

REGULAR MEETING

in Council Chambers @ 7:30 p.m.

November 14,

19

- 1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, November 14, 2019 to order at 7:31 p.m.
- 2. **PRAYER:** Silent prayer.
- 3. **PLEDGE OF ALLEGIANCE.**
- 4. **ROLL CALL:** Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso and Mrs. Allman – 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. Mr. Carano was excused.
- 5. **MINUTES:** 10-24-19 Regular Council Meeting minutes.
Mr. Donovan moved to approve the 10-24-19 Regular Council meeting minutes. Seconded Ms. Tricaso. Voice vote 6-0. **The 10-24-19 Regular Council Meeting minutes were adopted by a vote of 6-0.**
- 5. **FINANCIAL REPORTS:** None.

- **Fire & EMS Fund Transfer in the amount of \$105,000 to Council on 10-29-19.**
- **Street Maintenance & Repair Transfer in the amount of \$120,000 to Council on 10-29-19.**
- **CDBG Transfer in the amount of \$20,000 to Council on 10-29-19.**
- **Bond Retirement transfer in the amount of \$119,000 to Council on 10-29-19.**
- **Appropriation Report, Fund Report, and Revenue Report for the period ending 10-31-19 to Council on 11-4-19.**
- **October Financial Reports to Council on 11-8-19.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 10-31-19 to Council on 11-8-19.**
- **Income Tax Comparisons for the period ending 10-31-19 to Council on 11-8-19.**
- **Revenue Comparisons for the period ending 10-31-19 to Council on 11-8-19.**
- **Consolidated Investment Portfolio for the period ending 10-31-19 to Council on 11-8-19.**

Mr. Sisak moved to accept the financial reports. Seconded Mr. Donovan. Voice vote 6-0. **The Financial Reports submitted by Dir. of Finance Gilbride were adopted by a vote of 6-0.**

- 6. **PUBLIC HEARINGS:** None.
- 7. **COMMUNITY INPUT:**
Pres. of Council: As you guys know, Tallmadge City Council meets on the second and fourth Thursday's of the month with the Council Committee meeting starting at 7:00 p.m. followed by the Regular meeting. As you just saw, during the Committee meetings legislation is discussed thoroughly and Council decides to adopt, amend, reject, hold or table the legislation. We do allow some time for community input at this point. Is there anyone that would like to address Council? Please come forward to the podium and state your name and address. No takers again.
- 8. **ANNOUNCEMENTS:** There will be an Executive Session prior to the adjournment of the Regular Council meeting.
- 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 to start off with, I'm sure some of you have seen on Facebook about **Axel**. He is not doing very well. The Chief today was going to decommission Axel from being a **Police K-9 Unit** and so that will revert back to the carrier; Nate will probably just keep the dog for a while. So, we will see what goes from that point on, but it is not looking good. He will not be a Police dog anymore. So, keep them in your prayers.
If you would consider adopting Item 12, Ord. 53-2019 and Item 13, Ord. 86-2019. End of report.
Mr. Loughry: Since Axel is decommissioned, then he becomes a private dog to Nate? So future medical expenses that are tied to this condition that he has; does the City still pay those or do they . . . are we not responsible for things tied to this illness?
Mr. Sisak: That's a good question.
Mayor: I am not trying to be blank here, but the dog will revert back as a family pet to the owner and so therefore, once he is decommissioned; he is no longer in . . . and I think that is part of the contract and I have to revert back to the original contract for the K-9 dog. But that is typically what happens.
Mr. Loughry: It stinks to be a dog.
Mayor: But it is the property of the City of Tallmadge up until the decommissioning and the City of Tallmadge relinquishes the ownership of that dog from the City to the property owner.
Pres. of Council: Just a point to note; I do know that Dr. Andrews does donate his time to the City for the medical expenses and I know it has been quite extensive these last couple weeks possibly, but there is . . .
Mayor: There is heavy expense up to this point.
Pres. of Council: Yes, there is pet health insurance and it works quite well. I'm just letting you know from experience. Just to think about if we get any new K-9's.
Mayor: Our current new K-9 is doing very well. He is in service. He was here yesterday afternoon working.

