

REGULAR MEETING

in Council Chambers @ 7:00 p.m.

February 13,

20

1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, February 13, 2020 to order at 7:00 p.m.
2. **PRAYER:** Rev. Scott Baker, Northwest Avenue Church of Christ, Tallmadge.
PLEDGE OF ALLEGIANCE.
3. **ROLL CALL:** Mrs. Allman, Mr. Bollas, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak – present. Also present were Mayor Kline, Dir. of Admin. Cooper, Dir. of Pub. Service Rorar, Dir. of Law Raber, Dir. of Finance Gilbride and Clerk of Council Burton.
4. **MINUTES:** 1-9-20 Organizational Meeting minutes
1-9-20 Regular Council Meeting minutes
1-23-20 Regular Council Meeting minutes (to be provided Friday)

Mr. Sisak moved for the adoption of the 1-9-20 Organizational Meeting minutes along with the 1-9-20 Regular Council Meeting minutes. Seconded Mr. Donovan. Voice vote 7-0. **The 1-9-20 Organizational minutes and the 1-9-20 Regular Council meeting minutes were adopted by a vote of 7-0.**

Pres. of Council: We will have the 1-23-20 Regular Council Meeting minutes provided to us on Friday. With the combination of the two meetings into one it is getting to be a little bit of a task. So, we will get that.

5. **FINANCIAL REPORTS:**

- **Fire & EMS Fund Transfer in the amount of \$200,000 to Council on 2-3-20.**
- **Street Maintenance & Repair Transfer in the amount of \$100,000 to Council on 2-3-20.**
- **Police Pension Transfer in the amount of \$78,000 to Council on 2-3-20.**
- **Appropriation Report, Fund Report and Revenue Report for the period ending 1-31-20 to Council on 2-10-20.**
- **January Financial Reports to Council on 2-10-20.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 1-31-20 to Council on 2-10-20.**
- **Income Tax Comparisons for the period ending 1-31-20 to Council on 2-10-20.**
- **Revenue Comparisons for the period ending 1-31-20 to Council on 2-10-20.**
- **Consolidated Investment Portfolio for the period ending 1-31-20 to Council on 2-10-20.**

Mr. Sisak moved for the approval of the Financial Reports. Seconded Mr. Donovan. Voice vote 7-0. **The Financial Reports submitted by Dir. of Finance Gilbride were accepted by a vote of 7-0.**

6. **PUBLIC HEARINGS:** None.

7. **COMMUNITY INPUT:**

Pres. of Council: We do have a couple people who are here this evening who would like to speak. The first one I am going to call up to the podium is Stephanie Walton from the Summit County Metro Parks to discuss the upcoming levy.

Stephanie Walton: Thank you so much on behalf of everyone at Summit Metro Parks; we appreciate your time and thank you for allowing us to be here tonight. We really appreciate it. As you said, I am Stephanie Walton and I am the Chief of Marketing and Communications at the Metro Parks. I usually like to start off by just kind of giving an overview of the parks. I think most of you are probably familiar with us, but our park district is 16 parks all across the county covering about 14,000 acres; 150 miles of trail and about 66 of those miles are multi-purpose trails and so we really are kind of north, south, east, west; all over the county our slogan is “We are your Back Yard” and really no matter where you live, you have a Summit Metro Parks location near you. It is something that we are very proud of. I also brought a copy of our latest Green Islands magazine just because I like to point out that in addition to some nice nature articles and information about the park district in here, this also includes our programs and events. Some people may not be aware that we offer dozens of free programs every month. Naturalists led programs, educational recreational topics and they are the vast majority of those are free. There are about 800 of those every year.

So, the Metro Parks are funded by a small real estate tax that was last approved by Summit County voters in 2013. That levy was actually a renewal of a levy that was first passed in 2006. So, the park district has been operating at that 2006 funding level for the past 14 or so years. During that time, we have grown tremendously. We’ve added 5,000 acres; 5 parks and trail miles have grown by about 25% and we are most excited about the fact that our visits have actually increased from 4 million to 5 million every year and so that is more people getting out to the parks which makes us very happy. So with that, we will be on the March 17th ballot and we are asking Summit County voters to continue the existing 1.6 mill levy and add an additional .54 mills to account for that growth that we have had over the last 14 or so years. That amounts to about

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Stephanie Walton (Cont'd.) \$1.58 per month per \$100,000 home value. So, about less than \$19 per year. This funding is very critical to our mission. It provides more than 90% of our operating budget and so it is really very important to us as we continue to maintain the beautiful park system that we have built and continue to offer those clean and safe recreational opportunities to the residents of Summit County. So, with that I will wrap up. Here tonight just to provide information and answer any questions, however, I will say that if anyone is interested in endorsing that information is available on the website; voteformetroparks.com. So, thank you so much.

Pres. of Council: Does anyone have any questions for Stephanie? No one responded. Thank you very much. The next person that is here is Jean Hyland from the Ravenna Kennel Club and she is here to present a check for the 4-9 Fund. So, Officer Ickes, if you would like to come up and Mayor Kline.

Jean Highlands, Ravenna Kennel Club. We hold our show every year in May up here at the Fairgrounds. So, we feel like we are part of this community even though we are a Portage County Kennel Club.

