

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

August 12,

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1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, August 12, 2021, to order at 7:00 p.m. Public input is invited at the beginning of the meeting to discuss an item that is not on the agenda. So please wait until you are recognized by the Chair and state your name and address so that your comments may be properly recorded and limit your remarks to a period of two (2) minutes or less. It is appreciated that anyone wishing to address Council register with the Clerk of Council or through the on-line form by 3:00 p.m. the day of the meeting. This is not necessary; it is just appreciated.
2. **OPENING PRAYER AND PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL:** Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak – present. Also, present were Mayor Kline, Dir. of Public Service Rorar, Dir. of Administration Cooper, Dir. of Economic Development Springer, Dir. of Finance Gilbride, Dir. of Law Raber, and Clerk of Council Burton.
4. **CORRECTING AND ADOPTING THE PREVIOUS MEETING MINUTES:**
 - 7-8-21 Regular Council Meeting minutes.
 - 7-15-21 Special Meeting minutes.Mr. Loughry moved to adopt the 7-8-21 Regular Council Meeting minutes and the 7-15-21 Special Meeting minutes. Seconded Mr. Sisak. Roll Call: Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **The meeting minutes have been adopted by a vote of 7-0.**
5. **Financial Reports:**

- **Fire & EMS Fund Transfer in the amount of \$100,000 to Council on 7-30-21.**
- **Bond Retirement Transfer in the amount of \$100,000 to Council on 7-30-21.**
- **Street Maintenance & Repair Transfer in the amount of \$75,000 to Council on 7-30-21.**
- **Appropriation Report, Fund Report and Revenue Report for the period ending 7-31-21 to Council on 8-4-21.**
- **July Financial Reports to Council on 8-4-21.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 7-31-21 to Council on 8-4-21.**
- **Income Tax Comparisons for the period ending 7-31-21 to Council on 8-4-21.**
- **Revenue Comparisons for the period ending 7-31-21 to Council on 8-4-21.**
- **Consolidated Investment Portfolio for the period ending 7-31-21 to Council on 8-4-21.**

Mr. Sisak moved for the approval of the Financial Reports. Seconded Mr. Donovan. Roll Call: Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas – unanimous. **The Financial Reports submitted by Dir. of Finance Gilbride were approved by a vote of 7-0.**

Pres. of Council: Also, this evening, we do have an Executive Session to discuss the sale of property and pending/imminent litigation. We will go into that Executive Session right after the Community Input section just so that everybody knows. I was remiss in stating that in the beginning.

6. **Public Hearings:** None.

7. **Community Input:**

Pres. of Council: So, if you would like to come to the podium and state your name and address and what it is you would like to discuss.

- **Jason Ball, 94 Glenwood Circle, Tallmadge.** I e-mailed Council regarding certain developments going on in the neighborhoods where there is, for lack of a better term, I will just get out and say it; there is cooking in garages which is perhaps a safety issue. I have already put it in written comments beforehand and I am just here to put it on the record and see if Council has any actions that are going to go forward with that.
- **Joshua Johnson, 908 S. Munroe Road, Tallmadge.** I am here to discuss the drainage issues that we are currently having at the corner of S. Munroe and just north of Perry Rd. We have a creek that runs across my neighbor's property and under Munroe and adjoins to another drainage ditch at the corner of my property and my neighbor's property and then merges there and goes under my property and travels south down underneath Perry.
- **James Martin, 629 Perry Road, Tallmadge.** I own the property that all of that converges into, and I have everybody's water pouring into my property. If I can just pass them around, but it shows; that creek completely fills up and it diverts itself because it can't handle the water that is being pushed through there and then it goes around and pours back in by that 36" pipe.

