

REGULAR MEETING

in Council Chambers @ 7:00 p.m.

January 9,

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1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, January 9, 2020 to order at 7:00 p.m.
2. **PRAYER:** Elder Kurran Bishop, SPAN Ministries, Tallmadge.
PLEDGE OF ALLEGIANCE.
3. **ROLL CALL:** Mr. Carano, 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.
4. **MINUTES:** 12-12-19 Regular Council Meeting minutes.
Mr. Loughry moved to approve the 12-12-19 Regular Council meeting minutes. Seconded Mr. Donovan. Voice vote 7-0. **The 12-12-19 Regular Council meeting were approved by a vote of 7-0.**
5. **FINANCIAL REPORTS:**

- **Appropriation Report, Fund Report, and Revenue Report for the period ending 12-31-19 to Council on 1-7-20.**
- **December Financial Reports to Council on 1-8-20.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 12-31-19 to Council on 1-8-20.**
- **Income Tax Comparisons for the period ending 12-31-19 to Council on 1-8-20.**
- **Maca Park Summary for 2019.**
- **Revenue Comparisons for the period ending 12-31-19 to Council on 1-8-20.**

Mr. Sisak moved to approve the Financial Reports as presented. Seconded Mr. Donovan. Voice vote 7-0. **The Financial Reports submitted by Dir. of Finance Gilbride were approved by a vote of 7-0.**

6. **PUBLIC HEARINGS:** None.

7. **COMMUNITY INPUT:**

Pres. of Council: We do allow a little bit of time right now for some community input. Because of the change of our meeting schedule, we are going to limit it to just like three minutes. If anyone has anything that they would like to come up and talk about, now is the time to do that. If you could state your name and address for the record; we would appreciate it. Thank you.

Robert McWhirter, 842 Treat Blvd., Tallmadge. I would like to read the 2nd Amendment of the United States Constitution. "A well-regulated militia being necessary for security of a free state the right of the people to keep and bear arms shall not be infringed."

On December 12th I appeared before this Council attempting to get answers as to why Tallmadge was involved in a lawsuit seeking to block House Bill 228. House Bill 228 was passed on December 27th, 2018, after the legislature voted with over 2/3's majority to override former Governor Kasich's veto. It took effect on December 28, 2019. House Bill 228 strengthens Ohio Law to prevent the erosion of second amendment rights in Ohio. The right to own, possess and carry weapons has been under attack by several cities in Ohio including Cleveland.

In 2017, the Ohio Supreme Court refused to hear an appeal from Cleveland on a decision that struck down several gun ordinances that were approved in 2015. This was after Cleveland lost a previous case at the Ohio Supreme Court in 2010 which found that only Federal or State regulations can limit an Ohioan's individual to bear arms. Yet Tallmadge joined and wasted taxpayer monies and resources on a suit that made the same losing arguments. In December I asked why did the City get involved. The only answer I received was that the Law Director made the decision based on Home Rule. How did the City get involved? Again, the only answer I received was the Law Director made the decision. I'm not a politician, but I don't think the Law Director runs the City of Tallmadge or has the authority to expend finances, but she sure got thrown under the bus in December.

My questions were met with basically two answers; it was about Home Rule; based on the precedence above . . . all the reporting; it was about gun control; a totally predictable losing position. The other answer I got was, I can't comment on pending litigation. Well, not surprising the litigation failed so now I hope I can get some honest answers.

Why did the City get involved? Home Rule was a cover. This was always about gun control. Why was Tallmadge allowed to be used by Cleveland, Akron and Reitzel and Andrews to help their very weak case? Why was Tallmadge doing the bidding of Akron and Cleveland? How did the City get involved? What was the Law Director's role; what was the Administration's role and what was Council's role? Why was there no public discourse related to this litigation? Why did Council only discuss this in Executive Session? Why was it all done in secret and hidden from the public and the

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Mr. McWhirter (Cont'd.) press. How much taxpayer monies; actual dollars and time were spent? Then finally, what else has been discussed in secret about infringing on mine and many other Tallmadge resident's rights to keep and bear arms? Can I get any answers?

Mr. Sisak: I would be happy to talk to you and address the Sunshine Rule and what happens behind closed doors in an Executive Session. You're a well-informed individual and I recommend that you look that up and then we can talk about it.

Mr. McWhirter: Why was it only in Executive Session?

Mr. Sisak: So, we could talk about it. So, the problem is, is you know a lot of different things and I applaud you for that, but you don't know what we talked about and that is the part that honestly, we were elected by the public to do was to address those things and so you know, thanks for coming . . . you know, the 2nd Amendment is not going away. OK? We are not doing anything with the 2nd Amendment. So, . . .

