

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

September 9,

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1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, September 9, 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:**
 - 8-26-21 Regular Council Meeting minutes.Mr. Loughry moved to adopt the 8-26-21 Regular Council 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 \$85,000 to Council on 8-30-21.**
- **Bond Retirement Transfer in the amount of \$75,000 to Council on 8-30-21.**
- **Street Maintenance & Repair Transfer in the amount of \$125,000 to Council on 8-30-21.**
- **CDBG Transfer in the amount of \$29,345 to Council on 8-30-21.**
- **Appropriation Report, Fund Report and Revenue Report for the period ending 8-31-21 to Council on 9-3-21.**
- **August Financial Reports to Council on 9-3-21.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 8-31-21 to Council on 9-3-21.**
- **Income Tax Comparisons for the period ending 8-31-21 to Council on 9-3-21.**
- **Revenue Comparisons for the period ending 8-31-21 to Council on 9-3-21.**
- **Consolidated Investment Portfolio for the period ending 8-31-21 to Council on 9-3-21.**

Mr. Sisak moved for the acceptance of the Financial Reports. Seconded Mr. Grimm. Roll Call: Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas – unanimous. **The Financial Reports provided by Dir. of Finance Gilbride have been accepted by a vote of 7-0.**

6. **Public Hearings:** None.
7. **Community Input:** None.
8. **Agenda Additions:** None.
9. **Reports of Administrative Officers:**
 - a. **Mayor/Director of Safety**
 - **Summit E-Waste Recycle Program** – We did fill five (5) 26' trucks. 310 vehicles went through this and the first vehicle that went through. was Councilman Loughry. Chris and Carol were there helping us with some of the work there. We plan on having another one of these and we are working on those details.
 - Don't forget that this coming **Saturday is the 20th Anniversary of the 911.** Setup will be at 8:00 a.m. and the service on the Circle will be at 9:30 a.m. following the lighting of the candles. We encourage Council to be there between 8:00 a.m. and 8:30 a.m.
 - More important, on Sunday morning; we pick them all back up. So, if you want to show up around 8:00 a.m. on Sunday morning, then we can collect all of those candles.
 - Next is our **Municipal Gas Aggregation.** It has been three (3) years since we fixed our rate and so I had to by September 7th. If you follow gas at all, if you look at the NYSE or the Apples to Apples, current rates right now; fixed rates are up above \$4.00 per mcf. I elected to do something that we have never done here; the first five (5) months of our program will be a variable rate. The variable is NYSE price that they fix on the 23rd of every month plus 7¢ so that is the adder, and it is guaranteed savings under Dominion's SCO number and so we are guaranteed to save on that, but then from April of 2022 through October of 2024 it is \$3.73 per mcf. So that is a good rate at this point and so we are pretty excited about that. There is something out there that you can call blend and extend if the rates do come down then I can blend

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Mayor (Cont'd.) our \$3.73 to a lower rate and get it reduced. The hurricanes along the Gulf Coast and the average price right now on Apples to Apples is well above; it is \$3.90 to \$5.99 and so I am happy with the \$3.73.

- The **fire station site** just to show you progress is moving along. If you remember from Treat Boulevard to Munroe it is a 6' elevation difference and so they brought and balanced the site back up and compacted that dirt and it passed the proof roll and next week the footers will start. You do have Ord. 105-2021 which we talked about this for the last couple meetings. This is the contingency of the project and Mollie wanted to put this in a separate fund and that is what this ordinance will do. So, any change order on the site no matter what it is or how small it is, has to go back to the Board of Control and so Mollie might be able to talk about that more, but it is an ordinance that is taking it out of the project and putting it in a separate purchase order.
- Also, the **2022 Budget**; so, it is negotiations with Finance to come out and try to get a balanced budget and looking at the revenue income. So, it is going along pretty well.
- Lastly, the **Zoning Code**; Planning & Zoning approved the Zoning Code and that is Ord. 85-2021 which is at 3rd Reading, but we are asking for the amendment of accepting the Planning & Zoning recommendation and then we have a public hearing on that at the next Council meeting. Helene is here if you have any questions on that and Matt is here too. We did a lot of modifications to that based on some meetings we have had with Chris and Dennis, and I think we have finally gotten to a good spot. End of report.

b. Director of Administration

- Good evening everyone. I just have two quick things. I am happy to report that we **made offers to two full-time firefighters** who were in on the final testing process to be hired probably within the next several weeks we hope. They are being hired to help with our kind of shortage of personnel in the Fire Department right now and I just wanted to just kind of give you a heads up that we may require reappropriation if we have to do the buyouts for a couple of firefighters that are going to be retiring soon. So, I just wanted to kind of give you fair warning on that issue. So, that is all I have for this evening. That is the end of my report, unless you have any questions.
- The formal step has begun to enter into **negotiations with three unions: the Teamsters, the Firefighters, and the Police FOP**. So, although we haven't scheduled any initial meetings, that is formally open to negotiations and so we are now trying to find times when we can meet initially and so I thought that might be something you would want to know about as well. Any questions?