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- **Rick Quintrell, 909 S. Munroe Road, Tallmadge.** I have lived there for 21 years, and I grew up with the guys that owned the house previously. When I was a kid that creek was 5' wide and 5' deep because we had to build a bridge to go across it. Now, my next-door neighbor, his yard is lower than the creek.
- **Jerry Allen, 898 S. Munroe Road, Tallmadge.** Actually, I own one at 918 too. I live next door to Josh. I have lived there 26 years and that ditch used to be straight as an arrow and deep. I would say in the last 12 or 13 years, and I know the rains have gotten worse over the last few years and it can't handle it.

Mayor: What I would suggest is that I will take the Service Director and we will go verify these detention ponds at Summit Racing and walk that from your property back to Summit Racing. If that pond is not working properly or if the discharge of the outlet is not right, we will find that out. We will come and talk to you at your doors and see what we can do.

- **Josh Glover, 901 S. Munroe Road, Tallmadge.** I have lived there for almost 2 years now. When I first moved into this place, I knew nothing of what was going on with the front yard. I know on the property disclosure that I received from the previous owners; it had said that the City ditch overflowed in a heavy rainfall. I called the City, and I don't know exactly who I talked to, but I told them about the problem I was having and they said they would send someone out to look at it and I got a phone call back saying that it wasn't their problem and that it was my problem because it was on my property.

Mayor: As you said, that is a City ditch and prior to any house being built there, all the water from Southeast Avenue and Munroe, half of Beachler and some of Perry is all trying to get to the expressway via that ditch line. Prior to the houses being built; that is the way that it flowed. Now we start building houses; we built Summit Racing and we have built other things up, but they all naturally drain that way.

Mr. Glover: That's all we are asking.

- **Richard Quintrell, 909 S. Munroe Road, Tallmadge.** Basically, all they have said is 100% accurate. It is disseminating to our neighborhood, and it is impacting me to the point that I can't mow.

Pres. of Council: Is there anyone else who would like to discuss this issue at this time. Thank you everyone for coming and bringing this to all of our attention. I know information was given to one of the other Council members and to the Mayor, but just letting all of us know exactly what is going on and how it has really affected your neighborhood. I appreciate you letting us know that. Like the Mayor said, the Administration will take a look at it and figure out a plan of action.

8. **Agenda Additions:** Executive Session re: Sale of Property and Pending/Imminent Litigation.

Pres. of Council: In a few minutes, we are going to go into Executive Session, but just to let everyone else know that when we come back from Executive Session, we will then go right into the reports of the administrative officers and so forth. So, we will be going into the back to discuss some information off the record. So, do I have a motion?

Mr. Bollas: Ms. Raber, before we go into a motion, I am an employee of Cardinal Health, and so can I participate in this discussion?

Dir. of Law: You can just be in a portion of it but not the entire thing. So, we will excuse you when the point of conflict arises.

Mr. Loughry moved to go into Executive Session regarding the sale of property and pending/imminent litigation. Seconded Mr. Donovan. Roll Call: Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan – unanimous. **It is now 7:32 p.m. and we will go into Executive Session.**

Dir. of Law: Ms. Burton, when Mr. Bollas comes back out, if you could just note the time. Thank you.

Mr. Bollas returned from Executive Session at 7:56 p.m.

Pres. of Council: It is 8:03 p.m. and we are back on Council floor.

9. **Reports of Administrative Officers:**

a. **Mayor/Director of Safety**

- **505 East Avenue** – That is the house fire on East Avenue. They did receive a building permit today and a demo permit and so they are moving forward. Their intent is to raze the entire house, foundation and all and build a brand-new house on that site.
- **Tallmadge Day at Akron Zoo** – That will be in the month of September. All Tallmadge residents can go visit that day. They just have to purchase their tickets online at www.akronzoo.org. There is a \$3 parking fee to be paid at that same time.
- **Zoning Code Update** – Planning & Zoning met on 7-29-21 and discussed several items and decided to continue it until their next meeting on 9-2-21 @ 7:00 p.m.
- **Fire Station No. 2** – We are working with MPG and Thomarios. Thomarios is the CMR on the project for the next phase and we will be getting the prices next week to evaluate those results. Before you tonight you have Ord. 98-2021 and that allows Mollie to advance funds to pay for the payments of the applications for the work completed to date and this money would be reimbursed back to the General Fund after the bonds are finalized, and the money comes into that.

