what somebody would invest in, he wasn't so sure now was the time to develop. There was a lot of land that sits vacant for years and years waiting for the right moment to be developed for that exact reason.

He wasn't going to support this. Those were his, his residents' and the people he had talked to about it around the City thoughts. There wasn't a lot of support.

Mr. D'Antonio stated they weren't voting on a CED. They weren't voting on liquor licenses. They were voting, and he didn't know why they were voting because they had already authorized it last year, on authorizing the City to proceed with the portion of the contract that authorizes OHM to assemble requests for proposals. He believed the cost was \$8,700. He understood both Councilmen's concerns. He just wanted to make it clear that they weren't voting on most of the stuff he had heard.

Mr. Riehl stated the CED relating to the liquor license was actually in legislative form. He had promised the residents that they would vote on that in May. This was the last meeting in May so it was his intention to have a vote on that once they get to the legislative portion of the agenda. This is to authorize requests for proposals.

Mr. Razor stated a year ago they voted on whether to hire OHM. It was a 7-0 vote with the understanding that they didn't really know if there was going to be a market for what they wanted to do. They didn't know if people supported what they wanted to do. They thought they did based on their conversations.

Since that vote and since they had hired OHM, they had found that there is a market for what they want to do. They found out that by a 2-1 margin people want them to proceed. While he respected Brian's and Bob's comments about what could go wrong, they were well away from the point where they would ever deal with that kind of thing.

Right now they were just trying to find out what's potentially out there. If what they get back is a high-density apartment area with just a couple of shops and stuff that they know is not the real vision, this is going to die and he thought everyone on this panel would agree that it should die. However, to bury their heads in the sand and say they don't even want to look to see what's out there, he thought there would be a backlash about that.

He thought some of the comments that this could never work and this is a big mistake wouldn't age well. He thought they were going to find that there's a good market, that they are going to get a great return on the taxpayer's value for this valuable land and that they will provide something unique that for decades in the future they will look back and say that this City Council had a vision and they executed on it.

He was sure a lot of them go to Hudson for a meal, drink or go shopping. That was what they were hoping to do here. If it turns out that it's going to be a big mess and it's not what they want, they just aren't going to do it. However, he respectfully thought that this was the wrong time to say no.

Mr. Pribonic stated he had always come at it from the sense of the parks and recreation part of it. We know that we don't have a downtown. We know that we don't have a community gathering place. This was something that he believed fulfilled people's needs.

He would agree with Mr. Razor when he was talking about the retail aspect of it. He had seen many times that when you go ahead and put some type of retail into that equation you will find that those developers will also divvy-up some money to take care of the things that we need.

It may be a better senior citizen complex. It could be many things. It could be a better playground. It could be things that taxpayers are not going to have to pay for but are going to benefit from. That didn't mean that they didn't throw the baby out with the bathwater. That means that they go ahead.

He thought they were at a point now, and it had been said over-and-over and previous Council Members had made the statement, that they wished they could have done it, but the timing was not right. He believed right now the timing is right.

They don't know what that actually is yet. However, without further going out there and actually looking at what is out there, they would never know. That's all they were asking of OHM – to find out if they could do this.

Then there is going to have to be public input. Do they or do they not want this? If they didn't want to see this but would rather see that, they could go back to the developer. He may or not be interested. It would go back and forth. However, if they put a halt to it right now, they would never know.

He thought the citizens deserved the right to know. They weren't saying they were going to seal the deal this evening. It was going to be a 200 apartment complex. It's going to have 50 retail areas, which they all knew was impossible. The point was to find out what they could do and what could they do to make it right?

There are many things they could look at and say they hadn't been done right. However, he thought this had had tremendous public input. He thought this Council had done a diligent job that way. He thought the City Administration had done a diligent job in putting out a survey.

He thought there were 770+ people who filled out the survey. A lot of people said that wasn't that many. However, he could tell people that that was one of the highest surveys they had ever done that people responded to. Those 770+ people weren't dictating tonight what would actually be done. They were actually saying to please move forward and investigate for them. He thought they owed that to their residents.