Mr. Grimm: You talked about the ordinance for the buyout for a couple of the officers; you are going to bring that in December I presume as a re-appropriation?

Dir. of Administration: Yes.

Mayor: If it is required.

c. Director of Public Service

- For the month of August, we had **68 total permits** issued; 35 of which were zoning certificates and 29 were street openings.
- **Code violations** – We were up. We had 58.
- **Cemetery** – We had 7 burials and that was 4 full and 3 cremains.
- **Parks and Rec** – Memberships at the Rec Center; we had 6,130 and that was down 6 members from last month. Up 300 from last year, but down which is surprisingly 138 from 2019 and so that is a good sign. The Rec Center though had 10,408 and that is still down quite a bit from 2019 by about 5,000 and so the visits are still down.
- **Before and After Care** was started on August 16th.
- **The Fall & Winter Program Guide** was sent to the printer, and we are working on a new event called the Holiday Ball which is a formal dance geared towards ages 50 and over. That is being planned at the Venue.
- **Coffee Talks** are scheduled for September 16th.
- **Fort Nite**, which is the E-Sports Tournament is scheduled and that is a duo and that will be hosted at the Bounce Innovation.
- The **Rec hours** change on October 1st and Monday through Friday it is still 5:00 a.m., but Monday through Thursday it closes at 10:00 p.m. Then Friday, Saturday, and Sunday it closes at 8:00 p.m.
- **Ball field rentals** are up this year.
- **Maca Pool** as we know is closed. We were down 11,000 visits from 2019.

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- **The 2019 leak** we do believe is repaired. There was a cracked pipe that fed the slides that we did finally find and fixed it.
- The **Fall Festival is scheduled for October 3rd between 1:00 and 6:00 p.m.** A special thanks to the sponsor, Serpentini. We will have food trucks, hayrides, inflatables, live music, a beer garden, and the interesting thing will be the mechanical pumpkin which you ride like the mechanical bull.
- **Street Department** – For the month of August, we had 64 hours of street sweeping and collected 16 tons of debris and 1178 lineal feet of ditch work was done and 6 culverts were replaced and 72 hours of berm mowing.
- The **tree removal on Howe and Lions Park** – We started that before that microburst hit which was over there in the Howe Road neighborhood and the Regency area.
- **Installed a drain system in Howe Road Park** in the ballfield which was much overdue and that has seemed to really help out.
- We kept having a **sinkhole on Outlook** and that turned out to be a storm water pipe was bootlegged; it could have been the Street Department at some time, but not properly installed, and you can see what was causing that and so the Road Department did a nice job.
- **Utility Department** – We had one water break that was on Fernwood. Zero backups in the sewer which is good. Two hydrant repairs, one backflow installed on North Avenue and one manhole was raised on Southeast. We had work zone and flagger safety training for three days.
- That's it. Just a quick review; **East Avenue** is underway, and they are working on the force main that is part of that and are starting the storm sewer next week and everything seems to be underway. We should have the traffic poles for the traffic lights by early October and so those should be set by mid-October, so we are right on course with that.
- The **church has been 90% painted**. They are still up in the belfry. There was a lot of rot up there and so they have been able to fix a lot of that.
- Also, the **siding repair over at the Old Town Hall** continues and that painting has taken place . . . I think we are going to live with the two-tone on that one side for a year because that whole building has to get painted. It is what it is. That's it for my report unless there are any questions.

Mr. Loughry: On the cemetery, you said there were 28 niches left. Do we have a number that we get down to before we start ordering the next one?

Dir. of Pub. Service: We are actually talking about that right now. I don't believe we have a number, but we are aware of that, and we average about 8 niches a year going in there. We are discussing that right now in the budget talks.

Mr. Grimm: Same question on the house on Northwest. Any movement on that property?