We recently found out that Officer Ickes is in need of a new K-9 and we would like to make a donation. We had discussed \$3,000, however, the club and I discussed it further and decided we would make it \$4,000 so he can get his new dog sooner.

Pres. of Council: Thank you so much. Let's do a little photo op here too.

Mayor: On behalf of the City of Tallmadge, we take this in and thank you for what you do and thank you for donating this \$4,000 to Mollie and Mollie will take it right away. It is going to go to a great cause, and we are very excited about this. So, thank you.

Jean Highlands: We would like to invite you all to our show on May 9th and 10th and if you have your dog by then; please come by.

Officer Ickes: Will do. I just wanted to take a second and personally thank you and your organization for that. A K-9 unit is mostly funded by donations. A city can do without dogs; we all know that, and it is an expensive . . . it is expensive for all of the gear and the kennels and the cruisers and the dog itself and the training. So that money goes a long way.

I also want to thank City Hall and City Council for trusting in the K-9 Unit and expanding the K-9 Unit and allowing me to get another dog and continue it. I love doing this. I think it is what I was built for and as soon as we get Mattis up and running, I will bring him in, and we will get him introduced to everybody and get him sworn in. I just want to say thank you.

Pres. of Council: Thank you very much. OK, we also have A.J. Harris here this evening. He would like to introduce himself to us.

A.J. Harris: Hi everyone. I don't really have anything prepared. My name is A.J. Harris and I am a Democrat and Cuyahoga Falls resident running for the 36th State House District. I wanted to stop by and introduce myself. There are a lot of issues facing our community and I am running on a lot of my personal issues. I grew up in public housing; I attended public school. My father is a victim of the opioid epidemic and I am a job developer and I help students and adults with disabilities in this area and throughout Summit County to find employment. So, I am hoping to take my personal experience to the State House to represent all of you. I want to thank the Council, the cabinet and Mayor Kline for allowing me to speak briefly tonight. Get out and vote on March 17th. I really appreciate it. Thank you.

Pres. of Council: OK. So, at this time is there anybody else that would like to come and address Council for anything if it is reference to a specific ordinance; that can be done during Section 12. But, if anyone else would like to come up, now is your time for a couple of minutes.

Robert McWhirter, Treat Blvd., Tallmadge. I think you all know why I am here. I appreciate the conversations that the Law Director had with me before tonight and the conversations that I have had.

I will start off with it like I have every other time; a well-regulated militia being necessary to the security of a free state the right of the people to keep and bear arms shall not be infringed. So, as I am here, we are still looking at a lawsuit that the City is involved in against the State of Ohio. My terminology may be wrong, because it may not actually be a lawsuit or declaratory judgement; I will defer to the Law Director on that. But we are involved in litigation.

My questions from the beginning have been; why did the City get involved; how did the City get involved; why was there no public discourse related to this litigation; why did Council only discuss in Executive Session; why was it all done in secret and hidden from the public and the press and how much tax payers monies are being spent?

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Mr. McWhirter (Cont'd.) Publicly all these questions still remain. I have gotten some answers to a couple of those questions privately so I am not going to share those although I would like them to be public. So, these questions remain. So, I have had a lot of conversations with just about everybody in the room and I am going to sum up what I believe what it appears to me as an outsider and as a citizen of Tallmadge. Our Law Director solely determined that the City should expend taxpayers' monies and time and join with the cities of Cleveland and Akron and smaller suburbs which appear to be at the last minute, but knowing how attorneys work; that is not surprising. Still, it was at the last minute. To stop a law, to get information, to get clarity on a law that was passed by the legislature in December of 2018. More questions keep being added. If this suit would prevail would the City expand the laws of the City to infringe on its citizens second amendment rights? I have to note that the City of Cleveland has lost this argument on at least two other times as it relates to Home Rule.

This was brought to Council only in Executive Session so that the Council and the Administration and the Law Director would then hide behind the mantra of the first rule of Executive Session is that you don't talk about what happened in Executive Session and then of course, you can't comment on pending litigation. All very convenient and almost appearing like somebody is trying to hide something. So, the players involved are the Law Director, the Administration, the Mayor and Council. So, my additional questions, some of which may have been partially answered deal with the Law Director and how does she determine that the City should be part of this? Was it solely her determination? If not hers 100%; then who else may have influenced her decision; the Mayor, someone on Council, the Roetzel attorneys; cities, Summit County Executive Office, Summit County Democrat Party or someone else? Did she have any conversations with the Mayor and Administration after making her decision and if so, was the Mayor in support of this decision? Was there a determination of the cost and time involved and if so, what was it? If not; why not? That question was answered to me.

Why was Council even notified if as the Administration has said that it was up to the Law Director; to provide cover? Council's position appears to be that the Law Director was solely responsible for this and there was nothing they could do about it. Did Council seek guidance on whether this was truly 100% the Law Director's decision that there was nothing Council could do to stop it and if not; why not? What can be done now?

Pres. of Council: You have about 30 more seconds; OK?

Mr. McWhirter: Yeah. What can be done now? Can we pull out of the lawsuit? Can we stop wasting taxpayers' monies? The questions continue to mount and as a result of how this has been handled by the parties, the Law Director, the Mayor and Council; this should have been handled in full view of the citizens of Tallmadge. I keep hearing the way it was handled; trust us. I have a hard time trusting anyone, especially politicians, who appear to do things in secret and deny the right of the public to know and escape accountability. Thank you.

