

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

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

Council Members Absent: Lowdermilk

City Officials Present: Mayor Costello, Law Director Zibritosky, Chief of Staff/Service Director Wren, Director of Budget & Management Earle, Police Chief Film, Fire Chief Stone & Clerk of Council Emahiser

Press Representatives: Stow Sentry

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### **Call to Order**

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

### **Approval of Minutes**

#### **MOTION:**

Mr. D'Antonio moved and Mr. Rasor seconded to approve the Minutes of the Public Hearing of June 14, 2018 as circulated.

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

No Votes: None. The motion carried.

#### **MOTION:**

Mr. Pribonic moved and Mr. Rasor seconded to approve the Minutes of the Regular Council Meetings of June 14, 2018 and June 28, 2018 as circulated.

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

No Votes: None. The motion carried.

### **Committee Reports**

Mr. D'Antonio reported on the Finance Committee Meeting of July 12, 2018 as follows:

1. Three items were in legislative form.

Mr. Adaska reported on the Public Improvements Committee Meeting of July 12, 2018 as follows:

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

Mr. Rasor reported on the Roads & Safety Committee Meeting of July 12, 2018 as follows:

1. One item would be introduced in legislative form.

Mr. Riehl reported on the Committee-of-the-Whole Meeting of July 12, 2018 as follows:

1. Discussed three items. One was in Executive Session.

### **Comments from Other Persons Present**

Gary Paskey  
4175 Meribend Drive  
Stow, OH 44224

Mr. Paskey stated earlier in committee Mr. Adaska raised a good question. That was do we need a replacement for SKiP Park? He thought that was a fair question to ask considering the cost involved.

When people drive thru Stow as they are looking for a place to live, the location of SKiP Park is a big advertisement for coming to this community. He felt that was something to keep in mind. It was one of the reasons that he had chosen to move here. It was a very nice park. It was very visible. He asked Council to please consider that.

Earlier in the committee meetings there was a question brought-up concerning term limits. He thought Mayor Costello had made some very good points. He asked the Council Members to research what other communities in Ohio do when this issue comes up. He hadn't heard that mentioned. He was sure that our community was not the first to have this situation come-up.

He thanked Council for their time.

Mrs. Zibritosky stated that she actually did research what a lot of communities have. Most of them do not word their term limits when they have them in the way that ours is currently worded. They word them in the way that it's being proposed, which is that the limits take effect when you are elected to a term. So even if you resign early, you can't run again in that next consecutive time.

That is the way most communities tend to do it. She hadn't really seen any, at least not in the nearby counties, that word it in consecutive years of service, which is the way that ours is worded. They are very different in that. It's not currently written in a legal sense, but it would be if they changed it to what other communities have.

### **City Officials' Reports**

Director of Budget & Management Earle reported as follows:

1. Most of the time annually they report mid-year on their income tax collections. As of July 1<sup>st</sup> it's normally a pretty good indicator and they can pretty much depend on where it's going for the remainder of the year at that point, although not always.

They budgeted a flat income tax collection for the year. The budget was approved by Council. Collections as of the end of June were up 1%, so that was better than flat but not running away with growth yet. So it looks like, according to trend now, they will be able to make their budget or maybe a little bit better on the income taxes.

Hopefully with things that have happened in the community, 2019 might be a fairly good year for income taxes. They would see how that worked out.

Service Director Wren reported as follows:

1. Earlier today ODOT opened bids for the S.R. 8 Project. Currently Kenmore Construction is the apparent low bidder. ODOT has ten days to review that bid before it is made official.

He had provided City Council with a helpful sheet that talked about the construction and time-line about when there will be traffic disruptions in Stow. He had left copies on the back table. There were also copies at the Reception Desk. Hopefully by tomorrow they would have that information on the City's Web Site.

Mr. Razor asked if it was concrete or asphalt? Mr. Wren stated they didn't know the results of the bid yet. They hadn't seen it, just ODOT. They have ten days to review it. He was assuming it would be concrete, but they hadn't seen it yet.