Dir. of Pub. Service: There is actually a little bit of hope. It appears that there is slight movement and maybe, I'm not sure if I should say it, but negotiations with another property owner might be back underway it appears.

d. **Director of Econ. Development**

- Obviously things are remaining active. We see a lot of businesses that are opening shop. There are a lot of sites that are either transferring, have transferred or new businesses that are opening and so it is all good news. There are going to be some pretty big announcements at some point in the near future. Obviously the Maplecrest development out in the JEDD is very active. There is a lot of dirt that is being moved for Hamrick. Some of those public announcements will be coming in the next couple weeks, but I think it is good stuff and you are going to be pleased to hear about it.
- Other than that, I would be happy to answer any questions you might have or any concerns that you might have as well.

Mr. Loughry: Often, because we about the Cascades, and it is almost like a blended district now; we get asked what is going on out there and we don't know if we don't get told. Does Brimfield keep you in the loop on what they are doing?

Dir. of Econ. Development: Yeah. We work closely with my counterpart, Mike Ladd and Mike has been very good to work with.

Mr. Loughry: Can you tell us what is going out there or gone out there by Beef O'Brady's?

Dir. of Econ. Development: It is an oil change of some type. Whether it is a Valvoline or a Five Minute Oil; I don't know the exact tenant, but that is the use that is taking place out in front of Beef O'Brady's.

Mr. Loughry: And we have apartments going in next door to Just Cricket.

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Dir. of Econ. Development: That's correct. Yes. So, they have started to move some dirt and that is a Lemmon and Lemmon project partnership with DeHoff's. I will get the exact timeframe in terms of when they are going to start moving dirt. There is another site just east of that that had some activity last week when they started to do some initial grading. That is going to be another retail use.

e. **Director of Finance**

- Everybody should have received the **financial reports for August**. We are remaining stable. The income tax did stabilize a little bit due to us surpassing the due date for tax returns in 2020 and so you saw some of those numbers kind of come back down. They are still greatly exceeding last year, but they came down a little bit.
- Just to update everybody on the **debt issuance** that has been sent out for bids. The bids are due and will be awarded next week on September 16th. End of report and I will entertain any questions.

Mr. Sisak: I have question for you. I was just thinking about putting the money aside for any overages for Fire Station 2. What is the plan with the old ladder truck? Have we decided on selling that and where that money might go.

Mayor: It would go back into the Fire Fund.

Mr. Sisak: It would have to go back into the Fire Fund; we couldn't pay ourselves back.

Dir. of Finance: No, I would have to put it back in the Fire Fund because that is where we purchased it from. But no, I have to follow where it came from.

f. **Director of Law**

- Thank you. I have no report this evening. I would be happy to entertain any questions.

10. **Reports of Standing Committees of Council of the Whole:**

a. **Planning and Zoning**

James Donovan, Chair

Craig Sisak, Vice Chair

Mr. Donovan: I call Planning & Zoning to order. There is nothing that I see on the agenda. Is there anything from Council or the Administration? I close committee.

i. **Additional items:** None.

b. **Finance**

Craig Sisak, Chair

James Donovan, Vice Chair

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

- A. **Ord. 99-2021** – Authorizing the Director of Public Service to advertise for bids and the Mayor to enter into a contract for snow removal and salting services for certain City properties for the period November 1, 2021, through May 1, 2022, and providing for immediate enactment.

Mr. Sisak: I call the Finance Committee to order. We have Ord. 99-2021 at 2nd Reading. Ord. 99-2021 was read into the record. This is typically a housekeeping item, so can I get a motion.

Mr. Grimm: I made a motion to adopt Ord. 99-2021. Seconded Mr. Donovan. Roll Call: Mr. Grimm, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan – unanimous. **Ord. 99-2021 is adopted by a vote of 7-0.**

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

- A. **Ord. 103-2021** – Authorizing the Mayor to enter into a lease with Southeast Avenue Company, LLC, for 731 Dunbar Road and providing for immediate enactment.

Mr. Sisak: Next we have Ord. 103-2021 at 1st Reading. Ord. 103-2021 was read into the record.

Mayor: This is the lease that we talked about for the Dunbar School between us and the Southeast Avenue company. It is very positive, and it is going to be good for the neighbors and us to be able to keep and maintain the park as a park after Summit Racing demos the building.

Mr. Grimm: Dave, are we going to get a copy of the lease before adoption; right?

Mayor: Yes. The ordinance says Attachment A. It is just not ready to give to you yet.

Mr. Grimm: But, we will have this before we adopt it?

Mayor: Oh yes; absolutely.