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Dir. of Pub. Service: Good evening. The month of October with the **Zoning**, we had **46 permits issued**; most of which were the zoning certificates.

Cemetery; there were four full burials; I'm sorry, two full burials and two cremains and then 35 foundations were poured. That is a lot of foundations. Usually we do about 12 to 18 so 35 is quite a bit. Headstone repair in the old section and the wall repaired along South Avenue; this is the crews doing the foundations. That is where the monument sits. We do that twice a year; in the spring of the year we seem to be not as active and I think a lot of that has to do with the weather because that cemetery is pretty wet.

Headstone repairs; you can see the one on the left is leaning and then you can see the repair made to it and now it is back up. We tried to reach the family before we started that repair in case the stone was damaged, but there was no response obviously.

The wall repair; that along South Avenue by the chapel; the big problem is the downspouts; see the downspouts off of the building. That is probably the reason why that wall is in bad shape and all of that water was draining onto that wall. So, the next slide will show that we were able to tie into a footer drain along the curb to get those downspouts properly draining so they are no longer draining on the wall and then the wall was reconstructed, and the mason did a great job. You can't even tell that that is a rebuild. Good job from the mason.

Move forward; **Parks and Rec**, the membership is down by about 90. We believe that is due to the insurance; the AARP, the visits are down by about 1,100 and we believe that is due to the basketball in the summertime being cancelled due to the courts refinishing.

Halloween Street Dance; it was the first time in a while that we had to move indoors and that was due to the inclement weather. I'm not sure if everyone remembers the wind and it rained all day

A couple of things; **Community All-Star Basketball League** starts November 30th and Thanksgiving Day we are open from 7:00 a.m. to 11:00 a.m. and there is a Zumba class if anyone is interested.

The **Polar Express Drop and Shop** is **December 6th** and that is for ages 5-11 and that gives parents an opportunity to go shopping and I believe it is \$10.00 per kid.

Maca Pool; both slides, the blue and yellow were finally painted and finished.

The tree lighting at Tallmadge Circle is on November 30th between 3:30 p.m. and 5:00 p.m.

There are the slides finally and that has been a long time and they both look great. Too bad it wasn't summer.

In the **Street Department**; a couple of things; concrete street slab repair in Timbertop turned out to be a bad base. The sub-base had muck underneath of it; who knows why, but we replaced all of that so we shouldn't have that issue anymore.

Training by DB Resource; **proper tree trimming** is something the whole crew got involved with and so we should do a little bit better job of tree trimming around the stop signs in the future.

Leaf pickup started in October and the crews are in full swing right now.

In the **Utility Department**; we had two water breaks. They were at Beechwood and Fairwood and then three manholes were raised and that is the guys fixing the manholes. You can see the grade. They are actually raising that almost 3 feet. That was in an easement and then there was; more training on the meter readings. We are getting better reads on those and some software with that and that is the monthly report. Are there any questions?

Pres. of Council: I do have a little information on the **Silver Sneakers**; you had said that the AARP, which would be the United Health Care insurance; they are adding it 100% for next year and so we could have an increase in the Silver Sneakers for next year.

Dir. of Pub. Service: We are in hopes; yes.

Dir. of Administration: Good evening. Just one quick thing. We have revised and **updated our Emergency Operations Plan**. Sue has been delivered in her e-mail the revised version that she will distribute to Council. If anyone has any questions about it; you are welcome to either visit me or let me know. Also, toward the front there is a log of changes so you can see right away what things have been added and revised. Let me know if you have any questions. That's all I have. Thank you.

Pres. of Council: Dir. of Econ. Development is not here this evening.

Dir. of Finance: Thank you. Everybody received their financial reports. I did try to include in there . . . in my Council report a detailed explanation of where we are at with the **salary re-appropriations**. I would like to hold off on that. You know; it has already snowed early on us, but I do think the numbers that I provided in the report are going to be very close and by the last Council meeting, we will really have one payroll left and so it should be pretty accurate, but I think actually we will be minimizing the amount of additional funds we will be needing which is good.