Mr. Lowdermilk stated that he agreed with Mr. Rasor. He thought when they agreed to move forward they weren't sure what the market would bear. They weren't sure what was viable. So what they had all agreed to do was to hire a consultant to tell them what was viable. If what they said was viable they thought was worthwhile, then included in that contract was to go out for proposals.

They hired the consultants to get their expert opinions on what was viable. He didn't think any of them, and people could speak for themselves afterwards, envisioned 150, 200 or even 100 apartments. They envisioned some open space. He thought the survey bore that out. They envisioned maybe a senior center, having the Arboretum upgraded a little bit, the creation of a downtown area to take families too and those types of things.

He had no reason to doubt the expertise or what the consultants had told them. What they came back and told them was their plan. He didn't know why they spent money on the consultants if now they thought they were going to go out for proposals and what they were going to get back was completely different than what they had told them was viable. He didn't get the reasoning there. It didn't make sense.

Also 770 people for a survey was a lot. However, when you look at it, it was a mixed bag. It wasn't 770 people agreeing on one thing. It was a mixture of parks, amphitheaters, swimming pools, wellness facilities, etc. It runs the gambit, which anyone would expect.

He had no reason to doubt the people that they hired and that what would come back would be what they had said. Therefore, he asked why would he spend another \$8,000 to get what he supposed they already knew?

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

No Votes: Adaska & Lowdermilk. The motion carried.

Mr. Rasor stated in light of the duplex discussion they had had two weeks ago, he wanted to make a motion:

MOTION:

Mr. Rasor moved and Mr. D'Antonio seconded to request a recommendation from the Stow Planning Commission to eliminate two-family dwellings as a conditional use in R-2 and R-3 Districts.

Mr. Rasor thought multi-family was naturally separated from single-family. Most people who move into a single-family neighborhood expect there to be single-family homes next to them. He thought they couldn't help the families who complained a couple of weeks ago about the duplex, however, he thought they could do something about it going forward.

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

No Votes: None. The motion carried.

Mr. Riehl stated they had a vacancy on City Council that was caused by the resignation of Mayor Kline. Mayor Kline has moved on and taken a position in the City of Cuyahoga Falls as the Parks and Recreation Superintendent. At the following meeting, they had appointed Mr. Costello to be Mayor of the City of Stow until a new Mayor is chosen. That created a vacancy in Ward II.

Council had put out a notice for people to send in a letter and a resume. They were shocked by the amount of people who did. Nine people applied. One was eliminated because he only submitted a letter without a resume. Another gentleman submitted a letter today wishing to withdraw his name from consideration.

Last week Council recessed into Executive Session to conduct interviews with the eight candidates. He had been very impressed. When you looked at that seat over the past couple of years one Councilman had held that seat for twenty years and never faced opposition. They opened the seat and received eight solid good applicants. Interviews went well.

MOTION:

Mr. D'Antonio moved and Mr. Riehl seconded to appoint Doug James Herchick as Ward II Councilman.

Mr. Rasor stated he had had a chance to meet Mr. Herchick a year-and-a-half ago during his campaign against Mr. Costello. Little did he know at that time that this opportunity would come up.

What impressed him about Mr. Herchick was his wiliness to go door-to-door, which is uncomfortable but necessary in order to take the brain of somebody who wants to be in office and convert it into the brain of somebody who is capable of serving people. That sounded like a funny way to describe it, but that was what he believed that he was trying to do.

He was also impressed that Mr. Herchick continued to come to City Council Meetings after he had been defeated because it was more than just winning an office and having a nameplate in front of you.

He was happy to support Mr. Herchick. He thought anyone of the nine candidates could have done the job, but he thought they needed somebody who was willing and able to step-up and serve when term limits strike this body. Mr. Herchick will have the experience and he has expressed the interest in running when this seat comes up for election.

Mr. Pribonic stated that Council had never had to deal with this and he knew by Charter the way they were doing it was correct. However, he asked what the proper way was to vote on this? He asked if they throw out a slate of names or what do they do? He asked what the proper way was?

Mrs. Zibritosky stated there was no specific proper way annunciated in the Charter or ordinances per se. This was the first time she had gotten that question so she said that with the caveat of this being open session, legal advice, etc.

She knew a lot of other bodies had typically narrowed down or at least talked about why they had nominated them. The thing that they wanted to be wary of was just one name without talking or discussing because of the Sunshine Law.

