

Minutes of the Regular Meeting of Stow City Council held on Thursday, August 9, 2018, at 7:31 p.m.

Council Members Present: Herchick, Lowdermilk, Pribonic, Rasor, D'Antonio & Riehl (arrived at 8:20 p.m.)

Council Members Absent: Adaska

City Officials Present: Mayor Costello, Director of Budget & Management Earle, Chief of Staff/Service Director Wren, Director of Planning & Development Kurtz, Economic Development Coordinator Trenner, Law Director Zibritosky, Police Chief Film, Parks & Recreation Director Nahrstedt, Manager of Information Systems Germano, Captain Amonett & Clerk of Council Emahiser

Press Representatives: Stow Sentry

Call to Order

Mr. Lowdermilk called the meeting to order and Mrs. Zibritosky led the prayer and pledge of allegiance.

Disposition of Ordinances & Resolutions

Mr. Lowdermilk introduced Resolution No. 2018-101, entitled:

A RESOLUTION EXTENDING THE OFFICIAL GRATITUDE AND COMMENDATION OF THE CITIZENS OF THE CITY OF STOW TO STEVE IVANOV AND HIS FAMILY, OWNERS OF STEVE'S PROFESSIONAL DRY CLEANERS, FOR FIFTY (50) YEARS OF EXEMPLARY SERVICE TO THE CITIZENS OF STOW AND DECLARING AN EMERGENCY.

which was read in its entirety by the Clerk for the first time.

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

Yes Votes: Herchick, Lowdermilk, Pribonic, Rasor & D'Antonio

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Herchick seconded for the adoption of Resolution No. 2018-101.

Mr. Lowdermilk stated that he understood Mr. Ivanov was officially retiring. He congratulated him on that. He thought this was an example of the American Dream. You grow up, serve your country, come back to the community, open a business and serve the community as an outstanding member of the community.

Mr. D'Antonio thanked Mr. Ivanov. Everybody in the community knew him. When he became 21 and realized that nobody was going to iron his shirts, it was nice to find a place where it was \$.70 or whatever the ridiculous price was then. He had been going there for a lot of years. They appreciated his service and everything he had done for this community.

Mr. Rasor stated he had spent a lot of time as a child in Steve's parking lot as his mother picked-up his dad's suits. They had done great work for his family and our community. They were blessed to have them. They wished him the best in his retirement.

Mr. Pribonic asked if it felt like 50 years? He thought it would some days. Fifty years was just unheard of. He had stayed within our community. They really appreciated that. They hoped many other people would emulate what he had done for our community in his dedication to it.

Mayor Costello stated even though Mr. Ivanov was an Army Veteran, he had taken his Navy uniforms to him. After explaining how it had to be done one time, they were done correctly every single time.

Yes Votes: Herchick, Lowdermilk, Pribonic, Rasor & D'Antonio

No Votes: None. The motion carried.

Resolution No. 2018-101 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

A copy of the Commendation was presented to Mr. Ivanov.

Mr. Ivanov stated ever since he came back from Vietnam he opened the cleaners at the Stow-Kent Shopping Center. It was sort of a gift from his father-in-law. He didn't know anything about it. He worked over 100 hours a week. For six years he worked Monday thru Thursday straight without a break. Success is really in working hard. He came from a socialist country. He knew the rest of the story. However, they wouldn't get into politics. He thanked City Council for the Commendation.

Mrs. Ivanov thanked City Council for the Commendation. It was a great honor to be here. If it was up to Steve, they would probably still be over there working away every day babysitting her grandchildren inside the store as she had raised her own children there.

This community is wonderful. She told everybody that wherever she went. Stow is one of the best cities that you will ever live in. They had made such good friends. She had all of the equipment out of the store and they were still coming in to thank them. She thanked the City of Stow for everything that it had done for them. It had been great.

Approval of Minutes

MOTION:

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

Yes Votes: Herchick, Lowdermilk, Pribonic, Rasor & D'Antonio

No Votes: None. The motion carried.