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- **Delay of Next Phase for Fire Station No. 2** – Mr. Loughry had asked at the last meeting if we could possibly slow down the next phase. A couple of things that came up was the bond that Mollie has to go out and secure is a set number and that bond rate is fixed at this point and by delaying it, we don't know what that new bond rate will be and most likely the bond rate would increase and then you have to pay for the re-bonding of the rating and so there is a lot to that.
 - **Lumber prices** have dropped 40% at this point. When you say it dropped 40% that is really great, but it went up 400%. All of the publications and the Wall Street Journal that Matt has been investigating that lumber prices, although they have dropped, we feel they are stable for the next 6 months to one year.
 - **Steel prices** are right there on the bubble. We are evaluating if we should put this on hold. It is a gamble, but they are willing to do it at some cost, but I think after we see the true number that comes in for the second bid of the actual building, we will evaluate that.
 - **The Stormwater Swift Plan** would have to be redone with the EPA if we postpone it for a period of time.
 - **Dr. Cooper is going to talk about some Fire Department staffing levels** that he and I have been reviewing with the Fire Department and I apologize upfront for his lengthy discussion, but I think it is something that needs to be talked about and I felt it should be here in front of Council to go over his report. It is a topic that we all need to talk about. End of report.
 - b. **Director of Administration:** There was discussion between the Administration and Council regarding part-time firefighters. – Audio of Dr. Cooper's report is available upon request.
 - c. **Director of Public Service:** Good evening. I am going to pass on my report. I will do it at the next meeting.
 - **1st Reading adoption of Ord. 95 and 96-2021** and I will go into detail when we get there.
 - **Update on the storm last night** – It was an odd area; Regency Park, Wilson and Barnes going out towards Howe Road got hit really hard. The Service Department, I would like to point out, did a great job cleaning up the right-of-way areas to the best of their ability last night and into the day.
 - **Maca Pool's last day is this Sunday.** There will be no bonus days simply because we don't have the employees. That kind of goes for childcare; before and after school starts Monday, but childcare hours change because we don't have the employees to fill that middle shift of 12:00 – 3:00 p.m. and that is also on Thursday through Saturday; it is only 9:00 a.m. to 12:00 p.m.
 - **Ohio Historic Connection** has a contractor over at the Circle to paint the church and fix the shutters and do some window repair and then the siding repair that is being done to the Old Town Hall; that is being sponsored by the Tallmadge Historical Society as well as the City and then the Veteran's Memorial walkway is being done over there around the Veteran's Memorial. This is part of the plan and then also there will be a Concert on the Circle at 6:00 p.m. with the Symphonic Winds.
Mayor: He brought up the storm last night. I would be remiss if I didn't also mention the safety forces. Ben was there and was going out all over town and going to every house knocking on the door and checking on the trees that were laying on the houses to make sure the folks were safe, and the Fire Department was out and also the Auxiliary Police were out blocking traffic for several hours last night.
One other topic is that the Tallmadge Historical Society is paying for the funding of the siding and so thank you to the Tallmadge Historical Society. There will be legislation at the next Council re-appropriating funds that were donated by them so we can pay the contractor.
 - d. **Director of Economic Development:** For the sake of time, I will just wait until the next time we meet, and I will provide my report at that point. There are good things happening.
 - e. **Director of Finance:** I have submitted my written reports so if anybody has any questions on that I will be glad to entertain those. I did want to make Council aware that our Annual Community Report for 2020 is now on the City's website. We shared that via Facebook, and I believe there were messages posted on the City's main page of the webpage and so please go out and read that. Please, if you have any constituents asking, please refer them to that also.
Also, I would just ask that Ord. 93 and 94-2021 be considered for adoption at 1st Reading. End of report.
 - f. **Director of Law:** I just want to request 1st Reading adoption tonight of Ord. 90-2021 and Ord. 97-2021 and 2nd Reading adoption of Ord. 82-2021 and Ord. 89-2021.
10. **Reports of Standing Committees of Council of the Whole:**
- a. **Planning and Zoning**
James Donovan, Chair
Craig Sisak, Vice Chair