There was no set procedure. There was just more of a don't do procedure. So far it didn't look like that was necessarily what was happening. However, they didn't just want to throw out a name and be silent as to why because then that could be a Sunshine Law violation of how they came up with the name.

Mr. Pribonic stated that was no reflection on Mr. Herchick. He would fully support him. He just wanted to make sure that what they did was legally correct and done correctly where there was no question remaining from anybody.

He had dealt with Mr. Herchick many times over the years in many different scenarios. He had always proved himself to be a gentleman, that he follows the rules and has been an upstanding person.

They had had a conversation again when he ran last time but didn't win. However, he still carried forward like Mr. Razor had said. He was the person that he really believed that he was. He appreciated him not running a bad campaign against Mr. Costello. He thought that said volumes. He had no problem selecting him this evening as a replacement for Mr. Costello.

Mr. Riehl stated he just wanted to talk about the process. One thing that he had wanted to avoid was what had happened in 2005-2006 where they had a death of a member of Council, five days went by, no notice went out and they just picked somebody.

They had put it out there. They asked for resumes and cover letters.

Then what had happened was they nominated a person and that person ended up withdrawing. The person was appointed, she checked with her work and then she resigned a week later.

They wanted to make this open. They publicized it in the Stow Sentry for he thought two weeks. They asked for a cover letter and resume. They interviewed everybody. They didn't narrow it down. Everybody had the opportunity to be interviewed if they submitted both the cover letter and resume.

He had just wanted to talk about the process a little bit, where they wanted to have this open, have everyone apply and have everyone interviewed.

Mr. D'Antonio thought the process was a good one. He thought one of eight people could have been nominated tonight. They would probably be saying the same things about them.

They had had a lot of good applicants. In his mind there had been a couple of questions that were going to sway it one way or another. The process was fine. He thought it sounded like they legally did everything right. There was no one here taking polls or anything like that.

He could have voted for many people who were nominated out of that group. He thought they had some great candidates. Somebody else could still be nominated.

Mr. Lowdermilk reiterated that they had a lot of good applicants – a lot of people that he hoped would get and stay involved in the future. Based on some questions he had had, although they had a lot of good candidates, he thought it came down to three that stood out to him.

He thought it was a good fit for Ward II. He thought they owed that ward something similar to Mr. Costello. Mr. Herchick certainly ran a good campaign and did very well for his first time out. He has been attending meetings.

As he had said, they had some great applicants. He thought they had three very good ones. It just came down to a couple questions and answers that he thought made him a better fit.

Mr. Riehl advised the candidates to stay at it, because they might have several vacancies coming up if people win elections or whatever. He had the feeling that this might be the first of many. Mr. Lowdermilk stated it may not be the last.

Mr. Pribonic suggested besides even staying at it, he had been impressed that there were nine people interested, if there is a campaign and people want to do it next November, please do it not just because of possible spots coming-up in the future, but there is talent out there that he was totally blown away with. There are people out there who are very intelligent and would make a tremendous fit. He thought the public might want to remember those names because they were good names.

Mr. Riehl stated they should stay at it. He had lost three times before he won. Mr. Lowdermilk and Mr. Adaska had lost. He thought persistence was key.

MOTION:

Mr. Riehl moved and Mr. D'Antonio seconded to amend their motion to make it effective at 12:01 a.m. on May 25th.

Mr. Riehl stated they weren't going to expect Mr. Herchick to come up this evening and start voting on things.

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

No Votes: None. The motion to amend carried.

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

No Votes: None. The motion to appoint carried.

Mr. Riehl congratulated Mr. Herchick on his appointment as Ward II Councilman.

Mr. Razor administered the Oath of Office to Mr. Herchick.

Mr. Riehl invited all residents who had issues or concerns in Ward II as of 12:01 a.m. tomorrow to reach out to Mr. Herchick. He stated they all remembered their first call.

Mr. Herchick thanked Council for making this appointment. He had received kind words from every one of them.

The process started over a year ago. He asked who would have thought that this situation would happen?

When November happened, it didn't go in his favor. However, like Council said, persistence is key.