### **New Business**

Mr. D'Antonio stated that they did not move out of Committee, but he would like to bring to the Council floor, the proposed Charter Amendment regarding term limits. The biggest reason for that is if they didn't bring it to the floor this evening, they wouldn't have time for three readings regardless.

Mr. Riehl stated Mr. D'Antonio was well within his rights as a member of City Council to bring a piece of legislation to the floor. They would handle that during the Disposition of Ordinances and Resolutions.

### **MOTION:**

Mr. Razor moved and Mr. D'Antonio seconded to excuse the absence of Councilman Lowdermilk.

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

No Votes: None. The motion carried.

### **MOTION:**

Mr. Riehl moved and Mr. Pribonic seconded to confirm the Mayor's appointment of Bernie Moxley to the Commission on Inclusion for a term ending 1/2/20.

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

No Votes: None. The motion carried.

### **Disposition of Ordinances & Resolutions**

Mr. Razor introduced Ordinance No. 2018-74, entitled:

AN ORDINANCE REPEALING CHAPTER 167, C.O.S., ENTITLED  
"PUBLIC SAFETY SERVICES COMMISSION", OF PART ONE,  
ENTITLED "ADMINISTRATIVE CODE", IN ITS ENTIRETY.

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

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

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

No Votes: None. The motion carried.

Mr. Razor moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-74.

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

No Votes: None. The motion carried.

Ordinance No. 2018-74 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect in thirty (30) days.

Mr. D'Antonio introduced Ordinance No. 2018-79, entitled:

AN ORDINANCE AUTHORIZING AN EXPENDITURE FOR THE PURCHASE OF SECURITY CAMERAS FOR CITY HALL, DISPATCH AND THE MAJORITY FOR WATER FACILITIES THROUGHOUT THE CITY FROM STATE OF OHIO VENDOR I2C TECHNOLOGIES LTD. AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-79.

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

No Votes: None. The motion carried.

Ordinance No. 2018-79 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. D'Antonio introduced Ordinance No. 2018-80, entitled:

AN ORDINANCE PROVIDING FOR A SEPARATE AMENDMENT TO THE CHARTER OF THE CITY OF STOW, OHIO, UNDER AUTHORITY OF SECTION 19.01 CHARTER, AS ORIGINALLY ADOPTED BY THE ELECTORATE ON NOVEMBER 4, 1958, AS AMENDED, TO BE SUBMITTED TO THE ELECTORATE AT THE NEXT GENERAL ELECTION ON NOVEMBER 6, 2018, WHICH SHALL AMEND SECTION 21.08, "TERM LIMITS FOR ELECTED OFFICIALS", TO PROVIDE CLARIFICATION OF TERM LIMITS FOR PEOPLE TO FILL UNEXPIRED TERMS, DIRECTING THE CLERK OF COUNCIL TO FORWARD THIS ORDINANCE TO THE SUMMIT COUNTY BOARD OF ELECTIONS, AND DECLARING AN EMERGENCY.

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

Mr. D'Antonio introduced Ordinance No. 2018-81, entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO MAKE AND ENTER INTO A CONTRACT WITH CORE & MAIN LP, WITHOUT THE NECESSITY OF PUBLIC BIDS, FOR THE PURCHASE OF 1300 MXU UNITS, MODEL 510 METER READING DEVICES NEEDED TO

REPLACE THE CURRENT MXU DEVICES THROUGHOUT THE CITY  
AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-18.

Mr. Adaska knew the City had put a lot of research into this when they were initially installed and for the replacements. He asked Mr. Wren if he had confidence in this company that the new replacements would give them service throughout the community?

Mr. Wren stated yes. They had been putting in replacements for ten years. It was just the original unit that they purchased that was failing. By failing he meant it was supposed to read four times a day and it might only read once a week. Ever since the last ten years, since they had been putting-in those MXU models, they hadn't had any failures.

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

No Votes: None. The motion carried.