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i. **Third Readings of Resolutions and Ordinances**

A. Ord. 73-2021 – P&Z Rec. Rejection 5-0 – Amended – Approving and granting a conditional zoning certificate for special nonresidential development for a mixed use of single-family dwelling, agricultural use to keep small livestock (ungulates, poultry, and fowl), apiculture, crop harvesting with onsite sales/market space (agro-tourism farm) and (outdoor) photography services at 551 Northeast Avenue (PN 6005248).

Mr. Donovan: I call Planning & Zoning to order. We have Ord. 73-2021 at 3rd Reading. Ord. 73-2021 was read into the record. I believe this was at Planning & Zoning.

Mr. Grimm: All motions should be in the affirmative and so I will make a motion to adopt. Seconded Mr. Loughry.

Dir. of Pub. Service: I believe there may be people in the audience that might wish to speak on this this evening, so you may want to inquire of them prior to proceeding.

Mr. Donovan: Is there anybody that would like to speak on Ord. 73-2021?

John Traina, 551 Northeast Avenue, Tallmadge. I didn't prepare anything. I actually submitted to Helene that I was going to withdraw because I just didn't feel like my odds were very good trying to overturn the Zoning Board and so you guys can proceed and let me know what you all think, but I technically withdrew from Helene back in July and so I'm not sure how that plays out here tonight. I even asked her, but she really didn't know either. I don't think that what I am trying to do is that farfetched, but I don't know how else to present my case. So, you guys can proceed.

Dir. of Law: So, if I could just clarify so the applicant did request to withdraw and I think you had that in front of you at the last meeting, and you had decided that you did not wish to act on that and so there would have to be a motion and a second and you would have to vote on allowing the applicant to withdraw and I believe there was some discussion as to the basis of that being that you did not want to allow a re-application within a year whereas if there is an actual decision made on this, then there would be a year waiting period before a re-application in whole or in part of the same conditional zoning would be able to be presented to you and so perhaps you can have some further discussion as it related to that withdrawal and then also I just want to clarify too so the recommendation coming from Planning & Zoning was to reject and the way that this would be worded is you could vote to reject and that is actually affirmative as opposed to a negative because you don't have a "not" to not accept . . . the reject is the affirmative word and that is actually matching the wording coming from Planning & Zoning and so the recommendation from me would be that the motion would be framed, if you were so inclined, to reject or if you want to make it as an adoption that you adopt then you would be needing to have enough people to actually overturn the recommendation of Planning & Zoning which means you would need 5 instead of the simple majority of 4.

Mr. Donovan: I have a question for you just because I don't recall this situation of where somebody asks to withdraw, and we then don't follow through with the withdrawal. Are we not obligated to . . .

Dir. of Law: You are not obligated to do that. There have been other times where a withdrawal has not been approved, however, there have been times when it has been approved. So, it is quite frankly up to Council anytime that the ordinance has already reached Council, then Council pursuant to its rules has to make that motion to allow the withdrawal as opposed to it being an application pending in front of Planning & Zoning and then the person can do . . .

Mr. Donovan: We are not obligated to. The difference is if we just put this as withdrawn and just vote on it. They are welcome to come back at any point if we move this as a rejection, then they will have to wait a year to come forward again.

Dir. of Law: Correct. They would have to wait a year. The way that it is written is either in whole or in part for the conditional zoning.

Pres. of Council: I just wanted to state that I was at the Planning & Zoning meeting when they had the hearing and heard all of the residents speaking in reference to this and this is something that I do believe that as presented to Planning & Zoning at the time, it is not something that I think would be beneficial for that surrounding area. So, I would make a motion to reject Ord. 73-2021.

