

REGULAR MEETING

in Council Chambers @ 7:30 p.m.

September 26,

19

1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, September 26, 2019 to order at 7:44 p.m.
2. **PRAYER:** Silent prayer.  
**PLEDGE OF ALLEGIANCE.**
3. **ROLL CALL:** Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, and Mrs. Allman – present. Also present were Mayor Kline, Dir. of Pub. Service Rorar, Dir. of Econ. Development Weinberg, Dir. of Law Raber, Dir. of Finance Gilbride and Clerk of Council Burton. Mrs. Tricaso was excused.
4. **MINUTES:** 09-12-19 Regular Council Meeting minutes.  
Mr. Sisak moved to approve the 9-12-19 Regular Council meeting minutes. Seconded Mr. Carano. Voice vote 6-0. **The 9-12-19 Regular Council Meeting minutes were adopted by a vote of 6-0.**
5. **FINANCIAL REPORTS:** None.
6. **PUBLIC HEARINGS:** None.
7. **COMMUNITY INPUT:**  
**Pres. of Council:** Tallmadge City Council meets on the second and fourth Thursday's of the month with Council Committee meetings starting at 7:00 a.m. followed by the Regular Council meetings. At the Committee meetings, as you are aware, the legislation is discussed thoroughly and Council can decide to adopt, amend, reject, hold or table the legislation. We do allow time for community input at this point in the meeting. If there is anyone who would like to address Council, please come forward and state your name and address for the record. No takers again.
8. **ANNOUNCEMENTS:** None.
9. **REPORTS OF SPECIAL COMMITTEES:** None.
10. **AGENDA ADDITIONS:** 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. Just one item; the City was notified that **the Issue that is on the ballot will be Issue 45.** That's just for the record. End of report.  
**Mr. Sisak:** I have a question for the Mayor if you are taking questions?  
**Mayor:** Yup.  
**Mr. Sisak:** Do we have an update on the dispatch or what is going on with that; what is the status?  
**Mayor:** We had a COG meeting in here this week. Not a COG meeting, but the consolidated dispatch. That is going to be the first roll-off; the first startup is October 8<sup>th</sup> in the City of Akron, Green and one other community will be started up on the computer aided dispatching and then everyone else will come into the next phase probably by June of next year. So, that program; all of that stuff is all ready to go.  
**Mr. Sisak:** So, it is kind of one issue is the Summit County sponsored platform and the second one is what are we doing as a City for our dispatch services moving into the future?  
**Mayor:** So Phase II; is the COG joining, if we elect to do that; the City of Tallmadge has entered into an agreement to hire the company to do the ground work; to do the investigation to see all the due diligence and to see who is in and who is not; would it work and what kind of cost it would be and that is the same consultant that was used for the computer aided dispatch program. So, the City of Tallmadge, City of Green, City of Cuyahoga Falls and I think the City of Fairlawn and Summit County has entered into that memorandum of understanding to do the background work and to look at the COG. As soon as we know a little bit more; you guys will be involved.  
**Mr. Sisak:** I just know that we met with Stow City Council like a number of years ago and that has kind of fallen on its face I think, or they are going to go to the voters on how they are going to move forward with their dispatch?  
**Mayor:** The City of Stow put an initiative for a Charter amendment to see or to keep the dispatch center in the City of Stow and also two other amendments on the Charter that Council has the right to take the salary away from the Mayor and the Service Directors.  
**Mr. Sisak:** What is that language?  
**Mayor:** Nothing. Laura might know more about that than I do.  
**Dir. of Pub. Service:** No report this evening.  
**Dir. of Econ. Development:** I have no report.  
**Dir. of Finance:** No report.  
**Dir. of Law:** No report this evening.
12. Ordinance 76-2019 **At 3<sup>rd</sup> Reading.**  
**PLANNING & ZONING** Granting a conditional zoning certificate to applicant, Global Kitchen LLC, Owner, TJ Circle One LLC, to operate a dining establishment serving alcoholic beverages at 12 Tallmadge Circle.  
**AMENDED 9-12-19**  
**P&Z REC. ADOPTION W/CONDITIONS**  
**BY A VOTE OF 4-0**  
Mr. Donovan moved for the adoption of Ord. 76-2019. Seconded Mr. Sisak. Roll Call: Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Carano – unanimous. **Ord. 76-2019 is adopted by a vote of 6-0.**