I would like to request first reading adoption of Item 18, Ord. 97-2019. End of report.

Dir. of Law: Thank you. I just wanted to report that we did have our **semi-annual Drug Takeback on October 26th** and we collected 178 pounds of unused prescription and over the counter medication. That was just the medication alone and not all of the packaging. It is important to get that out of people's homes and dispose of it correctly and so again, we will remind people that there is always a dump box in the lobby of the Police Department.

I also wanted to take the opportunity in my report to talk about the **proposed changes to the Rules of Council**. That is at 1st Reading tonight, but given that your Organizational meeting will be in January, I thought it might be prudent for us to discuss it this evening so that if any amendments needed to be made to it, it could be presented to you at the December meeting

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Dir. of Law (Cont'd.) and potentially voted upon at that meeting so that you will be ready to go in January.

The changes that were proposed to the rules have kind of stemmed from . . . over the last few years, as you know, we have held our Committee of the Whole meetings and then we have had our Regular meetings at 7:30 p.m. and I think that our meetings could be run a little more efficiently by combining . . . essentially the same content of the meeting into one meeting instead of having the two separate meetings.

The flow is outlined under Rule 12 under the Order of Business. So we would leave what has been pretty much our standard Regular meeting Order of Business, but we would change the flow to include first a referral of 1st Reading ordinances and resolutions, which we do not do until the end of our Regular meeting now and what that would allow; the referral . . . when the President of Council makes the assignment to the committee and it has previously been listed in the rules as a referral and so I am just going to use that terminology. So that could be made at 1st; it doesn't need to be read into the record yet, but then the committee could have that discussion and we could be discussing at 1st Reading which I think would be beneficial for everyone to be able to get into them right away. There is always that awkwardness when we know there are things coming up on our Regular meeting and they are not on our Committee meeting and so this would allow us the opportunity to have that more natural flow and be able to discuss that.

We would then go into Reports of Administrative Officers as we have done and then the other, I guess, substantial change would be going into Reports of Standing Committees of Council of the Whole. So because Council does the committees as Council of the Whole and altogether; various communities do it different ways; some communities have their Committee meetings completely separate, but because we do it all together; everyone has an opportunity to be heard and so this would pretty much be the same flow that we have had with our Committee meeting structure, but it will allow it to be a slightly . . . it could be casual; if you all wanted to keep it formal, it allows for that and so I kind of address the idea behind that committee would run under Rule 36, so there is a change there that you may want to take a look at. Basically, what that outlines is that the Chairperson of the committee would still be kind of running the flow of that committee report and then can use that to discuss resolutions and ordinances, and make recommendations to Council on legislation if desired.

So my thought process is; you would not have to have a formal report that the committee has recommended by a vote of 2-0 . . . because at the end of the day, that recommendation is a recommendation, but it doesn't stop anyone from being able to vote however they want to at the time that is actually called into the record. So, again, that doesn't change that at all; it just allows for . . . I'm hoping maybe even more free discussion and allow for an opportunity for everyone to feel again, the same way that you have done, but just an opportunity to have those discussions and you don't even necessarily have to make that formal recommendation at the end of it. Again, you could if you want to continue to do it the way you have been doing it.

Then rolling into Reports of Special Committees; so now I am flipping back to the order of business and then we would keep it how we have had it for Regular meetings which is the 3rd Reading, 2nd Reading and 1st Reading. So, really the change is primarily in the flow and just trying to keep it in one unified meeting instead of two separate meetings.

Tonight it worked out great because we had a 30 second gap, but we all know there has been times where we have had to wait until we can officially start the next meeting and the biggest issue for that and the reason for that is because we have to have an official time especially when we have public hearings. So, we want to be able to post that public hearing notice. The public hearing timeframe hasn't moved in the order of business, and so those are always one of the first things that happen; your Item 6 in the Order of Business.