Mr. Loughry: So, do we have to rescind the second and rescind the motion.

Dir. of Law: That is the correct way to do it.

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Mr. Grimm: I will withdraw the motion.

Mr. Loughry: I will withdraw my second. I don't believe I was.

Mr. Grimm: I will make a motion to reject.

Mr. Loughry: Second. I agree with the recommendation of the Planning & Zoning Commission to reject this proposal and believe that rejecting it with this ordinance supports that recommendation.

Mr. Sisak: I would agree with the recommendation of Planning & Zoning to reject this motion as well.

Mr. Grimm: I think the proposal before us is an interesting proposal. I think it would be very nice if you were further out Northeast Avenue towards Kent where there is much more open land and farmland adjacent to it. This parcel is in a residential neighborhood with residences on three sides to it. To put this in a residential setting like that just doesn't jive. I'm sorry; I think what you are trying to do is a very nice thing, but I think the location that you are going into and that large lot in a single-family residential area is just the wrong place for it to be at and therefore I will be voting to reject.

Roll Call: Mr. Loughry – yes, Mr. Sisak – yes, Mrs. Allman – yes, Mr. Bollas – yes, Mr. Donovan – yes, Mr. Grimm – yes, Mrs. Kilway – yes. **Ord. 73-2021 is rejected by a vote of 7-0.**

B. Ord. 75-2021 – P&Z Rec. Approval 5-0 – Amended – Approving and granting a conditional zoning certificate to applicant Ken Stuursma/Tru North Deck on behalf of the owner Eric Taiclet for a building materials store with outside display not totally enclosed to be located at 1377 Southeast Avenue.

Ord. 75-2021 was read into the record.

Mr. Grimm: I make a motion to adopt. Seconded Mr. Sisak. Roll Call: Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry – unanimous. **Ord. 75-2021 is adopted by a vote of 7-0.**

ii. **Additional Items:** None. I close committee.

b. **Finance**

Craig Sisak, Chair

James Donovan, Vice Chair

i. **Second Readings of Resolutions and Ordinances**

A. Ord. 84-2021 – Appropriating additional amounts and providing for immediate enactment.

Mr. Sisak: I call the Finance Committee to order. We have Ord. 84-2021 at 2nd Reading. Ord. 84-2021 was read into the record. Those additional amounts are \$12,000 for the Receptionist.

Mr. Grimm: Dave, is this the additional employee we have on the Personnel ordinance?

Mayor: Yes.

Mr. Grimm: Let's just go ahead and give this a 2nd Reading and then we will wait until we adopt the other ordinance to create the position before we fund it.

Mr. Sisak: Ord. 84-2021 will remain at 2nd Reading.

ii. **First Readings of Resolutions and Ordinances.**

A. Ord. 90-2021 – Authorizing the Mayor to contract with Kastner Westman & Wilkins, LLC for legal services and consulting services and providing for immediate enactment.

Mr. Sisak: The next ordinance is 90-2021. Ord. 90-2021 was read into the record. Mrs. Gilbride; what is the sum of this?

Dir. of Finance: There is no appropriation associated with it. It's just that we have gotten to the point that Council is required to require any contractor expenditures over \$50,000 and so because we have exceeded the \$50,000 it is kind of similar to what we do with the engineering contracts and specialty contracts, but there is . . . I did not compile an amount of what we have spent.

Mr. Sisak: It's already spent?

Dir. of Finance: What we have already spend to date.

Mr. Sisak: We have already spent the money that we are approving, or we anticipate spending \$50,000?

Dir. of Finance: We have spent \$50,000.

Mr. Grimm: The \$50,000 we have expended here; what exactly was that for?

Dir. of Law: This law firm handles collective bargaining matters, personnel issues and so that is what this law firm does is they specialize in that area.