Ordinance No. 2018-18 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. D'Antonio introduced Ordinance No. 2018-82, entitled:

AN ORDINANCE APPROPRIATING FUNDS FOR THE CONTINUATION  
OF THE SNOWPLOW ASSISTANCE PROGRAM, IN THE CITY OF  
STOW, AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-82.

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

No Votes: None. The motion carried.

Ordinance No. 2018-82 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Riehl introduced Ordinance No. 2018-83, entitled:

AN ORDINANCE PROVIDING FOR THE CITY OF STOW TO MATCH THE FUNDS RAISED BY PRIVATE DONORS UP TO SEVENTY-FIVE THOUSAND DOLLARS FOR THE PURPOSE OF REBUILDING OR REPLACING SKIP PARK AND TO DIRECT THE FINANCE DIRECTOR TO ACCEPT AND SET ASIDE FUNDS FOR SUCH PURPOSE FROM THE CAPITAL IMPROVEMENTS BUDGET AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Riehl moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-83.

Mr. Adaska stated that Stow has a strong tradition of using their commissions to do research, give them an idea of what the commission wants to do and make a recommendation to City Council.

He was in full support of rebuilding the playground in the community. His question that he cannot answer right now because he didn't have enough information on is whether the City in today's dollars needs to spend Mr. Rasor's suggested \$400,000 for a playground. He thought that was way beyond what the City could afford to do right now.

If you look at the roads, they are in horrible shape. They have other buildings throughout the city that the City maintains that need maintained. They have to take a look at that. He had mentioned the Safety Building. The roof was just one thing that needs to be done this year.

He would prefer that this item be held and sent to the Parks & Recreation Board to look at the location of the new playground and whether there is a need for a new playground.

Mr. Adaska moved to send this matter to the Parks & Recreation Board to let them research this and decide whether they need to build a new playground in the city.

The motion died due to the lack of a second.

Mr. D'Antonio stated that he didn't disagree with Mr. Adaska. He didn't like the language that said matching funds for a new SKiP because he would match it for any playground in case they didn't build SKiP.

He assumed nobody was collecting private donations until they knew if there was going to be a playground, what the name was going to be, etc. He didn't want to be matching donations for repairing the Red Park when they told people that they were building a new SKiP.

That was his only concern. He didn't disagree with the policy. He didn't disagree with matching any private money. He did agree that they may need a park. They may need a smaller park. He would like it downtown, but maybe that would have a different look.

That was his only fear. He would like clarification on that. He supposed if they never took donations they wouldn't have to match anything because it isn't a new SKiP, it's a new Red Park.

Mr. Riehl stated this was brought-up last week for the first time. It was much like the downtown issue where they would flush it out in public meetings. They were in the investigation stage.

As he asked at the last meeting, do we need a new playground? They had had an overwhelming response that they do. With that being said, what does it look like? What does it cost? Typically if they were going to approach private donors, nobody was going to write them a check or a big check if they couldn't see something. He agreed on that.

Secondly there was a mischaracterization. Nobody was saying that the City was going to go out and spend \$400,000 of taxpayer dollars on a playground.

A great example of that was the football field. There was an ambitious goal several years ago by the group Best in Stow. He thought the goal was \$500,000-\$700,000-\$1,000,000 for a football field.

That's a very small demographic. Looking at the small demographic that uses the football field, they were able to go out and raise \$1,000,000 in private money. He didn't doubt that they would be able to do that here.

Just to clarify, they are not looking to spend \$400,000 of road money, taxpayer dollars or anything on a playground. He just wanted to clarify that.

In regards to the Parks & Recreation Board, he appreciated where Mr. Adaska was going on that. However, they were elected officials. They were elected to represent the community and serve in their best interests.

He didn't disagree on the Parks & Recreation Board. However, he thought in a situation where they were looking at funds and everything else, it belonged to them. City Council has the power of the purse and the policy. That was why he didn't second that motion.

Mr. Pribonic agreed with Mr. Riehl and Mr. Adaska. The Parks & Recreation Board has a tremendous input into this. If they circumvent those types of things, they weren't doing their job.