Reading of Communications

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

1. Read a letter from Kari Suhadolnik concerning the proposed Charter Amendment, a copy of which is attached to these minutes.

City Officials' Reports

Mr. D'Antonio reported on the Finance Committee Meeting of August 9, 2018 as follows:

1. Seven items would be introduced in legislative form.

Mr. Lowdermilk reported on the Planning Committee Meeting of August 9, 2018 as follows:

1. One item would be introduced in legislative form.

Mr. Razor reported on the Roads & Safety Committee Meeting of August 9, 2018 as follows:

1. One item would be introduced in legislative form.

Mr. Lowdermilk reported on the Committee-of-the-Whole Meeting of August 9, 2018 as follows:

1. Discussed proposed term limits.
2. Went into Executive Session to discuss pending/imminent litigation.

Comments from Other Persons Present

Jeremy McIntire
3630 Darrow Road
Stow, OH 44224

Mr. McIntire stated he had a question regarding the intersection out here. Obviously, he was excited that it was wrapping-up. However, at the same time he had concerns.

Early on this year there were articles in the papers that indicated that this intersection was one of the top ten dangerous in the county. He thought it was the most dangerous in the city. Mr. Wren stated that it was.

Mr. McIntire asked with all this work ongoing is the city safe the way they put barrels or grabber-cones out there to delineated traffic? He came to a public meeting when the project first started and looked at the plans. He was almost positive there were pay items to paint that road every time they put something down. He asked if there wasn't? Mr. Wren stated he wasn't involved. Those were Mr. McCleary's meetings.

Mr. McIntire stated regardless for being the most dangerous intersection in the city, for the City to accept what's going on out there right now putting all of the barrels out of the way with no signs to delineate how traffic is supposed to go...that's what paint is for. He did this day-in-and-day-out. He knew that was not up to the Ohio Uniform Manual of Traffic Control Devices. There is not a scenario in that manual that says that is what you should be doing out there.

He thought the City needed to take ownership. Someone needs to be reprimanded for that because it is a dangerous intersection and that's what they have had all week – milled surface to the intermediate to now they were going to have it again. He didn't know if they were going to paint it tonight or what. Mr. Wren stated probably not tonight, probably tomorrow.

Mr. McIntire stated so they were going to go all this time without stripping. He asked if there was any reason why the contractor didn't schedule to have it stripped? They were paying them the money weren't they? Mr. Wren stated once again those were Mr. McCleary's meetings.

Gary Aleman
4478 Knob Hill
Stow, OH 44224

Mr. Aleman stated that he represented the Stow-Munroe Falls Community Foundation. They appreciated the opportunity for them to make comments. He read a statement concerning the SKiP Playground, a copy of which is attached to these minutes.

City Officials' Reports

Mayor Costello reported as follows:

1. First of all, he wanted to address Mr. McIntire's comments.

Mr. McIntire stated that they were trying to do something to circumvent what was there. As he had mentioned when he brought this legislation forward, not addressing these ambiguities actually would help him because it gives credence to his break in service and would allow him to run in 2019 for an additional eight years as a Councilman. So his pushing to change that is actually against what he was saying.

2. As he had mentioned last month, he has been working with Mr. Trenner on some economic development projects. He was happy to say that he has succeeded. Before Council this evening are two new Income Tax Sharing Agreements for two new businesses coming to Stow. He respectfully asked for Council's confirmation of those agreements.
3. On Monday, at 8:00 a.m., he would be swearing-in the City's newest police officer in the Community Room. That would bring them to a total of 41 officers. Everyone was welcome to join him.
4. The Police Chief will talk to you later concerning some information that we have on the CERT.
5. This is the last scheduled meeting until September 13th. He would bequeath the rest of his time to Ms. Nahrstedt to talk about Sunset Blast, which is September 1st and 2nd.