Mr. Grimm: Arbitration and so forth?

Dir. of Law: Arbitrations.

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Mr. Grimm: OK. I will make a motion to adopt. Seconded Mrs. Kilway.

Mr. Grimm: I am making a motion to adopt because it is not an allocation of funds. The funds have already been allocated through the budget and so what I think we are doing is just allowing you to go ahead and stay legal with this contract. So, we are not allocating any more money; we are just approving so we can continue to use the contractor we have been using.

Mr. Sisak: Yeah, I think we are acknowledging the spending of \$50,000.

Roll Call: Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak – unanimous. **Ord. 90-2021 is passed by a vote of 7-0.**

B. Ord. 91-2021 – Authorizing the Mayor to enter into an agreement with Jetpack Shipping for a New Jobs Program Grant pursuant to T.C.O. 160.05 and providing for immediate enactment.

Mr. Sisak: Ord. 91-2021 was read into the record. We will just give this a 1st Reading.

C. Ord. 92-2021 – Declaring certain City-Owned vehicles to be excess and authorizing the Director of Public Service to dispose of such vehicles and providing for immediate enactment.

Mr. Sisak: Ord. 92-2021 was read into the record. We will just give this a 1st Reading also.

D. Ord. 93-2021 – Appropriating additional amounts and providing for immediate enactment.

Mr. Grimm: Which properties are you looking for or do you have a multitude of properties?

Dir. of Finance: I currently have three properties that I have received deposits for. Obviously the East Avenue property, Sunset View was the last one and then actually one of the amounts I have actually had for several years, which I am in the process of following up on where we are at, and I believe that was a fire out on Fenn several years ago.

Mr. Grimm: So, we received from the insurance company a stipend of certain dollars and then we are supposed to hold that until they clean the property up and tear it down or make the repairs and then then the money is released to who?

Dir. of Finance: The property owner. I directly release it to the property owner.

Mr. Grimm: And they haven't come and asked for it?

Dir. of Finance: The large amounts that we have were current fires so like the East Avenue property as soon as he does that demo he can present me the certificate that it is demoed and then I will give him back the money.

Mr. Grimm: So, the house on Northwest Avenue . . .

Dir. of Finance: They did not deposit. So, I am at the will of the insurance company following the insurance; State of Ohio's insurance laws to get that money.

Mr. Grimm: One last question; do we have to get an ordinance to spend the money or give the money back to these people?

Dir. of Finance: That is what this is basically doing.

Mr. Grimm: But it doesn't give you a specific person we are giving it to or an amount though.

Dir. of Finance: I am required by the Code section so the insurance company tells me exactly who the owner is and what the property is for, and I then have to notify the owner that I have received the check from the insurance company and what they need to provide to me so that I can then release the check back to them.

Mr. Grimm: I will make a motion to adopt Ord. 93-2021. Seconded Mr. Bollas. Roll Call: Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **Ord. 93-2021 is adopted by a vote of 7-0.**

E. Ord. 94-2021 – Authorizing the appropriation and advance of money for purposes of the East Avenue/Washburn Road Intersection Improvement Project and providing for immediate enactment.

Mr. Sisak: Ord. 94-2021 was read into the record.

Mrs. Kilway moved for the adoption of Ord. 94-2021. Seconded Mrs. Allman. Roll Call: Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas – unanimous. **Ord. 94-2021 is passed by a vote of 7-0.**

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- F. Ord. 95-2021** – An Ordinance allowing the Mayor to apply for Federal Congestion Mitigation/Air Quality Funds programmed by the Akron Metropolitan Area Transportation Study (AMATS) to improve the East Avenue Corridor and declaring an emergency.

Ord. 95-2021 was read into the record.

Mr. Grimm: Question; \$12,093,110 is the cost of this thing?

Dir. of Pub. Service: Correct.