Mr. McWhirter: Then why were we involved in litigation?

Dir. of Law: I would just like to say that it is still pending litigation and I don't advise that we comment any further.

Pres. of Council: When it is over; we can comment at that point in time.

Mr. McWhirter: OK. I will continue to be back here.

Pres. of Council: Thank you and we do appreciate it. Thank you.

Mr. Donovan: Please do.

8. **ANNOUNCEMENTS:**

Pres. of Council: We do have a liquor application from The Breakfast Place which is located at 137 East Avenue. Everyone should have received the e-mail with that with the information. Can we get some more information on this because I think what they are asking for; I'm not sure if they are actually able to have all of the different liquor items that they are asking for.

Mayor: Thank you Mrs. Kilway. For those on Council, this is the Dairy Queen building; the location where the breakfast place is located. As you can see the permit up there; they are asking for D1, D2, and D3. The question before Council is are you OK with them serving alcohol at that location and the question before the State is; are they allowed to do a D1, D2, and D3 at that location? In my opinion, they are not. They are only allowed to do a D1, and that is beer only serving on premise. Just like Scratch Kitchen did. D2 and D3 was never voted on in that precinct in my opinion and I have tried to contact the State three times this week and I have yet to get that call back from them, but we have the documentation from the State for all of the voted precincts in Tallmadge; when it was voted on and was it passed or not passed. I do not see where D2 or D3 is allowed in that precinct, but that is up to the State. This question before Council is just like Scratch Kitchen; is it OK for The Breakfast Place to be able to serve alcohol. If you want to question that; then you would recommend having a hearing, but if they are not legally allowed to get that permit; the State will not issue that permit. I do not think legally that they can issue that permit.

Mr. Sisak: I mean, it is mostly a breakfast place and so I definitely see more D2 and D3 being sold there like things that go along with more breakfasts . . . well, I mean . . .

Mr. Bollas: What is the definition of D2 and D3?

Mayor: D1 is only serving beer; D2 is the wine; and D3 is spirits or alcohol. Then in that precinct alcohol is not allowed to be served, without going to the voters; they can do it; they can get the permit if they get it voted on by that precinct. The precinct back in the day that was voted on was 2-B and 2-E and now it is different because the precincts have changed. Dennis?

Mr. Loughry: Just to make some aware that haven't been around forever; the historical issue here . . . when we decided to become wet and we created a Fine Dining District; some wanted to be in, and some wanted to be out. At the time Mr. Schipper owned the plaza and he did not want to have alcohol there and so he made the decision and asked to be excluded. Also, with the State, you can carry a petition and get on the ballot for a precinct or you can carry a petition for a site-specific location. We, like many cities, have been inconsistent with the way we handle that. Sometimes if we think it is good for economic development; maybe the City would help and carry a petition for a whole precinct, whether they did that for themselves or got someone to do it or whatever. Other times a business owner would come into a location and would say that they were not going to carry for a precinct so that someone can open up across the street and compete with me. I'm going to carry for me only and so we have had some of both.

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Mr. Loughry (Cont'd.) Over the years, the most recent; Mr. Schipper changed his mind and was in favor of the plaza having alcohol. We, I believe, I don't know if we chose . . . if we changed the footprint or not on the ordinance of where you can serve alcohol. We must have.

Mayor: Yeah, you are allowed in the plaza.

Mr. Loughry: Yeah, so now with that being said, Mr. Schipper has since sold the plaza and now there is a new owner there, but the owner of The Breakfast Place intends to change the name of the restaurant and will be open for breakfast, lunch and dinner.

Pres. of Council: That was going to be my question.

Mr. Loughry: But the point is if the State and the Mayor are on the same page and that precinct was voted on; I believe that the owner will have to carry a site-specific petition and try to get on the ballot.

Mayor: Or modify their permit and you can see up there on the bottom of the permit; there is the D1 which is beer only permission.

Mr. Loughry: But again, his background is he used to own at one time like seven different restaurants and he sold them all and opened The Breakfast Place. Well, it is hard to make a living in Tallmadge if all you are doing is breakfast and a light lunch and so if he does this; he is doing it with the intention of being able to make a margarita and so he will have to make a decision on what he wants to do.

Pres. of Council: So, do we know like what the hours are that he is planning on doing; that's my question?

Mr. Loughry: I don't know officially; I mean, I had a conversation with him, and I believe it will be 10:00 p.m.

Pres. of Council: I mean their breakfasts are awesome and so I am sure everything else would be just as fantastic.