Pres. of Council: Thank you very much.

Dir. of Law: Madame President, as I have indicated previously this litigation was initiated in accordance with the authority granted under the City's Charter and general law. The City's Charter authorizes the Law Director to be the legal advisor and attorney and counsel to the City. As appointing authority and elected officer, the Law Director has authority to enter into contracts and represent the City and routinely does so. Because this case is a declaratory judgement action, there is no settlement or negotiation required nor is the amount of the contract over \$50,000 requiring approval of Council. The retainer in this matter is \$7,000. As Law Director, I move forward with joint participation in the declaratory judgement action after having an opportunity to discuss this matter with other elected officials. Other municipalities with similar or same charter language commonly proceed in the same manner. Additionally, there are nine district cases that support this position. This litigation is being pursued in an effort to preserve Home Rule and the statusquo. The City is being proactive in trying to determine the applicability or lack thereof of the sections of House Bill 228 to its existing ordinances.

I have previously issued comment on it and I will not issue further comment because there is pending litigation. Thank you.

Pres. of Council: Thank you Law Director. Is there any other community input at this time? No one responded.

8. **ANNOUNCEMENTS:** There will be an Investment Board meeting this evening.

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- 9. **AGENDA ADDITIONS:** None.
- 10. **REFERRALS OF FIRST READING ORDINANCES AND RESOLUTIONS:**
 - a. The following shall be referred to the **Finance Committee:**
 - Ord. 21-2020
 - Ord. 22-2020
 - b. The following shall be referred to the **Planning & Zoning Committee:** None.
 - c. The following shall be referred to the **Personnel Committee:** None.
 - d. The following shall be referred to the **Community Issues Committee:** None.
 - e. The following shall be referred to the **Safety Committee:** None.
 - f. The following shall be referred to the **Public Service Committee:** None.

11. **REPORTS OF ADMINISTRATIVE OFFICERS: MAYOR, DIR. OF PUBLIC SERVICE, DIR. OF ADMINISTRATION, DIR. OF ECONOMIC DEV., DIR. OF FINANCE AND DIR. OF LAW.**

Mayor: Thank you Madame Chair. It is a pleasure and I thank Council for being here tonight. Let me start off with **Martin Wheel on West Avenue**. There have been a lot of complaints about the semis out in front of that and we have been working on that, but let me give you some direction as to where Martin Wheel is going. Over the past several years, and I will go back as far as 10 years, the City of Tallmadge has been working with Martin Wheel, now Kenda Tire, to expand their operations at that site. We vacated Sunrise Street; we rezoned the back parcel to industrial so they can expand their building to the back and we even participated in the tearing of the old John Barber’s pop stand building there to the west of that. They acquired that land and they acquired the three houses in the back to expand and Martin Wheel is leaving West Avenue and moving out of Tallmadge. So, we have been working with them for a long time. We continue to work with them to . . . the Maplecrest Course site is a very good site that might work out and there are some other sites, but we have been working with them for many years and I just wanted to give you that heads up. So, economic development; we have been busy; I have been very busy; the whole staff has been busy on that front and so that is the bad news.

Also, **Ripley Farm**; Tallmadge Reserve was at Planning & Zoning two weeks ago and they did receive their improvement development plan and so they are allowed now to present their infrastructure plans and they can start their project. We met with them today with the church about the land acquisition right at the corner of Washburn Road to make that a 4-way intersection and the church is very receptive of donating land and doing some stuff there, but the Pulte Homes and the DeHoff Group are working with the church on that acquisition which will then also be public road acquisition.

Leppo Rent down on West Avenue; you can see that building is really coming together very nice. The corner lot at 18 Nottingham, which is the old Vendor’s Park, which is in the CIC; the CIC will meet next week; I think it is next Wednesday or Thursday to talk about the transfer of that property over to Leppo Rent. The environmental came back on that site and the environmental cost to mitigate is exceeding the appraised value of that property so we are working with Leppo on that and it looks like it is going to work out very well for not only the City of Tallmadge, but also Leppo Rent.

Next week is the **State of the City**. It is next Wednesday at the Chamber and so you are all welcome to attend there. If you have not turned your name in; there is still plenty of time to turn your name in and I would encourage Council to come listen to it.

Also, tomorrow at 11:30 a.m. **Great Expressions is having a Grand Opening/Ribbon Cutting**; that is right next door to Jimmy Johns and that is a very nice building in there. They are very excited about being in there and also, I would ask for your adoption of Ord. 22-2020 when it comes up. That is the land acquisition for the future fire station. I will entertain any questions or answers.

Mr. Carano: Mayor Kline; I have a question and I apologize if it is maybe something that I should have maybe brought up sooner than I did; is the Ripley Farms . . . as far as zoning and that goes, since in the future we may be working towards fiber possibly if we are able to; what kinds of things would you have to do to make that the road would have conduit in as part of the process ahead of time?

Mayor: We will ask the developer when the development plans come in that a spare conduit be laid along the public right-of-way.

Mr. Carano: So that is . . . I just wasn’t sure . . .

Mayor: For future fiber optic.