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13. Ordinance 84-2019  
**COMMUNITY ISSUES/SAFETY** **At 3<sup>rd</sup> Reading.**  
Authorizing the Mayor to enter into a new management agreement with the Ohio History Connection for the Tallmadge Church State Memorial and providing for immediate enactment.  
Pres. of Council: **Ord. 84-2019 is at 3<sup>rd</sup> Reading and will remain before the Community Issues/Safety Committee.**
14. Ordinance 86-2019  
**FINANCE** **At 2<sup>nd</sup> Reading.**  
**Tracked**  
Amending Chapter 160 of the Tallmadge Code of Ordinances for Economic Development Programs.  
Pres. of Council: **Ord. 86-2019 is at 2<sup>nd</sup> Reading and will remain before the Finance Committee.**
15. Ordinance 87-2019  
**FINANCE** **At 1<sup>st</sup> Reading.**  
Appropriating additional funds and providing for immediate enactment.  
**Pres. of Council:** Ord. 87-2019 . . .  
**Mayor:** Madame Chair, for your consideration tonight. This is part of the legal fees and that for negotiations.  
**Pres. of Council:** Is this for the Fire and Police and are we asking for 1<sup>st</sup> Reading adoption?  
**Mayor:** Yes please; sorry for that.  
Mr. Donovan moved for the adoption of Ord. 87-2019. Seconded Mr. Carano.  
**Mayor:** Based on the legal fees and with the Administration and all of the stuff that is going on; now we have to go into another phase with the Police Department and that will start taking effect I think next week. In about two weeks we are having another hearing with the Police Department and another round going to fact finding. That could last all the way up for another . .  
**Mr. Carano:** So that is for past expenses or perspective expenses?  
**Mayor:** Correct; both.  
**Mr. Donovan:** Do we have something budgeted for this already?  
**Mayor:** We did, but we have exhausted it. Molly.  
**Dir. of Finance:** We had a very minor amount budgeted this year for legal fees. We did not budget any legal fees anticipating that the contracts would go on. We had, I believe, \$35,000 in the budget, and I can pull that up real quick.  
**Mr. Donovan:** So, this is what we have already and anticipated?  
**Mayor:** Say that again.  
**Mr. Donovan:** This is what we have incurred already and what you are anticipating?  
**Mayor:** Yes.  
**Dir. of Finance:** Yes.  
**Pres. of Council:** Till the end of this year; hopefully?  
**Dir. of Finance:** Yes.  
**Mayor:** Hopefully for the completion.  
**Dir. of Finance:** For the completion.  
**Pres. of Council:** Is there any anticipation that these contracts are going to go beyond December?  
**Mayor:** I certainly hope not. We only have the two contracts left; the Sergeants and the Patrol Officers and we are trying . . . we thought we had an agreement, but it was turned down and so we are back to going to fact finding.  
**Mr. Sisak:** What is the tally to date; do we know?  
**Dir. of Finance:** For?  
**Mr. Sisak:** For our legal fees?  
**Dir. of Finance:** Our current total legal fees to date are \$118,474.06, but that also encompasses other legal items that we would have to encounter. That's not . . . I don't have just contract negotiations separated out.  
**Mr. Sisak:** Because I was told that in probably May or June that we were at like \$40,000 or \$50,000 and now we have doubled it in three or four months?  
**Mayor:** We had a fact finding at that point with Fire and we went through fact finding and if you recall we accepted the Fact Finders Report and so did the Fire Department and so that went on for a period of time. That was then completed and so we have now all contracts completed except the Police Department and so we have been meeting and negotiating from May all the way up until now. I don't like it either.  
**Mr. Sisak:** I mean, the point being is when I see \$100,000 and I hear \$35,000 and I mean I see; I hear about roads that we didn't pave this year; you know, playgrounds we didn't put up this year; improvements we didn't do; concerts in the park that we may not have had and so I would say from my perspective that it is disappointing from many aspects.

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**Mayor:** For me it is extremely disappointing; I have never had a contract exceed the calendar year.

**Mr. Sisak:** Then, and I'm sure you are putting time in, Megan, Mr. Cooper . . . it also encompasses your salaries and your time and . . .

**Mr. Donovan:** This is all retroactive; is that true?

**Mr. Sisak:** Yeah, it will be retro, but I mean how we let it get to this point is concerning.

**Mayor:** Well, if I had a magic wand, it would have never got there, but I can't; I can't make someone vote on a contract. I can give them everything that they are asking for but then you guys wouldn't be happy with me. I thought we had an extremely good last offer that was equal to the fact finders from the Fire Department.