However, he thought they would be sending a clear message to the Parks & Recreation Board saying they were behind this, do we need this, do we want this and what do you think this should look like and go from that point?

Those people are very educated and have volunteered their time in order to do this. So he never would want to circumvent them. However, he thought it was important to show that they feel this is an important endeavor.

Mr. Razor stated the source of the money was still up-in-the-air. Right now the legislation says Capital Fund.

They have a couple of other options besides the Cell Tower Funds. They could use some of their Contingency Money as City Council. They could use money that was earmarked for other purposes earlier in the year that was amended out of the Budget. There were a couple of items - part of the Clerk's Budget and the entire CIC Budget.

So maybe they should chew on this for a little bit. He was going to do it. He just wanted to make sure that they used the right money.

He agreed completely with what Mr. Riehl had said. It wasn't \$400,000 of taxpayer dollars. He was a no if they did that. It wasn't rebuild SKiP at all costs. It was rally the community together and see what we can do.

The volunteer effort that they were going to put together was going to be significant and that was not factored into what a consultant would tell them the cost of a playground was. The donation of materials was not factored into that kind of quote. They

just needed to keep moving forward. He was in favor of doing that. It was just a question of where they get these matching funds from.

Mr. Riehl stated he was in agreement as well. It wasn't taxpayer dollars. They were still in the investigation phase. They may continue to go down this road and people say no. They weren't making this contribution, they were setting it aside. There might not be anything to match. So it wasn't like they were expending this money.

He agreed with other sources of funds. Quite frankly, he would like to see the whole CIC Budget go there. It was corporate welfare. He saw no other better use than taking corporate welfare money and putting it to use in the community. However, he would save that motion for another day.

Mr. Adaska stated he was absolutely against spending cell tower money on a replacement SKiP Playground or whatever they call the new playground.

He had actually offered that legislation back in the early 90s where they identified cell tower money to go to the parks for their maintenance. That's really right now their only source of money going into maintenance.

They could apply other money, however, that's traditionally where the Parks & Recreation Board draws their money from. To take it away and apply it to one specific project was not something that he wanted to vote on.

Mr. Riehl wanted to clarify something that he had just said. He had attributed that money to the CIC. It wasn't the CIC's money. They stripped it out of the budget. So the correct term was hotel bed tax money, which Council may use at its discretion.

Mr. Rasor stated to address Mr. D'Antonio's point, he thought they should clarify that they weren't accepting money at this point. Maybe they should put in the ordinance that beginning in 2019.

Mrs. Zibritosky stated she could clarify that. If they would give her until the next meeting she was sure they could get some language that really addressed some of those issues.

Mr. Rasor asked if Mr. Pribonic was okay with that? Mr. Pribonic stated that he was. However, he suggested giving the legislation a first reading this evening.

Mr. Riehl withdrew his motion; Mr. Pribonic withdrew his second.

Ordinance No. 2018-83 was declared to be read for the first time.

Mr. Riehl introduced Ordinance No. 2018-84, entitled:

AN ORDINANCE CONFIRMING THE MAYOR'S APPOINTMENT OF ANTHONY SISSON AS A PART-TIME ENGINEERING ASSISTANT FOR 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. Pribonic seconded for the suspension of rules.

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

No Votes: None. The motion carried.



Mr. Riehl moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-84.

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

No Votes: None. The motion carried.

Ordinance No. 2018-84 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

### **Disposition of Bills**

#### **MOTION:**

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

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

No Votes: None. The motion carried.

### **Committee Meetings Scheduled**

Planning Committee  
Thursday, July 26, 2018  
at 6:00 p.m.

Finance Committee  
Thursday, July 26, 2018  
to Follow the Planning Committee

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

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

### **Adjournment**

#### **MOTION:**

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

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

No Votes: None. The motion carried.

The meeting adjourned at 7:28 p.m.

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Bonnie J. Emahiser  
Clerk of Council

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Matt Riehl  
President of Council