One of the other changes was primarily proposed by Councilman Loughry. Under Rule 9, and that is to kind of change the committee structure. So, he did suggest eliminating the committee . . . oh, I'm sorry, I'm on the wrong one. Rule 6, under the Standing Committees that instead of having Public Utilities Committee that that . . . primarily all of those functions would be rolled into Public Service. Public Service would take over the buildings, from Community Issues/Safety. The Community Issues would stand on its own and then the things that were related to the Safety portion would become its own Safety Committee for disaster services, communications, fire and paramedics, police and health. Then under Planning and Zoning; the topic . . . it had community development, but it did not have economic development and so economic development was added and public property was added there and then under Finance, franchises moved from Public Utilities up into Finance. So those were some of the changes. There are a few other minor changes to make it read better with the change in the committee structure and then just clean up a few other things not too substantive, but more just wording and cleaning up.

So, I don't know if anyone has had an opportunity to look at it yet or if there are any questions on it now and if not, I would just ask that if you do have a proposed amendment or wanted something else changed between now and the December meeting, you might express that to me so that I would have an opportunity to get that prepared for you all to consider again just because of the timing of trying to get yourselves ready for the January Organizational meeting.

Mayor: I have one question. Under Planning & Zoning, public property; what does that actually mean . . . does that mean like City Hall if we want to put a new roof on City Hall it has to be talked about in that committee or should that be under Public Service?

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Dir. of Law: Well, Public Service had buildings and I think public property was meant for like property like land acquisitions . . . I'm assuming and this is Councilman Loughry's . . .

Mr. Loughry: I thought that it was like land acquisition Mayor only because the word, building, was somewhere else and so I just thought it would be with Planning & Zoning.

Mayor: The other question I had, which I don't know the answer and we will figure it out, is when the public speaks to Council in the first meeting; they can keep going and talking, but in the formal meeting; it is really . . . they are not allowed to speak, but we have to have public input sometime.

Dir. of Law: Yeah, so that is addressed on Rule 22. Basically, what we did is it didn't specify before and so I just added the community input, so any person may address Council during Community Input, Public Hearings or during reports of Standing Committees of Council. Then I left for up to two minutes. Now we all know that typically if we do not have . . . so that is not a change in the length of time, but typically if we have a meeting where there is not a lot of other business, then we have allowed people to speak longer than that, but if we have a situation where we have a lot of people that are here for a matter of business, then that two minutes does become important to allow everyone an opportunity to have a chance to address Council. But, again, if you have suggested changes, I am open to that too.

- 12. Ordinance 53-2019
FINANCE

TABLED SINCE 6-27-19 MTG.

At 3rd Reading.
Amending Chapter 182, Income Tax of the Tallmadge Codified Ordinances Section 182.01, 182.03, 182.04(A) to increase the income tax rate from two percent (2%) to two and one-quarter percent (2.25%), commencing January 1, 2020, to continue until such time as the electors vote to amend said rate with the additional one-quarter (.25%) being used for the purpose of funding Fire/EMS and Police protection and related safety services and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 53-2019. Seconded Mr. Donovan.
Mayor: On behalf of the City Administration, I would just like to thank the public for passing the income tax and putting the faith in the City that we will manage their funds for the safety forces on behalf of Fire and Police thank you and Council for allowing it to go on.
Roll Call: Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman – unanimous.
Ord. 53-2019 is adopted by a vote of 6-0.

- 13. Ordinance 86-2019
FINANCE
AMENDED 10-24-19

At 3rd Reading.
Tracked
Amended Tracked
Amending Chapter 160 of the Tallmadge Code of Ordinances for Economic Development Programs.

Mr. Sisak moved for the adoption of Ord. 86-2019. Seconded Mr. Donovan.
Mr. Loughry: Mrs. Kilway, obviously as you all know, I have probably been the thorn in everyone's side on this ordinance for a month or so now, but with the publicity and I see business owners all the time; not one of our business owners that have received abatement in the past have complained to me about this change and Mrs. Gilbride's comments in our discussion in our last meeting were very relevant and so people are not staying or leaving because of whether they got abatement or not and so because of that, I will support this ordinance.
Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Donovan – unanimous.
Ord. 86-2019 is adopted by a vote of 6-0.