**Mr. Sisak:** I think sometimes folks think that the end justifies the means and I don't think this is that case.

**Mayor:** There is no winner here.

**Pres. of Council:** Correct me if I'm wrong, but there are things that each of the unions have to do prior and submitting to the State before they can even come to the table with the Administration; is that correct? Don't they have to submit to the State that they are going to start contract negotiations?

**Mayor:** Yeah, they are served documents. I was served and we requested negotiations to go to the table in May of 2018.

**Pres. of Council:** 2018; yeah.

**Mayor:** So, we could negotiate, but some things went on and that was postponed all the way until December.

**Pres. of Council:** There is a lot that goes on with this; a year and a half ago almost.

Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Carano, Mr. Donovan – unanimous. **Ord. 87-2019 is adopted by a vote of 6-0.**

**16. ADDITIONAL ITEMS:** None.

**Mr. Loughry:** We only have four Council meetings left in this year; right?

**Pres. of Council:** Yes.

**Mr. Loughry:** Two in October; one in November; and one in December. Do we know when we should expect to see the budget?

**Mayor:** The same time that we always do. The last meeting in October. I mean, we are still working on it.

**Mr. Loughry:** So, we will have a work session?

**Mayor:** As many as you want.

**Mr. Loughry:** Again, I may have missed this Mrs. Gilbride, but do we have a certified figure; the figure that you give the County?

**Dir. of Finance:** We certify the tax budget in July; yes, and the County has those figures, however, when we do the budget; the budget isn't only budgeting expenses; it is budgeting revenues and so that is all going on at the exact same time that the budget is taking place. I have prepared revenue estimates and we are comparing those revenue estimates to what the departments are submitting and determining at this point; we are working through what those revenue estimates can support.

**Mr. Loughry:** Right, but at this point, and I may be wrong; I am wrong all the time anymore, but our revenues won't change. You have done your projections; right?

**Dir. of Finance:** If the income tax levy on the ballot passes; it changes the revenues. I mean, there are things that can happen between now and the end of the year that we become aware of that could change those figures just like there are things that happen by July when we have to tell the County what we think our revenue is going to be for 2020. In September, we are actually doing the budget. So those revenue figures are always; I mean, they are always changing, but we are getting to the point where they will become the number that we base our budget going forward.

**Mr. Loughry:** Excluding additional money from the levy.

**Dir. of Finance:** Excluding additional money from the levy.

**Mr. Loughry:** So then, the budget that we are going to be asked to approve; will that be a budget assuming the levy does not pass?

**Dir. of Finance:** That is what I am presenting as revenue; so yes, the expenditures would have to mirror that now.

**Mayor:** We are building the budget as that.

**Dir. of Finance:** As that formula, but we do not adopt the budget until the beginning of December and so it is possible for us to potentially make some modifications knowing . . . but again, with an income tax levy; you don't pass it and then the next year you get exactly all the money. It takes up to three years for that money to come to full fruition. It is taxes and so first of all it goes into effect; it would go into effect the 1<sup>st</sup> of January 2020 and some people won't pay on that until April of 2021. So, it takes time for that . . . you know the withholding comes faster, but for individuals, net profit returns and all of that, it is about a three-year period until you fully realize an annual increase.

**Mr. Loughry:** So then if it does pass; what are you projecting our additional revenue would be for that first year?

**Dir. of Finance:** I would project between probably \$400,000 and \$600,000.

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**Mr. Loughry:** OK, so we'll go on the low side; so, when we are looking at the budget, will there be additional items that we will prioritize that if the levy passes; we would like to do this, this and this?

**Mayor:** Yes, so it will be items that will for sure not happen if it doesn't.

**Mr. Loughry:** OK, thank you.

**Mayor:** You know you have that fire truck and the land acquisition and personnel.

**Mr. Loughry:** Thanks.

17. **ADJOURNMENT:** Mr. Sisak moved to adjourn. Seconded Mr. Donovan. Voice vote 6-0. **The Regular Council meeting adjourned at 8:02 p.m.**

***ORD. 53-2019 IS TABLED UNTIL 11-14-19.***

***ORD. 78-2019 IS TABLED UNTIL 12-12-19.***

***ORD. 79-2019 IS TABLED UNTIL 12-12-19.***

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Adopted:

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Susan E. Burton, Clerk of Council

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Carol A. Kilway, President of Council