Mr. Loughry: But again, he is not used to carrying a permit for himself and when this is the first time that you have done something; it takes a while to learn what you have to do.

Pres. of Council: Right. So, if we allow this to go to the State without us doing anything; they will have the hearing there and they will determine whether or not they will be allowed . . . which one they will be allowed to have and if . . .

Mayor: There would not be a hearing at the State; only if Council asks for a hearing and then the State will look at both the precincts that have passed and is the precinct allowed and that is still the conversation that I will have with them. But they have the same document that I have because they sent it to us. They sent it to Rita, and I found all of those documents. I don't see a need, but that is up to Council.

Pres. of Council: So, does anyone on Council feel that we should have a hearing for this liquor application?

Mr. Loughry: I do not. Everyone else said no.

Pres. of Council: OK, so we will just let it go to the State without a hearing and . . .

Mayor: And I will continue to follow up with the State about my reading of the precincts. Thank you.

Pres. of Council: OK. Thank you very much. OK, so we do need a motion and a second as to whether to have a hearing?

Dir. of Law: Probably just do a voice vote. It looked like you had a consensus on it.

Pres. of Council: OK, all those in favor of not having a State hearing for the liquor application for The Breakfast Place, please indicate by saying aye. **All said aye and the motion passed 7-0. We will not have a hearing for the liquor application.**

9. **AGENDA ADDITIONS:** None.

10. **REFERRALS OF FIRST READING ORDINANCES AND RESOLUTIONS:**

Pres. of Council: So, we do have a number of 1st Reading ordinances and resolutions.

a. The following shall be referred to the **Finance Committee:**

- Ord. 4-2020
- Res. 1-2020
- Res. 2-2020

b. The following shall be referred to the **Planning & Zoning Committee:** None.

c. The following shall be referred to the **Personnel Committee:** None.

d. The following shall be referred to the **Community Issues Committee:**

- Res. 3-2020
- Res. 4-2020

e. The following shall be referred to the **Safety Committee:**

- Ord. 2-2020
- Ord. 3-2020

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f. The following shall be referred to the **Public Service Committee**:

- Ord. 1-2020

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 . . .

Mr. Loughry: Can we go back one second?

Pres. of Council: Yes.

Mr. Loughry: Again, because we are working through this. At this point on the agenda, could we know which of these the Administration would like adopted at 1st Reading?

Dir. of Law: I think we contemplated that that discussion would come up then in committee because you will have all of these back in committee and so even those that were at 1st will now be assigned to a committee so you actually get to discuss them at length in the committee.

Mayor: Item No. 12. It is like the Monday meeting instead of the Thursday meeting.

Mr. Sisak: I have a question too. So, all those ones that you just referred was the piece of referring to the committee assignment; is that considered a 1st Reading or once it gets within the committee structure; that is the 1st?

Dir. of Law: So, it is kind of like it was before where the actual official 1st Reading won't be until the later part of the agenda. So, it is kind of like we took the Committee meeting that we had before, and it is going to happen kind of in the middle of this meeting.

Pres. of Council: Are there any other questions at this time? No one responded. It is kind of a little bit of learning curve, but we will get through it. OK; Mayor Kline.

Mayor: Thank you Madame Chairman. First of all, congratulations to Council; thank you and I am looking forward to 2020. I think we are going to have a busy year coming up. Congratulations to all of your committees and our office; the Administration is always open to anybody who wants to come in and talk about anything on the agenda or not on the agenda, so you are welcome to come in anytime.

A couple of items; we had a meeting here at City Hall this week. The CAD: the **computer aided dispatch** which is Akron and a few other communities that started a couple of months ago; Stow, which is Tallmadge, will kick off in June/July and so we will come on board then. Things are coming along OK with that.

Then we also had our **first kickoff meeting for the COG**; the Summit County COG is getting organized and there is a timetable and different committees that are going to be working on it and then we will be bring it to Council and that is the Joint Dispatch Center that is going to be located at a location yet to be known. I just wanted to let you know that that was the kickoff meeting.

This past week also, thanks to Mike Carano, **we went to Solar United Neighbors**. It is solar panels that go on the roof and we are looking at creating a COG there also. Cuyahoga Fall, Kent and Tallmadge; there is a possibility of a COG to be able to put solar panels on government buildings to help reduce energy costs, so thank you Mike for organizing that meeting. It was in Cuyahoga Falls and there will be more to come on that in the future.