- 14. Ordinance 91-2019
FINANCE

At 3rd Reading.
Fee Grid
Amending and supplementing Ord. 49-2019 to amend rates, charges, and fees for all recreational facilities and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 91-2019. Seconded Mr. Donovan. Roll Call: Mr. Loughry, Mrs. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Donovan, Mrs. Kilway – unanimous. **Ord. 91-2019 is adopted by a vote of 6-0.**

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15. Ordinance 92-2019
PERSONNEL

At 3rd Reading.
Amending and supplementing Ord. 91-2018, suspending Ord. 68-2017 Section 3.A. for non-collective bargaining employees in fiscal years 2019 and 2020 and providing for immediate enactment.

Pres. of Council: **Ord. 92-2019 is at 3rd Reading and will remain in front of the Personnel Committee.**

16. Ordinance 93-2019
FINANCE
BUDGET WORK SESSION
ON 11-6-19 @ 4:00 P.M.

P.H. ON 12-12-19 @ 7:33 P.M.

At 2nd Reading.
Attachment A
Adopting a budget for various funds of the City of Tallmadge, Ohio, for current expenses and other expenditures during fiscal year ending December 31, 2020, appropriating the necessary funds for the administration thereof, authorizing transfers between funds, and providing for immediate enactment.

Pres. of Council: **Ord. 93-2019 is at 2nd Reading and will remain before the Finance Committee and there is a public hearing scheduled for 12-12-19 @ 7:33 p.m.**

17. Ordinance 96-2019
PERSONNEL

At 1st Reading.
Establishing the number of employees by department and position pursuant to R.C. 731.08 and providing for immediate enactment.

Pres. of Council: **Ord. 96-2019 is at 1st Reading and is assigned to the Personnel Committee.**

18. Ordinance 97-2019
FINANCE

At 1st Reading.
Appropriating additional funds and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 97-2019. Seconded Mr. Donovan.
Dir. of Finance: Just to explain, we had some carry-over CDBG Funds available that we did not spend last year and so we have some houses are coming through that we think we can get through this year and so we would like to appropriate those additional funds that are already in the fund to cover those homes.
Roll Call: Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Donovan, Mrs. Kilway, Mr. Loughry – unanimous.
Ord. 97-2019 is adopted by a vote of 6-0.

19. Ordinance 98-2019
PUBLIC SERVICE

At 1st Reading.
Exhibit A
Amending Tallmadge Codified Ordinance Section 11.01 Rules of Council and providing for immediate enactment.

Pres. of Council: **Ord. 98-2019 is at 1st Reading and is assigned to the Public Service Committee.**

20. **ADDITIONAL ITEMS:**
Pres. of Council: We are going to go into Executive Session for the purpose of Collective Bargaining and Pending/Imminent Litigation. So just to let everyone know, we have to go into Executive Session for some discussion and then when we come back, we are basically going to adjourn and so we will take a couple of minutes to do any signatures that you need and then you guys can leave. OK?
Mr. Sisak: Madame President, I move to go into Executive Session for the purposes of Collective Bargaining and Pending/Imminent Litigation. Seconded Mr. Donovan.
Dir. of Law: You may want to leave it that there might be the possibility of you taking further action when we come back.
Pres. of Council: OK.
Mayor: We don't think there will be, but . . .
Dir. of Law: We would prefer you to leave it open as a possibility.
Pres. of Council: So, do you want to revise the motion?
Mayor: No.
Dir. of Law: No, you don't need to revise the motion; I just wanted to make it . . .
Pres. of Council: All in favor? Or do we need a roll call for that?
Mr. Sisak: Roll call.

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Roll Call: Ms. Tricaso, Mrs. Allman, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak – unanimous.

Pres. of Council: We will go into Executive Session at 8:04 p.m.

Pres. of Council: It is 8:31 p.m. and we are back on the floor from Executive Session.

- 21. ADJOURNMENT:** Mr. Donovan moved to adjourn. Seconded Mr. Sisak. Voice vote 6-0. **The Regular Council meeting of 11-14-19 adjourned at 8:32 p.m.**

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

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Adopted:

Susan E. Burton, Clerk of Council

Carol A. Kilway, President of Council