Mr. Grimm made a motion for the adoption of Ord. 95-2021. Seconded Mr. Donovan. Roll Call: Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan – unanimous. **Ord. 95-2021 is adopted by a vote of 7-0.**

- G. Ord. 96-2021** – Authorizing the Mayor to apply for Federal Surface Transportation Block Grant (STBG) and Transportation Alternatives Set-Aside (TASA) Funds programmed by the Akron Metropolitan Area Transportation Study (AMATS) to improve East Avenue Corridor and declaring an emergency.

Ord. 96-2021 was read into the record.

Mr. Grimm moved for the adoption of Ord. 96-2021. Seconded Mr. Donovan. Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm – unanimous. **Ord. 96-2021 is adopted by a vote of 7-0.**

- H. Ord. 97-2021** – An emergency ordinance to accept the material terms of the OneOhio Subdivision settlement pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the July 21, 2021 National Opioid Settlement Agreement and providing for immediate enactment.

Ord. 97-2021 was read into the record.

Mrs. Kilway moved for the adoption of Ord. 97-2021. Seconded Mr. Donovan. **Mr. Bollas:** I will be abstaining from voting as I am an employee of Cardinal Health.

Roll Call: Mr. Loughry - yes, Mr. Sisak - yes, Mrs. Allman - yes, Mr. Donovan - yes, Mr. Grimm - yes, Mrs. Kilway – yes. Mr. Bollas – abstain. **Ord. 97-2021 is adopted by a vote of 6-0-1.**

- I. Ord. 98-2021** – Authorizing the appropriation and advance of money for purposes of the Fire Station Construction Project and providing for immediate enactment.

Ord. 98-2021 was read into the record.

Mr. Donovan moved for the adoption of Ord. 98-2021. Seconded Mrs. Allman. Roll Call: Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry – unanimous. **Ord. 98-2021 is adopted by a vote of 7-0.**

iii. **Additional Items:** None. I close committee.

c. Personnel

Christopher Grimm, Chair

Rebecca Allman, Vice Chair

i. Second Readings of Resolution and Ordinances

- A. Ord. 83-2021 – P.H. ON 8-26-21 @ 7:03 P.M.** – Establishing the number of non-collective bargaining employees by department and position pursuant to R.C. 731.08 and providing for immediate enactment.

Mr. Grimm: I call the Personnel Committee to order. We have before us Ord. 83-2021. Ord. 83-2021 was read into the record. I believe the only additional employee we are looking for a permanent/part-time employee is the Receptionist out in the hallway here. We do have a public hearing set for 8-26-21. Why do we have to have a public hearing on this?

Dir. of Law: Because we are also setting the Civil Service levels on it and so in order to establish anything that may differ from the Ohio Revised Code we are just, as part of the practice, you will see this every time any change is made to this ordinance; you will be getting it back in front of Council and you will be holding a public hearing to just make sure that we have established that if we are deviating in any way from the Ohio Revised Code that we have done that through the appropriate process.

Mr. Grimm: So, what is the Civil Service Code then between the U and the C? What is the difference between those?

Dir. of Law: One is unclassified, and one is classified and so one is the classified Civil Service and the other is not. We will give this a 2nd Reading.

ii. **Additional Items:** None. I close committee.

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d. **Community Issues**

Dennis Loughry, Chair

Jonathon Bollas, Vice Chair

Mr. Loughry: I call Community Issues to order. We have nothing in our committee. If no one has anything I would close the committee because of the lateness. Thank you.

i. **Additional Items:** None.

e. **Safety**

Jonathon Bollas, Chair

Christopher Grimm, Vice Chair

Mr. Bollas: I call the Safety Committee to order. We are all present and we have no legislation at this time. Does either the committee or Administration have anything for the Safety Committee this evening? I will close committee.

i. **Additional Items:** None.

f. **Public Service**

Rebecca Allman, Chair

Dennis Loughry, Vice Chair

i. **Second Readings of Resolutions and Ordinances**

A. Ord. 82-2021 – Accepting Parcel 6001970, Track 12 Lot 1 170 x 5ft strip west of Lisann Street for right-of-way purposes from Gironda V Bros Inc and providing for immediate enactment.