Mr. Carano: I didn’t know how that worked and I wanted to check and see; that’s all.

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Mayor: Either they do it or we put it in, but our goal is to get the developers on the new subdivisions . . . and this is the first new subdivision that we have had since I think, Fox Ridge. So it has been a long time and we also met with Councilman Loughry this week to talk about development plans and the zoning of the R-6 and we are, through the re-write of the Zoning Code, we are looking at how to modify some of that R-6 Zoning which I think will be beneficial. The Ripley Farm; it is a very . . . it is a tough site to development. It is very narrow, but it is really deep. You have some different pipeline going down one side of it; you have got the condos on the east side; the topography is a little different; sanitary sewer; the front half will go out to East Avenue and the back half; the developer put a gravity sewer from the back half all the way through Just Cricket and through Maplecrest Golf Course over to Crystal Parkway and now that back half can gravity out. So, there are a lot of things, but I think there is room for improvement on the R-6.

Dir. of Pub. Service: Good evening. For the month of January, the **Zoning** Department; there were not a lot of permits going out, but they have been busy mostly with Code updates and I am going to guess that we are probably 2/3's of the way through. That is a tedious task and I would like to commend Helene Hussing for staying with that. I mean, we have been involved for over a year and that is just a crazy task, so she is chipping away at that.

Cemetery; you can see we had 6 burials. Tree trimming at the cemetery around the gazebos; I don't know how many people know about **Oak Wilt Disease**, but your oak wilts you want to trim in the winter months and that prevents that fungus from attacking your oaks. It is similar to the Dutch Elm Disease that went through about 20 years ago. It is passed through the roots and also open wounds and so that is why you don't want to cut in the summertime because that fungus attacks those open cuts and so something to keep in mind and it actually does look like your oak tree is wilting in August, so something you should keep your eyes open for.

Parks and Rec; membership was up about 400 and then visits were up about 2,800 so that is great.

Community All Stars is finished.

New dumbbells and dumbbell racks; I don't know who is working out with 125 lb. dumbbell, but that is pretty impressive. Who is doing that?

Silver Sneakers memberships are back up. Remember a lot of that insurance cancelled last year on those folks and now they reinstated that and so maybe that explains the membership increases.

Search for a new Recreation Program Coordinator; interviews start next week. There were about 20 strong candidates to choose from and so that will start.

You can see some of the upcoming events. Something that I would like to highlight, **Serpentini has offered to sponsor several events in the parks** this year including the **Food Truck, Family Fun Night as well as the Easter Egg Hunt so kudos to them.**

We are looking at a firm to do the **site plan of Howe Road Park** and that also includes a wetlands delineation and finalizing the pour and place design and those were all part of the master plan that was done last year on the parks and then believe it or not; Maca passes are for sale.

In the Street Department; not a lot of snow until last night and last Friday. They guys did a pretty good job, but they have been staying busy. They are in working on the pews in the church. They are also doing the **sign rehab to Lions Park** and they are **rebuilding all of the leaf machines**. They are taking the cable clutches out of them and putting in hydraulic so we will see if we have less breakdowns next year.

Talking about **snow plows**, I'm not sure if everybody understands how snow plow work; the blue are the primary routes for the mains and that is where you start and where you stay focused on those; the red is your secondary routes and the black are your allotments. So, how do you choose a primary route? It gives you all the reasons why you choose that; traffic, schools, terrain. Secondary routes are pretty much ways to allow residents to get in and out of allotments, so we just buzz in and hit one road and come right back out. So, all the roads that attach to that secondary route can at least get one way in and out. Then allotments. Then if you think about it, there are 200 lanes miles and our guys, if they go through the whole route; that is 33 miles they are travelling in one pass. Keep in mind, that they can't be everywhere at the same time, so they are doing a good job. Question about spot salting; someone asked what is that and that is when you are on a straightaway and instead of just laying salt down from one end to the other; that is not necessary on a straightaway; you can intermittently hit it and also at intersections and at curves you can drop it.

In the **Utility Department**, there were **3 water breaks** in January. They were at Green Meadow, Sunset View and South Alling. There was **one sewer backup** and that was on Southeast and fortunately for us that had nothing to do with the City.

We also **extended 300 feet of new waterline on Beachler Road** and that is some of the work shown on that picture. That's it. If there are any questions?

Dir. of Administration: Good evening. I have no report this evening.

Dir. of Finance: Thank you. We have been busy in my office preparing . . . the audit has started and so we are preparing that and working towards generating our Annual CAFR and PAFR for the year. I would like to bring to Council's attention that you each should have gotten

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Dir. of Finance (Cont'd.) an e-mail from the Auditor's Office requesting a response from each of you, so I would just ask you if you have not seen that, please review the e-mail and respond directly to the Auditor who sent it with your responses to the questions that she had. So, if you could do that, I would appreciate it greatly. End of report.

Dir. of Law: Thank you. My office had the opportunity to have two Middle School students shadow us for Career Day today. Then I had an opportunity to speak with the Middle School this evening which was a new opportunity for me. Then we also have two High School students, as we commonly do, each semester who are shadowing for their Senior Class experience where they get to do a career for a few weeks so we have two students doing that with us as well for the next few weeks. So, I just wanted to let you know that. End of report.