He had thought maybe in two years he would run again, but here they were in this situation. The opportunity was there. He thanked Council for their kind words.

He was here to support and serve not only Ward II, but all residents of the City of Stow. His name, phone number and email would be available.

He was sure he would have a lot of questions going forward. He would utilize the resources not only in front of him, but also in the departments of the City of Stow.

Mr. Riehl stated one of the things he did when he finally got elected was he actually met with every department head. After running numerous times he thought he knew everything. Then he realized that he had a long way to go.

Mr. Rasor would teach him Robert's Rules of Order. He would be expected to know them all. He congratulated him and welcomed him aboard.

Disposition of Ordinances & Resolutions

Mr. Pribonic moved and Mr. Riehl seconded to remove Resolution No. 2018-8 from the table.

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

No Votes: None. The motion carried.

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

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

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

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption Resolution No. 2018-8.

Mr. Riehl stated this legislation had not been amended to reflect the new district.

Mr. Riehl moved and Mr. D'Antonio seconded to amend Resolution No. 2018-8 to reflect the revised district in Exhibit A.

Mr. Riehl stated that from the very beginning they had said this was going to be an open process where people could come-in in favor or against, with ideas or suggestions, or say whatever they thought about the CED. Once again this relates to the 15 liquor permits and the district.

Immediately they had some issues from residents in Ward I who came, spoke and had issues. They didn't want bars down S.R. 91.

The original district went all the way down S.R. 91. They had some Ward I residents who called and he believed met with the Mayor at the time so the City Administration and City Council agreed to change that district.

Now it is within the confines of the City Center and, he believed, northward and across the street. This was discussed. It was in the paper. So what they were doing now was revising the district to what they had talked about two months ago.

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

No Votes: None. The motion to amend carried.

Mr. Lowdermilk wanted to reiterate what he had said several weeks, maybe even a month, ago when this came out. He thought this was the cart before the horse.

Residents are obviously concerned about it. Residents from Ward IV also came-in and spoke against it for similar reasons as the Ward I residents. They didn't shrink it for Ward IV residents.

He thought if there was a development and somebody who was developing the property wanted to put a restaurant in and wanted to get a liquor license, he could go thru the same process that everybody else had done in the City for the last 50-60 years to get one. That was his thought on it.

Mr. Pribonic stated that he wanted to go along the same route. However, he wanted to make one thing clear no matter which way it goes.

There is a stipulation that there are no bars. He wanted that to be very clear. They started out that way. It is for restaurants with bars in them.

People might say that has no difference. However it does in the sense that the majority of sales has to be thru the restaurant and not the bar itself. People couldn't just open up bars like they had in college towns or places like that.

Mr. Lowdermilk was correct. Developers can go out and do the same thing. He knew the premise stated was that it would be easier to go ahead and do this to sell maybe to a developer.

He still stood by the sense of the one part though that if they were going to expect at some point in time a restaurant to come forward, it is probably going to have to serve alcohol of some type there. It is almost unimaginable and really unattainable for a higher quality restaurant or any restaurant to survive without some type of liquor license.

Mr. Rasor thought that all of them up here, at least the four of them who voted to move this project forward, agree that there's not going to be a bar district of any sort.

He saw a challenge with this legislation as the discussions had gone forward in that this would have to go before the voters and the timing in which it goes before the voters is going to be before they have a really set concrete plan or at least a plan that people can sink their teeth into, so he thought people would still continue to have a vision of a line of bars which nobody wants. However, until they had something to the contrary, that's going to be the vision.

He thought the worst case scenario was they pass this and it fails in November. He was completely fine if they continued to table this or if they took it off the table altogether and bring it back-up once they have linked up with a developer.

Mr. Pribonic stated he would prefer to take it off the table as soon as possible because, again, he didn't want to send mixed signals out there. He thought that was what they were doing.

They have been transparent thus far. He believed that they still and always would owe that. He believed Mr. Rasor was correct. He didn't want to see something sabotaged for the simple reason that they didn't have a plan in-place.

Mr. Riehl stated that he tended to agree. He disagreed with Mr. Lowdermilk. He thought it was worth going forward to see what's out there. However, he also agreed

with Mr. Lowdermilk regarding the liquor permits in this Community Entertainment District.