- B. **Ord. 104-2021** – Authorizing the Director of Public Service to advertise for bids and the Mayor to enter into contract for miscellaneous repairs and remodeling of the police station at 53 Northeast Avenue and providing for immediate enactment.

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Mr. Sisak: Moving onto Ord. 104-2021. Ord. 104-2021 was read into the record.

Mayor: This is for improvements at the Police Station. This was in the 2021 Budget, and we finally got the document together to go out to public bid and he did get pricing individually to change the carpeting in some of the rooms and some of the flooring, painting some of the rooms and that would exceed the \$50,000; in the budget we have \$250,000 and so we are out to bid on those items to see where we come in at. So, this is just authorizing us to enter into the bid, or advertising.

Mr. Grimm: Dave, you say this was in the Capital Budget?

Mayor: Yes, it is.

Mr. Grimm: I would make a motion to adopt. Seconded Mr. Donovan.

Mayor: It is in the Income Tax Safety money. It is in the budget.

Mr. Sisak: So, I guess my thought on fixing this and fixing that, while it needs that, I think we need to look at it holistically and say what is the long-term plan for this building in 5 or 10 years? I mean, at what point do we continue to put money into this, but what is our plan? What are we going to fix next year, and I think all of these things that we are addressing now seem to be rather urgent needs for the facility so we can keep it operable.

Mayor: Sure. Great question. Also, if you recall we had \$300,000 in the budget this year. The roof is completed. It is a rubber roof. The HVAC equipment was actually replaced a few years ago and then a coil was replaced this year and so the HVAC is in good shape. The boiler is brand new. We also did the shingles, and they did the repair of the gutters this year, so we have done a lot of great work at the Police Department; the physical part of it. That building is here to stay. I don't think that building is going to go anywhere.

Mr. Sisak: So, that would be my suggestion to look forward in the next couple years; what are we going to do to continue to maintain the building because again, I agree; we are not getting rid of it, but how is it working within 2021 and how is it being utilized to its full capacity. Any other questions?

There was continued discussion regarding the repairs of the Police Station.

Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm – unanimous. **Ord. 104-2021 is adopted by a vote of 7-0.**

C. Ord. 105-2021 – Authorizing the appropriation and advance of funds for purposes of the Fire Station Construction Project and providing for immediate enactment.

Mr. Sisak: On to Ord. 105-2021. Ord. 25-2021 was read into the record.

Mayor: This is the contingency; I don't know if Mollie wanted to say anything.

Dir. of Finance: Yes, this is the contingency for the 5% over contract with Thomarious. The Board of Control did not award that, but I feel that with the way construction projects go, it would be appropriate for us to set that money aside in a fund and reserve it. That is why I structured the ordinance the way I did in advancing the funds so that any unused contingencies, or all of the contingencies to just be filtered back to the fund that we borrowed it from at the end of the project.

Also, because the Board of Control did not award this, all of those changes will have to go back to the Board of Control for approval prior to the changes being made.

Mr. Loughry: Mrs. Gilbride, so because of this and because of project lead times; do you anticipate having the Board of Control meet weekly so that we don't have a disruption in the project?

Dir. of Finance: The Board of Control can meet on a 24-hour notice so I know that the Mayor is having these construction meetings so he would then be made aware of that, and he would immediately schedule a Board of Control meeting.

Mr. Grimm: This is another \$400,000 and we already loaned this \$250,000 for the fire construction and I think you loaned the other \$500,000 upfront that should be rebated once the debt goes out. Then this one says that the end spent contingency money will be returned back to the General Fund I would presume once construction is complete.

Dir. of Finance: So, the way I structured it was because of the Safety Income Tax Fund did not have enough money at this time to advance that, but the Safety Income Tax Fund is borrowing the money from the General Fund. The Construction Fund is borrowing the money from the Safety Income Tax Fund. We could see if we dip into the contingency that the construction fund may not make the Safety Income Tax Fund whole.

Pres. of Council: Mrs. Gilbride, is this something that you would like to have done?

Dir. of Finance: If you can. You could give it a 2nd Reading and that would be fine.

Mr. Sisak: Yeah, we will keep it at 1st Reading. OK, anything else to come before the Finance Committee this evening? Hearing none, I will close committee.

iii. **Additional Items:** None.