Mrs. Allman: I call the Public Service Committee to order. We have before us Ord. 82-2021 at 2nd Reading. Ord. 82-2021 was read into the record.

Mr. Loughry: We are not waiting on anything are we?

Dir. of Law: We are not waiting on anything, and I would ask for adoption.

Mr. Loughry moved for the adoption of Ord. 82-2021. Seconded Mr. Donovan. Roll Call: Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak – unanimous. **Ord. 82-2021 is adopted by a vote of 7-0.**

B. Ord. 85-2021 – Amended – P.H. on 9-23-21 @ 7:03 p.m. – Repealing and replacing Tallmadge Codified Ordinance Part Eleven – Planning & Zoning Code.

Mrs. Allman: Next we have Ord. 85-2021 which is amended and there is going to be a public hearing on 9-23-2021 @ 7:03 p.m. Ord. 85-2021 was read into the record. We will just give this a 2nd Reading because there is a public hearing set for September.

C. Ord. 86-2021 – Ex. A – Tracked Ex. A – Ex. B – Tracked Ex. B – Relocating and renumbering Tallmadge Codified Ordinance Chapter 1192 Management, Administration and Control of the use of the City's Public Rights-of-Way to Chapter 961 and Chapter 1196 Illicit Discharge and Illegal Connection Control to Chapter 971 in Part Nine – Streets, Utilities and Public Service Code.

Mrs. Allman: Next is Ord. 86-2021. Ord. 86-2021 was read into the record. This will also just have a 2nd Reading.

D. Ord. 89-2021 – Repealing and replacing Ord. 71-2021 and providing for the submission to the electors of the City various amendments to the City Charter as proposed by the Charter Review Commission and providing for immediate enactment.

Mrs. Allman: Next we have Ord. 89-2021. Ord. 89-2021 was read into the record.

Dir. of Law: Mrs. Allman, I would ask for adoption of this this evening. This is back in front of you due to some clerical errors and it has been pending now for over a month due to the recess and we have been asked by the Board of Elections if we can go ahead and adopt and there is no reason that we can't. We don't have to hold this for three readings and does not need a public hearing or anything because it will ultimately go in front of the electorate. I would ask if you would consider adoption this evening. It would be preferable.

Mr. Donovan moved for the adoption of Ord. 89-2021. Seconded Mr. Sisak. Roll Call: Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **Ord. 89-2021 is adopted by a vote of 7-0.** Is there anything further for Public Service?

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

August 12,

21

Mr. Grimm: The Tallmadge Historical Society this year painted the upstairs and recarpeted the upstairs and we felt the exterior still needs a lot of repairs to it and so we are replacing the wood on the west side of the building, and we are going to redo the columns in the front. It will be about \$35,000 that we are going to pay. I think we made a partial check to the City, and we will give them the balance here next week from our funds; the \$35,000. Council will be asked in two weeks to allow us to expend those funds. We are required to donate 40% of our money to 501C3's or to the City. So, we are going to donate this money to the City and in turn the City is going to pay to have that work that is being done.

We also need to paint that building too. The church is being painted now and that building we resided half-way up before and now we have to insulate the building and redo the pillars in the front. It needs repainted. The Society is asking for the City just to paint the building and we will do all of the major repairs to it. I just wanted to let you know so that in two weeks when that comes up we can move with that.

Mrs. Allman: I close committee.

ii. **Additional Items:** None.

11. **Reports of Special Committees:** None.

12. **Announcements:** None.

13. **Adjournment:** Mr. Donovan moved to adjourn. Seconded Mrs. Allman. Roll Call: Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas – unanimous. **The Council meeting of 8-12-21 adjourned at 9:25 p.m.**

sb

Adopted:

Susan E. Burton, Clerk of Council

Carol A. Kilway, President of Council