12. **REPORTS OF STANDING COMMITTEES OF COUNCIL OF THE WHOLE:**

a. **PLANNING & ZONING**

James Donovan, Chair

Craig Sisak, Vice Chair

Dennis Loughry

- **Ord. 101-2019 (3rd Reading - Amend)** – Approving, supplementing, and amending Ord. 85-2018 granting a conditional zoning certificate for special non-residential development to applicant/owner The Shepherd's Pasture for All Nations/SPAN Ministries to modify the use from religious place of worship to include personal services for 7,400 square feet at 361 Northeast Avenue. **P&Z Commission voted 5-0 to approve this based on the evidence presented with conditions.**

Mr. Donovan: I call the Planning & Zoning Committee to order; myself, Mr. Sisak and Mr. Loughry are here. We have Ord. 101-2019 at 3rd Reading. It looks like we have an amendment.

Mayor: Yes, Mr. Donovan. Planning & Zoning met on this last time; a week ago, and they made recommendations to Council to grant the request and that is your amendment here so when it comes up at your next meeting; you can just amend it and then it would revert back to 2nd Reading for the next Council meeting. That is the same for the next Ord. 20-2020.

Mr. Sisak: Real quick on that; the conditions are the 1 through 10 in the amendment; is that what Planning & Zoning recommended?

Dir. of Law: Yes. That is what came out of Planning & Zoning.

Mr. Loughry: I was at the meeting and I thought everyone did a good job from the Commission to the Administration. So, I agree with all of the amendments.

Mayor: If you will, give me a second here; right there is the . . . so you understand what you really are doing here; this is SPAN Ministries; this the whole . . . this is the church portion of it. Northeast Avenue is out front. This is the front office. These are the different dates that they were amended and what is being requested is just the thing in blue there; that is in the back . . . the sanctuary is up front here and in the back there it is currently an accessory use to the church; it is a ballfield back there that they have softball practice back there. They want to convert that for the ability to have different events there and lease it out for profit and so they went to the Planning & Zoning and asked to just to give permission for that square footage to do different uses within there; personal services I think it was. So that is all that they are doing there. If you really look at SPAN Ministries and so this is Northeast Avenue and the front church; this is the only portion that is specially zoned. The back buildings that are in the back are still zoned Industrial and that is Industrial use. They could lease out those as long as it meets that zoning code, but that little blue area; they wanted to do a different event in there; so, personal services. They also have to change the tax code because before it was exempt from taxes because that was a question that asked; do they have to do that, and the answer is yes. So, they are working that detail out with the fiscal officer. So that is basically what this ordinance does. It changes just that square footage there to allow them to do different services.

Mr. Loughry: Mr. Donovan, I do have a procedural questions just because it has been several years since I have been on Planning & Zoning on this side of the isle; I guess this would be directed to you Mrs. Raber; if Council wanted to change or modify a condition; we could do that correct, but it would require 5 votes?

Dir. of Law: That's correct. There is a special provision that requires, and I don't remember if it is 5 or 6, but . . .

Mr. Loughry: It is a super majority.

Dir. of Law: I think it is 6 to make a decision to make a decision different from Planning & Zoning so even if you are just modifying it.

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Mr. Loughry: Yeah, and I have no intention in doing that; it just hit me thought that again people come to P&Z meetings; residents to voice their concern or to speak for or against something and so then they make a recommendation to us and many stay home assuming that we are going to carry out those wishes. But, sometimes, not very often, but sometimes Council could want to amend that and so the intent is to make that more difficult to override a recommendation. Thank you. That's all.

Mayor: Right.

Mr. Loughry: Thank you. It's just been a long time. But I have no intent . . . actually I thought that all three of those issues were handled perfectly the other night.

Mr. Donovan: Mrs. President, we have a recommendation on Ord. 101-2019 and 20-2020 to amend both ordinances by a vote of 3-0. Is there anything else to come before Planning & Zoning this evening? No one responded. I will close committee.

- **Ord. 20-2020 (2nd Reading – Amend) –** Granting a conditional zoning certificate to applicant, The Breakfast Place, Inc., Owner, Ward Holdings LLC, to operate a dining establishment serving alcoholic beverages at 137 East Avenue, Suite 30.

P&Z Commission voted 5-0 to approve based on the evidence presented with conditions.

b. **PERSONNEL**

Michael Carano, Chair
Rebecca Allman, Vice Chair
Jonathon Bollas

No legislation at this time.

Mr. Carano: I call the Personnel Committee to order; myself, Ms. Allman, Vice Chair and Jonathon a member are present. We have nothing before us today. Does anyone on the committee have anything? No one responded. Anyone on Council? No one responded. Administration? No one responded. I will close committee.

c. **COMMUNITY ISSUES**

Dennis Loughry, Chair
Jonathon Bollas, Vice Chair
Rebecca Allman

No legislation at this time.

Mr. Loughry: Thank you. I call Community Issues Committee open; myself, Mr. Bollas and Mrs. Allman are all here. We have no legislation before us. Anybody in committee have anything? No one responded. Council? No one responded. Administration? No one responded. I close committee.

d. **SAFETY**

Jonathon Bollas, Chair
Michael Carano, Vice Chair
Craig Sisak

No legislation at this time.