Parks & Recreation Nahrstedt reported as follows:

1. Sunset Blast is coming-up. This is their 13th year. It is on Saturday and Sunday of Labor Day Weekend. She invited the community to come-out and enjoy food, adult beverages, kid's activities, inflatables, a petting zoo, bubble soccer, a make-it take-it light sabre making for the kids, a kid's show on Sunday and fireworks. If people need more information, they should visit FuninStow.com for details.

Director of Budget & Management Earle reported as follows:

1. They will need Council to approve a motion to allow the President of Council to sign the release of the bills during Council's recess so they can pay them.

Law Director Zibritosky reported as follows:

1. There is one piece of legislation that was approved by the Roads & Safety Committee that her department had sponsored regarding dangerous dogs. She asked for everybody's favorable consideration of that. She thought it was a pretty common sense measure that came to light due to an unfortunate circumstance. She thought it would be great for all victims in the future.

2. To piggy-back on Mayor Costello's remarks regarding the Charter Amendment legislation before Council, she asked Council to read her legal opinion, which is public because it is regarding the interpretation of a Charter. Regardless of what Council does tonight, you are either going to have to be an informed voter about it or it may come-up down-the-road. There are no secrets being proposed.

Part of the reason why Mayor Costello brought this up is when these issues came about, he had no dog in this fight, he is not in the race to be the Interim Mayor, that deadline has passed and Mayor Costello has not applied. She was not either. As explained in the legal opinion, the weird wording only applies to one subset of elected people.

So it doesn't apply to her or him. They were simply alerting voters, which was their job, to ambiguities in the Charter and asking that Council, which is their job, consider putting it before them.

It is the same thing that Councilmen have done here before. She remembered Councilman Rasor astutely pointing out an affect with primaries that adversely affected military voters and Council said yes, that isn't right, that isn't fair and they put a Charter Amendment on the ballot that was passed that addressed that.

She wanted to thank Councilman Rasor for taking a good interest in this. He was very sincere and worked very hard with her to make sure that this issue was fair and was the best issue that they could put before the voters. She thanked him for his hard work on this issue with her.

Mr. D'Antonio stated he had just received an email concerning Fox Den. Mr. Wren stated they had permission several years ago to dig a new well. They had obviously done everything they could to limp along with their existing well, but now the time has come when they can't do that anymore.

They had already engaged with a drilling company and will commence with that work late in the fall as to not have more disruption out there than there already is.

That was basically what it comes down too. They just can't get the water pressure out to the course that they need to at this point. A larger and deeper well was the only way that they were going to be able to accomplish that. That would be coming in the fall.

He believed about 4-5 years ago Council gave them permission to do that. Obviously, they didn't want to spend any money that they didn't have to. Perhaps they had waited a little bit too long, but at this point their play was still tremendous out there.

In the month of July they did a little over \$221,000, which was by far the highest month they had ever had. Yes it was extremely busy out there. The pace of play was a little bit slower with all that. However, at times that was a good problem to have.

They were working to remedy the agronomy situation out there by getting some more water to the course. That should be coming soon.

Mr. Lowdermilk asked for the cost of a well? Mr. Wren stated that they didn't know that 100% yet until they actually go to bid. Their initial guestimate is around \$85,000.

Mr. Lowdermilk asked if there was money in the golf course fund for that? Mr. Earle stated that there was.

Police Chief Film reported as follows:

1. They had placed on their Facebook page that they were accepting applications for the County's CERT Team.

The CERT Team is the Community Emergency Response Team. It is a program that was developed by the Summit County Emergency Management Agency and the American Red Cross of the Summit County Chapter to better prepare individuals and families of Summit County in the event of manmade or natural disasters.

The free course includes disaster preparation. The curriculum includes identification of potential hazards in the home and workplace, developing plans to prepare families and businesses for disasters, learning skills to help until professional responders have arrived, developing fire safety skills and identifying hazardous materials.

