

REQUESTED BY LAW DIRECTOR
APPROVED BY COMMITTEE-OF-THE-
WHOLE
INTRODUCED BY RIEHL

ORDINANCE NO. 2019-46

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND SETTLEMENT AGREEMENT RELATING TO THE MUNROE FALLS SHOOTING RANGE, MAKING NECESSARY APPROPROATIONS FOR THE SAME, AND DECLARING AN EMERGENCY.

WHEREAS, Munroe Falls owns property located on North Main Street in Munroe Falls, Ohio that contains a firing range used by the Munroe Falls Police Department, the City of Stow, and by the police departments of the other Settling Communities (“Main Street Firing Range”); and

WHEREAS, Thomas Shubert, through his legal counsel Fair Shake Environmental Legal Services (“Fair Shake”), sent a Notice of Intent to File a Citizen’s Suit against each of the Settling Communities for alleged violations under the federal Resource Conservation and Recovery Act, the federal Clean Water Act, and Ohio Solid Waste Management Law regarding the ownership, operation and/or use of the Main Street Firing Range (“Notice of Intent to Sue”); and

WHEREAS, the Settling Communities deny that they are liable for violations alleged in the Notice of Intent to Sue, but the City of Stow and the other Settling Communities desire to resolve the matter in order to avoid the time and expense of litigation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Stow, County of Summit, and State of Ohio, that:

SECTION 1. That the Mayor is hereby authorized to enter into a Settlement Agreement with Thomas Shubert, the City of Munroe Falls and other Settling Communities and a Memorandum of Understanding with the City of Munroe Falls and other Settling Communities related to the Main Street Firing Range. Said agreement shall be in a form approved by the Law Director and include a complete and final release of any and all pending legal claims alleged by Thomas Shubert and Fair Shake against the City of Stow.

SECTION 2. That the Finance Director be, and he hereby is, authorized and directed to issue payment to the City of Munroe Falls for an amount not to exceed Twenty-Three Thousand One Hundred Ninety and 00/100 Dollars (\$23,190.00) in accordance with the terms and conditions set forth in the settlement agreement.

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 4. That this Ordinance was adopted pursuant to Section 4.11, Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason that it puts an end to any and all pending litigation issues between the parties, and, pursuant to Section 4.13, Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 2/28/19

ATTEST 
Bonnie J. Emahiser
CLERK OF COUNCIL

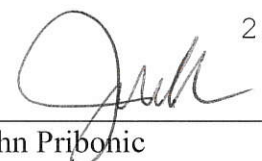
Matt Riehl
PRESIDENT OF COUNCIL

FILED WITH MAYOR 3/4/19

FILED WITH CLERK 3/4/19

APPROVED AS TO FORM


Amber K. Zibritosky
LAW DIRECTOR

APPROVED  2.
John Pribonic
MAYOR

EFFECTIVE DATE 3/4/19