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c. Personnel

Christopher Grimm, Chair

Rebecca Allman, Vice Chair

Mr. Grimm: I call the Personnel Committee to order. We have no legislation at this time. I just want to take a moment to remember John Westren, Sr. who served this community for 42 years as a Service Director though a good number of Mayors and you know sometimes we forget . . . you see the Mayor in the paper, or a Council person in the paper, but you forget about the guys who work down in the trenches day in and day out busting their hump to make sure this community works well and going through and taking a lot of grief from people.

John worked down there for 42 years and you know under OPERS once you hit 35 years you are really working for nothing. John went well beyond that. He went 7 years into working and we named the center after him because of his dedication to the community.

Mr. Sisak: I have a question regarding the two firemen that were offered positions; one is a replacement; is that what I understand, and one is a new person.

Mr. Grimm: They are both replacements because we have retirements.

Mayor: There is one currently that has stated his retirement date and he is still on Family Medical Leave and there is another one that is on Family Medical Leave, but he won't state his retirement date, but he plans on retiring.

Mr. Grimm: Is there anything else for Personnel? End of committee.

i. **Additional Items:** None.

d. Community Issues

Dennis Loughry, Chair

Jonathon Bollas, Vice Chair

Mr. Loughry: I call Community Issues to order. We don't have anything in our committee either. Does anybody have anything? I do have two questions, or I guess they are requests. One, Mayor when you can can you give us an update on the COG Dispatch and how that is going and all those things.

Then Mr. Rorar, in the same vein, could you check with Summit DD and just make sure that they are doing maintenance on that building like they are supposed to? Just so they know that we are watching.

Mr. Bollas: Question for the Econ. Development Director; I was thinking that it was on the report, and you mentioned an apartment complex and retail space. Whereabouts is that?

Dir. of Econ. Development: It fronts on Tallmadge Road. I can certainly get some more details and pass that along.

i. **Additional Items:** None.

e. Safety

Jonathon Bollas, Chair

Christopher Grimm, Vice Chair

Mr. Bollas: I call the Safety Committee to order. We have no legislation or items this evening. Does anyone have anything for Safety Committee this evening, Council, or the Administration?

Mr. Loughry: Just a request. We have not received a safety report for several months and just like I said how much I appreciate the Planning & Zoning Reports, I would also appreciate just getting something from our safety services.

Mayor: I will make sure you get them.

Mr. Bollas: I was just going to bring up real quick spotting the fire truck out and about more and more. Is there a firm in-service date?

Mayor: They are training. I close committee.

i. **Additional Items:** None.

f. Public Service

Rebecca Allman, Chair

Dennis Loughry, Vice Chair

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

A. Ord. 85-2021 – Amendment 1 – Amendment 2 – P&Z rec. approval 5-0 – P.H. on 9-23-21 @ 7:03 p.m. – Repealing and replacing Tallmadge Codified Ordinance Part Eleven – Planning & Zoning Code.

Mrs. Allman: I open the Public Service Committee. Ord. 85-2021 was read into the record. We have before us Ord. 85-2021 at 3rd Reading. There is a public hearing on September 23rd at 7:03 p.m. for this ordinance.

Mr. Loughry: Mrs. Allman, I just want to let everyone know that I will not be in attendance on September 23rd. I will be out of town, but if I were to be here I would wholeheartedly support this ordinance and all the effort that went into it.

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Mr. Grimm: I greatly appreciate everything that the Administration did and Helene back there and everybody else on this work and trying to work with me and trying to get me . . . I just can't stand R-6. I don't like the concept; I try to embrace it and I just can't. I just can't embrace it.

Mr. Sisak: So, I have been thinking about the R-6 and I think it is cyclical. You know, you look at the Falls and you have Heslop's from like the 50's and 60's and you have houses on a ½ acre or more of land from the 80's and 90's and then you kind of get to these ¼ acre lots and it is pretty much who is driving the market. What people are looking for and I think that the builders are trying to appeal to a certain type of person if you will, in addition to making lots of money, but I think you know, in 5 years there may be zero interest in an R-6.

Mr. Bollas: To your comment on being cyclical; I agree with you, but would it not leave it up to chance?

Mr. Sisak: Oh, absolutely.

Mr. Bollas: Are you trying to conserve or protect what you have left.

Mr. Grimm: Once you put it out there; I mean it is there and there is nothing you can do about it.

Dir. of Law: If I could just say that I think there might be some misunderstanding on what R-6 actually is and we have actually worked to adjust the document to address some of the concerns that we have created a situation where that R-6 is actually a higher requirement than the underlying zoning with regard to the size of the houses which drives the cost of the houses.