Essentially how the process would work is that the whole city would vote on matters that affect this small area. There were many issues incumbent upon that. It wasn't in their backyards. It affects a small area. People were more than likely to vote yes because it didn't really affect them.

They also didn't even know what it is going to look like. They didn't know if it is going to move forward. They could get proposals. They might disagree with them all and they might not move forward.

He had actually been planning on voting against this legislation tonight. However, he would offer a motion to withdraw it moving forward.

He actually thought this conversation had actually ruined the discussion on the downtown area. This originally started with a greenspace and restaurant area. Then, out of nowhere, a Community Entertainment District was mentioned and all people saw was 15 liquor permits and bars. It actually perverted the message and the theme of what they were looking to do. It all became about liquor permits and bars.

If this was to go forward, he would be a no vote. He would actually move to withdraw it once they were done with discussion.

Mr. Riehl moved and Mr. D'Antonio seconded to withdraw Resolution No. 2018-8.

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

No Votes: None. The motion to withdraw carried.

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

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 third time.

Mr. Riehl stated City Council had had a Public Hearing this evening regarding this ordinance.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-47.

Mr. Pribonic thought this was a fantastic thing. He even had plans in the future. They were looking at \$25 million and a lot of tax revenue and he didn't believe it was burdening anybody in the city, the schools or anybody. Everybody seems to benefit. He wished them the best of luck.

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

No Votes: None. The motion carried.

Ordinance No. 2018-47 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. Lowdermilk introduced Ordinance No. 2018-61, entitled:

AN ORDINANCE AMENDING PART ELEVEN, C.O.S., ENTITLED "PLANNING AND ZONING CODE", PARTICULARLY CHAPTER 1137 THEREOF, ENTITLED "PROCEDURES AND PENALTIES", SPECIFICALLY SECTION 1137.03 THEREOF, ENTITLED "SITE PLAN REVIEW", SPECIFICALLY ITEM (g) THEREOF, ENTITLED "CONFIRMATION BY COUNCIL", AND SECTION 1137.04 THEREOF, ENTITLED "CONDITIONAL USE PROCEDURES", SPECIFICALLY SECTION (d) THEREOF, ENTITLED "COUNCIL REVIEW; NOTICE", TO REQUIRE THE CITY ARBORIST'S APPROVAL OF LANDSCAPING PLANS PRIOR TO COUNCIL APPROVAL.

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

Mr. Riehl stated a Public Hearing has been scheduled for Thursday, June 28, 2018, at 5:30 p.m.

Mr. Riehl introduced Ordinance No. 2018-66, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH AKRON, CUYAHOGA FALLS, FAIRLAWN, GREEN, AND SUMMIT COUNTY FOR THE ACQUISITION, INSTALLATION AND OPERATION OF A CONSOLIDATED COMPUTER AIDED DISPATCH SYSTEM, AND DECLARING AN EMERGENCY.

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

Mr. Pribonic introduced Resolution No. 2018-67, entitled:

A RESOLUTION GRANTING SITE PLAN AND VARIANCE APPROVAL TO PUNEET SINGH OF NOSTERRA, LLC, APPLICANT, TO PERMIT THE CONSTRUCTION OF AN INDUSTRIAL BUILDING ON A FOUR-ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF MCCAULEY AND ALLEN ROADS, IN THE CITY OF STOW.

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

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

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

No Votes: None

Abstentions: Rasor. The motion carried.

Mr. Pribonic moved and Mr. D'Antonio seconded for the adoption of Resolution No. 2018-67.

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

No Votes: None

Abstentions: Rasor. The motion carried.

Resolution No. 2018-67 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

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: Pribonic, Rasor, Riehl, Adaska,
D'Antonio & Lowdermilk

No Votes: None. The motion carried.

Committee Meetings Scheduled

Planning Committee
Thursday, June 14, 2018
at 6:00 p.m.

Finance Committee
Thursday, June 14, 2018
to Follow the Planning Committee

C.O.W.
Thursday, June 14, 2018
to Follow the Finance Committee

City Council
Thursday, June 14, 2018
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 8:18 p.m.

Bonnie J. Emahiser
Clerk of Council

Matt Riehl
President of Council