Classes are being held on September 8th and 15th. They are eight-hours each day, so it is a total of sixteen hours. It is being given in the Twinsburg Police Department's Training Room.

People interested need to apply at the Summit County Citizen's Building, which is on Graham Road at S.R. 8 or they can contact Marlene Martin at (330)926-5774. There are only twenty participants, so anybody interested needs to do that soon.

New Business

MOTION:

Mr. Razor moved and Mr. D'Antonio seconded to excuse the absences of Councilmen Riehl and Adaska.

Yes Votes: Herchick, Lowdermilk, Pribonic, Razor & D'Antonio

No Votes: None. The motion carried.

Dispositions of Ordinances and Resolutions

Mr. Lowdermilk 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 third time.

Mr. Herchick asked which version they were talking about? Mrs. Emahiser stated the legislation before Council was the one that was numbered Ordinance No. 2018-80.

Mr. Razor stated as he had mentioned at the Committee-of-the-Whole Meeting, with help from the Law Department he wanted to make it clear to voters walking in on election day on November 6th what they were doing.

The initial language in front of Council, which is Ordinance No. 2018-80, basically just says should this amendment be adopted and it proposes the new language. The amendment to Version No. 7 will actually show strikethroughs and bold language so a

voter will see what they are changing exactly and hopefully will be able to glean the intent.

Mr. Razor moved and Mr. D'Antonio seconded to amend Ordinance No. 2018-80 to Version No. 7.

Mr. Lowdermilk stated he would have liked to have looked at it a little closer. He wasn't sure at this late hour that it was a good idea at this time. In any case, there was a motion on the floor.

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

No Votes: Lowdermilk. The motion to amend carried.

Mr. D'Antonio moved and Mr. Razor seconded for the adoption of Ordinance No. 2018-80 as amended.

Mr. Razor stated again, as he had mentioned in the Committee-of-the-Whole Meeting, he thought this was a fair question to ask the voters. One, should an unexpired term count against somebody for purposes of term limits, thereby shortening somebody's term limit to five years instead of eight?

Without giving his opinion as to whether it should pass or not, he thought that was a fair question to ask the voters. And, to close the loophole of the early resignation he thought was an imperative thing that they needed to do without any delay.

Mr. D'Antonio echoed Mr. Razor's comments. He thought the most important part was allowing the voters to vote – giving them the opportunity to vote on this. That's what it's about regardless of personal opinions. He thought it was a good opportunity to take the voters' personal opinions not Council's.

Mr. Lowdermilk stated there was one other amendment he would like to make to the legislation. However, he was going to reserve that.

He thought that potentially they may need to address the consequences of leaving an elected office early being appointed. He disagreed with the Mayor on his position.

He is fulfilling as Interim Mayor, he comes from Council and he goes back to his Council seat, so in effect he didn't think he had actually left his Council seat. He was sure that could be debated. If he had given-up his seat, he wouldn't have the right to come back. They would be having an election for that.

He thought there should be consequences for leaving early. He thought in effect what you could do under this proposal, if he wasn't mistaken, was you could technically serve in the same office for more than eight years including an appointment. He asked if that was correct?

Mr. Razor asked Mr. Lowdermilk to ask his question again. Mr. Lowdermilk asked with this amendment if you could potentially, including an appointment to an elected office, serve more than eight years? He asked if that was correct? Mr. Razor stated that was correct.

Mrs. Zibritsky stated that appointments to unexpired terms are already not counted against you, so this language doesn't change that really. They included the phrase appointment to be clear so that nobody later on gets further confused or so forth. However, if you read the legal opinion that she had sent Council a couple of weeks ago, it explained that. So to be clear, it actually affects people who are elected to unexpired terms, which could be one or two years at most probably.

Mr. Lowdermilk asked why in the Mayor's suggested changes that it actually addresses election or appointment of the unexpired term? Mrs. Zibritsky stated to be clear they

added that in to be transparent to the voters. Quite frankly, you could eliminate that sentence entirely and it would still have the same objective by changing the fact of wording it from elected to consecutive terms because it would be...She had explained all of that in her legal opinion.