Mayor: We are using the R-6 and it should be the open space development. An R-1 house, you can have 1,000 square foot house; R-6 you cannot do that now. It has to be a bigger house than what is on the underlying zoning.

Dir. of Econ. Development: What we wanted to do was kind of create an apples-to-apples comparison.

So, we were trying to create a constant, if you will, and we took a look at a hypothetical 100-acre tract of land and as Councilman Grimm had mentioned, the way the draft is written right now, you have to have a minimum of 100 acres to even be eligible to apply for an R-6 zoning. So, we took an R-1 set of standards that requires 5% of those 100 acres be set aside for open space. If you took that same 100 acres and you applied an R-6 to it, 30% of that site has to be set aside for open space or conservation. I don't recall exactly what article it is in, but the open space standards have been greatly improved compared to the old open space requirement.

As Megan had pointed out, what we attempted to do was build in some safety mechanisms such as the maximum number of units that can be anywhere from 1,000 up to 1,500 square feet couldn't be more than 25% of the units I believe it is. So again, you are kind of protecting that threshold to make sure that the home value is kept higher.

Mayor: The houses in this new development style are larger than what could go on on a standard development that the old school development that it is big lots and smaller houses. This is big houses on smaller lots. The demographics that Dennis had talked about; the amount of money for the homes on that would be \$700,000 homes; more than most of our allotments anywhere in Tallmadge.

Dir. of Law: For a percentage of it. Another percentage of it will allow for some smaller homes too. That's why also we wanted to make it 100 acres because right now it is 30 acres. So, somebody could come and basically have a plan for a larger track of land so they would have that ability to make that variation as opposed to it is a small parcel that is only 30 acres and so how are we going to fit in all these different types of housing units.

Helene Hussing: I think the other thing that we added was we put provisions in for the HOA's because that is a big concern that should an HOA become defuncted then each homeowner is responsible for whatever costs are involved in maintenance. If a developer comes in and wants an R-6, then they have to go through the amendment to zoning, the plan has to be there and if they falter from that plan they lose their R-6, so I think that pretty much . . . and it has to go through the Planning & Zoning as well as before you.

Mayor: I mean, I think it is a good project

Mr. Grimm: I think Craig is absolutely correct. I think this is a phase right now that we are going through and I think that it is the same thing as 15 years ago you were building Baker's Acres and condos were going crazy and you built those developments over on Eastwood Avenue and the problem is that when it is all over, you are stuck with it.

Mr. Loughry: Well, then I guess, and this is probably a Megan question; what would be a justification for denial?

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Dir. of Law: There is criteria in the Code that you still have to judge it based on that, but part of criteria is that they have met the requirements, that it is not going to be detrimental and all these things and so if there a bunch of variances or they don't meet what we have spelled out as here the things that they need to do then that is justification for denial. It is also for the City to benefit in the long-term maintenance of those things.

Dir. of Pub. Service: I think the other thing it does is that it is an improved tool in our arsenal for zoning. I mean, we had an R-6 that we tried and because of some comments that were made from a couple Councilmen and what we saw going on out there, we made the changes and we adopted something, in my opinion, that is better. The big thing though that I think it says is that Tallmadge is forward thinking. We are thinking forwards and not backwards. I think that is the thing that we really pushed out there and it is a good tool right now. I think we made those changes that we saw and learned from Ripley. That is my comment.

Mrs. Allman: Are there any other comments or questions for Ord. 85-2021. Pres. of Council made a motion to amend Ord. 85-2021 according to the amendments on 9-9-21 and 8-12-21 by Planning & Zoning. Seconded Mr. Sisak. Roll Call: Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway – unanimous. **Ord. 85-2021 is amended by a vote of 7-0.**

B. 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 we have Ord. 86-2021. Ord. 86-2021 was read into the record.

Mr. Loughry: Mrs. Raber, do you want us to just keep this . . .

Dir. of Law: It is a companion ordinance really to Ord. 85-2021.

Mayor: Just keep it at 3rd Reading.

Mrs. Allman: OK. Thank you. Ord. 86-2021 will remain at 3rd Reading. I close committee.

ii. **Additional Items:** None.

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

12. **Announcements:** None.

13. **Adjournment:** Mr. Grimm moved to adjourn. Seconded Mr. Loughry. Roll Call: Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Donovan, Mr. Grimm, Mrs. Kilway, Mr. Loughry – unanimous. **The Council meeting of 9-9-21 adjourned at 8:19 p.m.**

sb

Adopted:

Susan E. Burton, Clerk of Council

Carol A. Kilway, President of Council