Mr. Bollas: I call the Safety Committee to order; myself, Mr. Carano and Mr. Sisak are present. We have no legislation at this time. Does anyone have anything either on the committee or on Council or on the Administration this evening?

Mr. Sisak: I do. So, we had an amendment to the parking ordinance, I don't know the last meeting or the meeting before, and Mrs. Raber and I are looking at that right now and I will get our suggestions to you guys here shortly. I think you said that you would probably be ready in March sometime or April?

Dir. of Law: Yeah, I indicated I wanted to make sure that after you had had a chance to look at it that we would run it past the Service Director and the Fire Department to make sure that they didn't need any other amendments or changes too.

Mr. Sisak: Right; OK. That's it. Thank you.

Mr. Bollas: I will close committee.

e. **PUBLIC SERVICE**

Rebecca Allman, Chair
Dennis Loughry, Vice Chair
James Donovan

No legislation at this time.

Mrs. Allman: I call the Public Service Committee to order; myself, Mr. Loughry and Mr. Donovan are present. We have no legislation before us. Committee; do you have anything? Council? No one responded. Administration? No one responded. I close committee.

f.

FINANCE**Craig Sisak, Chair****James Donovan, Vice Chair****Michael Carano**

- **Ord. 18-2020 (2nd Reading)** – Authorizing participation on the National Association of State Procurement Officials (NASPO) and NASPO ValuePoint for the purpose of contracting with Verizon Wireless for telephone and internet services and providing for immediate enactment.

Mr. Sisak: Thank you. I call the Finance Committee to order; Mr. Carano, Mr. Donovan and myself are present. I did have a chance to look at the financials and the Rec Center is very interesting to the fact that it looks like we did a lot of purchases this year; this probably first month and I think falsely show maybe the poor profit and loss for the month in addition to having a third pay period for January, you know . . . I hope Mr. Rorar, you had mentioned that some things were up and Mrs. Gilbride in your report it looked like maybe some things were flat or maybe down?

Dir. of Finance: While the memberships are up; the Silver Sneaker memberships . . . and so what happens is those Silver Sneakers come and we send a report to the agency . . .

Mr. Sisak: So, you get delayed payment.

Dir. of Finance: that pays and then we get payment for those visits so with the switchover we had last year, we had some seniors that just decided to be members at our Rec Center because they wanted to stay and so they were paying and so now they have switched back over and so there is kind of this transition I think that it happening with all of that that has caused those membership numbers to lag.

Mr. Sisak: I hope Mr. Rorar is right and yours is a little off Mrs. Gilbride; I'm sorry, but you know it is concerning that the first month of the year we are already in the negative a significant amount of money and ii just hope it rebounds or if not, we have a plan and in addition to that, I saw someone commented on Tallmadge Talk that the schools are opening after Spring Break and people have to change their schedules because the bussing is changed and people are now looking for morning and after care. Someone said that the morning care is full; well what is full if we have an opportunity to maybe make some money the last quarter of the school year. Hire another person or two and you know so it is not full . . . so yeah, I did see that and I thought of that after looking at the financials last evening.

Mr. Rorar: Councilman, let me try to get you a better answer at the next meeting.

Mr. Sisak: Yeah, of course.

Mr. Rorar: A lot of that has to do with the building itself.

Mr. Sisak: It said the morning was full, but the afternoon wasn't, or I don't know. Just an opportunity to offset some of this deficit here.

Mr. Rorar: I will get you a better answer.

Pres. of Council: Mr. Sisak, I do have one quick question just to piggy-back on what Mrs. Gilbride was talking about with the payment from the agencies for the Silver Sneakers. I know how insurance works; how long does it take to get that payment; is it like 6 to 8 weeks from when they swipe or . . .

Dir. of Finance: So, we . . . the Rec Center submits a report at the end of the month and then we receive the funding for that report around the 1st of the next month. So, it is about 4 weeks.

Pres. of Council: Ok. I was just curious. Thank you.

Mr. Carano: I have a question. So, this is because of people who are on Medicare and they may change Medicare plans; this is sort of for the public here; so if they are changing plans, some plans don't offer Silver Sneakers and some do and they have to resign up for it and that is why there is the lag; correct?

Dir. of Finance: Correct and last year what happened was that one of the major providers got rid of the Silver Sneakers so that is why we had such a large decrease and such a large re-enrollment this year because that provider realized that it didn't make people happy and so they brought it back.

Mr. Carano: Another question is; so, this is just sort of how it works because I have reached the age to where I am a Silver Sneaker; I don't say that with great pride, but there is nothing I can do about it. But the . . . so, you get paid for the visits; it doesn't matter where you sign up in the country; any place that accepts Silver Sneakers.

Dir. of Finance: Correct. Anybody who is a Silver Sneaker who comes into our facility; it is open to anybody who is a member of the program, so if someone happens to be in the neighborhood and visiting from Oregon and wants to go; they can go and we get paid by the swipe up to a maximum of I believe it is 10 swipes per month. So, once you hit 10 you basically paid for a monthly membership.

Mr. Carano: The reason I ask that is because it wasn't a New Year's resolution, but I started working out to get back in shape somewhat and the friend that I am working out with is from Cuyahoga Falls and the tradeoff is that I hit Tallmadge twice and Cuyahoga Falls once, so I didn't want to be cheating the community here so that is what I was worried about.