Mr. Lowdermilk stated they had seen the opinion. It didn't matter, but yet it needed to be addressed. In any case, there was a motion before them.

Mr. D'Antonio stated they were just voting to either let the people vote for it or not. He didn't know why they were beating the hell out of this. The decision has been made, let's vote.

Mr. Razor stated he was just confirming that they had amended it to the proper version. He asked Mrs. Zibritosky if she happened to have Version No. 7 in front of her? Mrs. Zibritosky stated she didn't. She usually had it on her computer, but there were so many that it was confusing. (Mr. Pribonic gave her a copy.)

Mr. Razor stated that they struck out the words "serve more than eight consecutive years in the same elected office". Mrs. Zibritosky stated that was correct. Mr. Razor stated never mind, he had answered his own question. He just wanted to be completely sure before they voted.

Mr. Razor moved and Mr. Lowdermilk seconded to call the question.

Mr. Herchick stated that he didn't know how to respond. Mr. Razor stated he made a motion that basically asked if they should cut the chase and vote on this. So, if you want to have more debate, you would vote no.

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

No Votes: Herchick. The motion to call the question carried.

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

No Votes: Lowdermilk. The motion to adopt failed.

Ordinance No. 2018-80 was declared to be defeated.

Mr. Lowdermilk 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 third time.

Mrs. Emahiser stated Version No. 1 was before Council.

Mr. Lowdermilk asked if they wanted to wait for the other Council Members for input on this in light of the legislation forming a committee? He thought that was part of the total package.

Mr. Pribonic asked if there were two separate pieces of legislation? Mr. Lowdermilk stated there were. However, he didn't know without forming the committee if it makes...

Mr. Razor stated the same issue that arose four weeks ago still persists. That is who is the City matching dollars to? Where do they go? Until they decide that, and as Mr. Aleman requested to be fiscal agent on behalf of the Community Foundation, they didn't have that question answered.

They didn't know if the City would have its own account or if there would be a third party. Therefore, he thought it was a little premature to pass this, although he didn't think there was any real opposition in principle to it.

Mr. Razor moved and Mr. D'Antonio seconded to table Ordinance No. 2018-83.

Yes Votes: Herchick, Lowdermilk, Pribonic, Razor & D'Antonio

No Votes: None. The motion carried.

Ordinance No. 2018-83 was declared to be tabled.

Mr. Pribonic introduced Ordinance No. 2018-86, entitled:

AN ORDINANCE AMENDING CHAPTER 1163 C.O.S., ENTITLED "SUPPLEMENTAL STANDARDS", PARTICULARLY SCHEDULE 1163.03 THEREOF, ENTITLED "AREA, WIDTH AND YARD REGULATIONS FOR CONDITIONAL USES", SPECIFICALLY ITEMS 1-30 THEREOF, SECTION 1163.04 THEREOF, ENTITLED "SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES", SPECIFICALLY ITEM (A) THEREOF, ENTITLED "TWO-FAMILY DWELLINGS", AND CHAPTER 1191, C.O.S., ENTITLED "NONCONFORMITIES", SPECIFICALLY SECTION 1191.06 THEREOF, ENTITLED "CONTINUED USE OF NONCONFORMING LOT OR STRUCTURE", TO ALLOW TWO-FAMILY DWELLINGS ONLY AS PART OF A MULTI-FAMILY DEVELOPMENT ACCORDING TO THE REGULATIONS IN CHAPTER 1169.

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

Mr. Lowdermilk stated that a Public Hearing was scheduled on Ordinance No. 2018-86 for Thursday, September 13, 2018, at 5:30 p.m.