Mr. Sisak: I have another question for Ms. Gilbride; any word on the gas tax monies out of the State?

Dir. of Finance: Well, if you see our taxes in the Revenue Comparison, we have been doing well. We are up right now in the Street Maintenance our taxes are 44% higher than they were at this time last year.

Mr. Sisak: OK, I wasn't sure what they were.

Dir. of Finance: It is coming in well; it has been coming in since September of last year.

Mr. Sisak: It is only for Street.

Dir. of Finance: It goes directly into the Street Maintenance Repair Fund.

Mr. Sisak: Great.

Dir. of Finance: Well, I take that back, it doesn't only go into Street Maintenance Repair Fund; it is by statute, we have to put 7.25% into the Highway Fund which is Fund 206, a smaller fund and then the remaining 92% goes into the Street Maintenance Repair Fund.

Mr. Sisak: Great. OK. Thank you. Is there anything else before we get on to the ordinances?

Mayor: Mr. Sisak, I will give you a little heads up that the East Avenue Corridor; the AMATS fund and the ODOT funds that we applied for; the safety funds for that corridor; were granted to the City of Tallmadge. We are working on the paperwork and what that really means to us . . . I know Mike just got the applications that we have to mail back to ODOT probably tomorrow and so that just starts the process. Construction is 2025.

Mr. Carano: I appreciate your work on that.

Mr. Donovan: Speaking of that I have a question too. It looks like they are replacing all of the power lines or a big bunch of the power lines through there; not changing anything, but just replacing the old ones.

Mayor: Replacing the poles. They will probably have to move them. No, I think the right-of-way is wide enough. They hit a waterline yesterday.

Mr. Sisak: OK, Ord. 18-2020 is at 2nd Reading and it is pretty much housekeeping. Are there any questions or concerns about this? No one responded.

Mr. Carano: I would move for adoption.

Mr. Sisak: Mr. Donovan?

Mr. Donovan: Yeah.

Mr. Sisak: Are there any comments from the Administration?

Mayor: This just allows us to use State Purchasing if it exceeds certain dollar amounts for the Verizon telephone internet stuff.

Mr. Sisak: OK, we will recommend adoption of Ord. 18-2020 at 2nd Reading by a vote of 3-0.

Ord. 21-2020 (1st Reading) – Accepting donations to the City of Tallmadge for 2019 and providing for immediate enactment.

Mr. Sisak: We have Ord. 21-2020 which is accepting donations to the City of Tallmadge for 2019 and providing for immediate enactment. I would imagine that was the K-9 Funds?

Dir. of Finance: No, those were actually . . . we had some donations that we accepted under separate ordinances because they required additional appropriations or other things like that so these are the remaining items that we received in 2019 that Council has not accepted yet, so some of it is for the K-9; we did get some stuff right at the end of the year, but throughout the year we will get miscellaneous donations into the Fire and EMS Fund if people pass away and designate that in their information, so . . . I guess I did add the K-9; I'm sorry I thought that was under . . . a little bit of it; not all of it. Some of it we did in one and these were some lingering items that had been passed along and then a number of items that get donated to the Rec Center for different events from different agencies throughout the City.

Mr. Sisak: OK, a recommendation from the committee.

Mr. Donovan: Adoption.

Mr. Carano: Yes.

Mr. Sisak: We will recommend adoption of Ord. 21-2020 at 1st Reading.

REGULAR MEETING

Ord. 22-2020 (1st Reading) – Authorizing the purchase of 599 S. Munroe Rd. (Parcel 6003867) 583 S. Munroe Rd. (Parcel 6003866 and Parcel 600495) from J-RS Development, LLC., appropriating funds therefore, and providing for immediate enactment.

Mr. Sisak: We also have Ord. 22-2020 at 1st Reading authorizing the purchase of 599 S. Munroe Rd. and 583 S. Munroe from J-RS Development, LLC and providing for immediate enactment. Mayor Kline?

Mayor: Yes, this is the land acquisition that we have been working on for the last year and a half; two years throughout that intersection. This is what we discussed earlier. This is the authorization to let me enter into contract for the purchase of the fire station property.

Mr. Sisak: Are there any questions for the Mayor?

Mr. Carano: Move to adopt.

Mr. Donovan: Yes.

Mr. Sisak: We will recommend adoption of Ord. 22-2020 at 1st Reading by a vote of 3-0. Is there anything else to come before the Finance Committee this evening. No one responded. I will close committee. Thank you.

13. REPORTS OF SPECIAL COMMITTEES: None.

14. Third Readings of Resolutions and Ordinances:

- a. **Ord. 101-2019 (Planning & Zoning - Amend) – 3rd Reading.** Approving, supplementing, and amending Ord. 85-2018 granting a conditional zoning certificate for special non-residential development to applicant/owner The Shepherd's Pasture for All Nations/SPAN Ministries to modify the use from religious place of worship to include personal services for 7,400 square feet at 361 Northeast Avenue.

P&Z recommends approval 5-0 with conditions.