Mr. D'Antonio introduced Resolution No. 2018-87, entitled:

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CITY OF STOW TAX INCENTIVE REVIEW COUNCIL REGARDING COMMUNITY REINVESTMENT AREA AGREEMENTS WITHIN THE CITY OF STOW COMMUNITY REINVESTMENT AREA I AND DECLARING AN EMERGENCY.

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

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

Yes Votes: Herchick, Lowdermilk & D'Antonio

No Votes: None

Abstentions: Pribonic & Razor. The motion failed.

Resolution No. 2018-87 was declared to be read for the second time.

Mr. D'Antonio introduced Resolution No. 2018-88, entitled:

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE CITY OF STOW TAX INCENTIVE REVIEW COUNCIL REGARDING

COMMUNITY REINVESTMENT AREA AGREEMENTS WITHIN THE
CITY OF STOW COMMUNITY REINVESTMENT AREA II AND
DECLARING AN EMERGENCY.

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

Mr. D'Antonio introduced Resolution No. 2018-89, entitled:

A RESOLUTION AMENDING RESOLUTION 2017-126, WHICH
AUTHORIZED THE MAYOR TO ENTER INTO AN INCOME TAX
SHARING GRANT AGREEMENT WITH RMG INVESTMENT GROUP,
LLC, TO REFLECT A CHANGE IN THE START DATE FROM JANUARY
1, 2018 TO JANUARY 1, 2019.

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

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

Yes Votes: Herchick, Rasor & D'Antonio

No Votes: None

Abstentions: Lowdermilk & Pribonic. The motion failed.

Resolution No. 2018-89 was declared to be read for the second time.

Mr. Rasor moved and Mr. D'Antonio seconded to table Ordinance No. 2018-90.

Yes Votes: Herchick, Lowdermilk, Pribonic, Rasor & D'Antonio

No Votes: None. The motion carried.

Ordinance No. 2018-90 was declared to be tabled.

(Mr. Riehl arrived at 8:20 p.m.)

Mr. D'Antonio introduced Ordinance No. 2018-97, entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 2018-23 TO INCREASE
THE AUTHORIZATION TO EXPEND FUNDS FOR EMERGENCY
WATERLINE REPAIR SERVICES THROUGHOUT THE CITY WITH M
CAMPBELL CONTRACTING 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: Herchick, Lowdermilk, Pribonic, Rasor, D'Antonio & Riehl

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No.
2018-97.

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

No Votes: None. The motion carried.

Ordinance No. 2018-97 was declared to be adopted by Council and, upon its signature
by the Mayor, shall take effect immediately.

Mr. Pribonic introduced Ordinance No. 2018-98, 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 R-3 RESIDENTIAL TO C-3 COMMUNITY RETAIL APPROXIMATELY 1.4 ACRES OF PROPERTY LOCATED ADJACENT TO THE EXISTING CIRCLE K GAS STATION LOCATED AT 4936 FISHCREEK ROAD; AUTHORIZING AMENDMENT TO THE ZONING DISTRICTS MAP BY THE CITY ENGINEER.

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

Mr. D'Antonio introduced Ordinance No. 2018-99, entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INCOME TAX SHARING GRANT AGREEMENT WITH THE GREAT TRAILS COUNCIL, BOY SCOUTS OF AMERICA (GTC) TO PROVIDE ASSISTANCE WITH THE RELOCATION OF THEIR CORPORATE HEADQUARTERS TO 4500 HUDSON DRIVE IN STOW 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: Herchick, Lowdermilk, Pribonic, Rasor, D'Antonio & Riehl

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-99.

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

No Votes: None. The motion carried.

Ordinance No. 2018-99 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. D'Antonio introduced Ordinance No. 2018-100, entitled:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INCOME TAX SHARING GRANT AGREEMENT WITH ACRT SERVICES, INC. (ACRT) TO PROVIDE ASSISTANCE WITH THE RELOCATION OF THEIR CORPORATE HEADQUARTERS TO 4500 COURTHOUSE BOULEVARD IN STOW 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: Herchick, Lowdermilk, Pribonic, Rasor, D'Antonio & Riehl

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-100.

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

No Votes: None. The motion carried.

Ordinance No. 2018-100 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor introduced Ordinance No. 2018-102, entitled:

AN ORDINANCE AMENDING CHAPTER 505, C.O.S., ENTITLED "ANIMALS AND FOWL", PARTICULARLY SECTION 505.18 THEREOF, ENTITLED "DANGEROUS DOGS AND VICIOUS DOGS" AND DECLARING AN EMERGENCY.

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

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

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

No Votes: None. The motion carried.

Mr. Rasor moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-102.

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

No Votes: None. The motion carried.

Ordinance No. 2018-102 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. D'Antonio introduced Ordinance No. 2018-103, entitled:

AN ORDINANCE AUTHORIZING EXPENDITURES FOR COMPUTER SUPPORT FROM PROFESSIONAL SERVICES AND BEST PRACTICAL SOURCE PROVIDERS BPI INFORMATION SYSTEMS AND CENTERLINK TECHNOLOGIES, LLC, WITHOUT THE NECESSITY OF PUBLIC BIDS, 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: Herchick, Lowdermilk, Pribonic, Rasor, D'Antonio & Riehl

No Votes: None. The motion carried.

Mr. D'Antonio moved and Mr. Pribonic seconded for the adoption of Ordinance No. 2018-103.

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

No Votes: None. The motion carried.

Ordinance No. 2018-103 was declared to be adopted by Council and, upon its signature by the Mayor, shall take effect immediately.

Mr. Rasor stated that Ordinance No. 2018-104 was Version No. 6 of the Charter Amendment. That came out of the Committee-of-the-Whole Meeting this evening.

Mr. Lowdermilk introduced Ordinance No. 2018-104, 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, 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. Razor moved and Mr. D'Antonio seconded for the suspension of rules.

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

No Votes: Lowdermilk. The motion carried.

Mr. Razor moved and Mr. D'Antonio seconded for the adoption of Ordinance No. 2018-104.

Mr. Riehl asked for a brief explanation. Mr. Razor stated there were two issues that were raised by Mayor Costello originally when he made his original proposal for a Charter Amendment. One was that an elected official may be unfairly charged with time served as fulfilling an unexpired term. The second was that somebody could resign from a term early, reset their term limits and then run for the next scheduled election.

The proposal that was Ordinance No. 2018-80 contained language to address both of those issues. However, it failed. It received four out of five votes that it needed. This ordinance only addresses the second issue – it tightens the term limits. That prevents somebody from resigning early, resetting their clock and then running for the same seat again which the existing language pretty much allows.

He was in favor of closing this loophole. He thought people should have that opportunity.

Mr. Lowdermilk asked if Version No. 6 had a strikethrough? Mr. Razor stated Version No. 6 should not have a strikethrough. It should have five lines in bold text.

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

No Votes: Lowdermilk. The motion carried.

Ordinance No. 2018-104 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: Herchick, Lowdermilk, Pribonic, Razor, D'Antonio & Riehl

No Votes: None. The motion carried.

MOTION:

Mr. Lowdermilk moved and Mr. D'Antonio seconded to authorize the President of Council, or in his absence the Vice President of Council, to approve the release of the bills prior to the next Council Meeting.

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

No Votes: None. The motion carried.

Committee Meetings Scheduled

Public Hearing
Thursday, September 13, 2018
at 5:30 p.m.

Planning Committee
Thursday, September 13, 2018
to Follow the Public Hearing

Finance Committee
Thursday, September 13, 2018
to Follow the Planning Committee

City Council
Thursday, September 13, 2018
at 7:00 p.m.

Adjournment

MOTION:

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

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

No Votes: None. The motion carried.

The meeting adjourned at 8:30 p.m.

Bonnie J. Emahiser
Clerk of Council

Brian Lowdermilk
Vice President of Council