Mr. Donovan moved for the amendment to Ord. 01-2019. Seconded Mr. Sisak. Roll Call: Mr. Carano, Mr. Bollas, Mr. Donovan, Mr. Sisak, Mrs. Allman, Mrs. Kilway, Mr. Loughry – unanimous. **Ord. 101-2019 is amended by a vote of 7-0 and will go back to 2nd Reading.**

15. Second Readings of Resolutions and Ordinances:

- a. **Ord. 18-2020 (Finance) – 2nd Reading.** Authorizing participation on the National Associate of State Procurement Officials (NASPO) and NASPO ValuePoint for the purpose of contracting with Verizon Wireless for telephone and internet services and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 18-2020. Seconded Mr. Donovan. Roll Call: Mr. Bollas, Mr. Donovan, Mr. Sisak, Mrs. Allman, Mrs. Kilway, Mr. Loughry, Mr. Carano – unanimous. **Ord. 18-2020 is adopted by a vote of 7-0.**

- b. **Ord. 20-2020 (Planning & Zoning - Amend) – 2nd Reading.** Granting a conditional zoning certificate to applicant, The Breakfast Place, Inc., Owner, Ward Holdings LLC, to operate a dining establishment serving alcoholic beverages at 137 East Avenue, Suite 30.

P&Z recommends approval 5-0 with conditions.

Mr. Donovan moved for the amendment of Ord. 18-2020. Seconded Mr. Sisak. Roll Call: Mr. Donovan, Mr. Sisak, Mrs. Allman, Mrs. Kilway, Mr. Loughry, Mr. Carano, Mr. Bollas – unanimous. **Ord. 20-2020 is amended by a vote of 7-0 and will go back to 2nd Reading.**

16. First Readings of Resolutions and Ordinances:

- a. **Ord. 21-2020 (Finance) – 1st Reading.** Accepting donations to the City of Tallmadge for 2019 and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 21-2020. Seconded Mr. Donovan. Roll Call: Mr. Sisak, Mrs. Allman, Mrs. Kilway, Mr. Loughry, Mr. Carano, Mr. Bollas, Mr. Donovan – unanimous. **Ord. 21-2020 is adopted by a vote of 7-0.**

- b. **Ord. 22-2020 (Finance) – 1st Reading.** Authorizing the purchase of 599 S. Munroe Rd. (Parcel 6003867) 583 S. Munroe Rd. (Parcel 6003866 and Parcel 600495) from J-RS Development, LLC., appropriating funds therefore, and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 22-2020. Seconded Mr. Donovan.

Mr. Loughry: Madame President, I would just like to verify that the parcel numbers are correct.

Dir. of Law: I believe that they are, and they are weird.

Mr. Loughry: I'm just trying to prevent something in the future maybe. You know; that's all.

Dir. of Law: Yeah, so there are two parcel numbers associated with the address of 583 and when they show up they are not actually even diagonal to each other, so I had to double check and I am going off of the legal description that transferred the property to the last owner who we are purchasing from and so I am using that legal description.

Mr. Loughry: And if something were wrong; it is not anything that couldn't be corrected before we were to close?

Dir. of Law: Correct.

Mr. Loughry: OK.

REGULAR MEETING

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Dir. of Law: Yeah, we could always come back and ask for . . . to amend the ordinance if need be, but if in the title search or something something happens to show up, I am using the legal and it is oddity in how they show up.

Mr. Loughry: Thank you.

Roll Call: Mrs. Allman, Mrs. Kilway, Mr. Loughry, Mr. Carano, Mr. Bollas, Mr. Donovan, Mr. Sisak – unanimous. **Ord. 22-2020 is adopted by a vote of 7-0.**

17. **ADDITIONAL ITEMS:** None.

Mr. Loughry: In the question I asked regarding amending or overriding P&Z's recommendation; that is our Council Rule 33. and it is 5 votes.

Pres. of Council: Yes, and I know we did do that I think it was 2 years ago with the school gate.

Mr. Loughry: It doesn't happen very often.

Pres. of Council: Right.

Mayor: I think this went to the Planning & Zoning Committee of Council and Helene Hussing from Zoning is starting to do a report and she put it on your desk going over the activities and doing a super great job that she has done on that and so I want to recognize her for doing that. I don't know if all of Council got it or just the committee.

Mr. Loughry: It is an excellent report.

Pres. of Council: I think we all got it. Thank you very much.

Mayor: She did a great job.

Mr. Bollas: I just want to bring up one thing. I noticed something on the Tallmadge Talk site also that there was a gentleman for a company known as Glazing Systems Inc. who had an interest in potentially building a greenhouse as a community garden behind the Rec Center as a donation and so I just wanted to call that out that I did see that. I didn't know if he had consulted the Administration.

Mayor: I didn't see that.

Pres. of Council: I did see that same thing, but you know; the Community Garden; I think we lease that property from the church; right? We lease the Community Garden from the church and there are a lot of steps that he would have to go through before he did that, but that would be great.

Mayor: The owner lives right beside that.

Mr. Bollas: Just wanted to make a call out. That's all.

Mayor: Send me a copy of it.

18. **ADJOURNMENT:** Mr. Donovan moved to adjourn. Seconded Mrs. Allman. Voice vote 7-0. **The Regular Council meeting of 2-13-20 adjourned at 7:59 p.m.**

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Adopted:

Susan E. Burton, Clerk of Council

Carol A. Kilway, President of Council