Gas Aggregation: I don't know if anybody has received a letter like this (held up a letter) and that is exactly what it is. That is my letter that I got at home telling me that if I do not want the City's program I have to opt out because I am on the SCO and so Constellation is our current contractor with \$3.09 per mcf and anybody who . . . we are in the second year of that contract and this will go all the way through 2021; November of 2021 at that \$3.09 rate and Constellation said there are too many people who have moved in and moved out and they want to do, or they did another opt out to catch those folks who are higher than \$3.09. There are quite a few of those out there. So they are automatically enrolled into the program, but the unfortunate thing is that anybody on SCO; the Standard Choice, who did not opt out before, which I never opted out; I just joined the SCO and so therefore, I got the letter and so . . . the SCO current rate today is \$2.65 and so if I don't opt out; I am going to go to \$3.09. So, if anybody is calling you about why did they get the opt-out letter, well tell them to call me; call the Mayor's office. But it is out there.

Dir. of Finance: Can you clarify from your statement that if you previously did opt out with Constellation; are you also going to get a letter? I was confused.

Mayor: You are not supposed to. So, I didn't want them to send it to any SCO, but they were sending it to the SCO's who have never opted out of the program before, which I was one of those.

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Mayor (Cont'd.) A little bit confusing, but we put it on our Facebook; we put it on our website, and we sent a Press Release to the Tallmadge Express. End of report.

Pres. of Council: I would just like to say again; I started the morning off by saying this and say it afterward; Happy Birthday Mayor Kline.

Mayor: I appreciate it. I wouldn't want to do anything better than spending it with my other family.

Mr. Sisak: We had, I think, had come to in the Police Department, hiring an officer to replace the SRO that went to the schools. Can you give us a status update?

Mayor: A tentative offer has been made. They are going through the process. That person is not on board yet.

Dir. of Pub. Service: Good evening and happy new year. I would like to request that Ord. 1-2020 gets passed this evening. Moving forward for the monthly report for December of 2019; in **Zoning**; they had a low month. They had 6 permits, but for the year it was 464. Then I think the thing that really needs to be acknowledged there is the amount of recorded complaints which were 201 came in and 175 were closed before the end of the year and those recorded complaints are junk cars and the houses that are in disarray and garbage laying around and so they did a nice job down there.

In the **cemetery**, they had a busy month and are having a busy month again this month. There were 8 burials. There were 82 for the year.

We showed this slide last year in 2019 and we are showing it again this year; we are going to have an **increase in our garbage and recycles**. We extended that contract back in 2017 and it has been a slow uptick. It is about \$4.20 or something like that over the three years there and so the big thing that I want to show are those are the surrounding communities; Barberton is in red because we were on the contract with them and they chose not to extend it; look at that price; \$57.00 and then you can see the rest of them. Green seems to be the odd one out, but the rest of them are \$50+ so we have to go out to bid this year in 2020 for this contract, so we might be looking at those prices ourselves just to let you know.

Recycles; that is an issue. As you know, China is no longer taking as many recycles as they used to. Believe it or not, there is not much that goes into recycles if you look at it. The sad thing is, remember glass is no longer considered a recyclable. The big thing too is that your recyclables are supposed to be loose in the container. They might quit taking them if they are in the bags. That's not this year because we are under the contract but moving forward. You are supposed to throw your recyclables in there loose.

Moving forward with the Parks for the month.

Mr. Carano: Excuse me, Mr. Rorar; those recyclables . . . you know I have a thing on my refrigerator, and it looks like this; I wonder if the public will be . . . I guess you will have to go to the website or something because that looks quite a bit different . . . the fact that they are not asking for washed out Tide containers.

Dir. of Pub. Service: Well, it is just Tide. So, if you had one of the other ones that's fine; it is the orange plastic that they don't want. It is just Tide and so if you had All, Arm & Hammer; it is just the orange Tide; they do not want that.

Mr. Carano: And glass I see.

Dir. of Pub. Service: Glass is actually the profitable one, but nobody recycles glass right now.

Parks and Rec for the month, you can see the memberships; actually, it was not too bad. We were down only 65 in memberships and visits we were only down about 70.

Community All Stars visits we were only down about 70.

Community All Stars is still going on; they are right in the thick of it and I still want to emphasize the Drew Joyce Tournament was relocated and so I think everybody is aware that we are going to take a hit financially on that not being held here in Tallmadge.

You can see the upcoming events; **Family Fun Night** tickets go on sale. The Family Fun Night is actually being held February 21st.

In the **Parks**, rental revenues have been up \$8,600 from 2018 to 2019. I'm going to credit Kristin Lally. She took over that position and she has done a great job and Adam and Jessica are here tonight and I think they would say the same.

Handicapped parking spots; if you go back to the Master Park Plan, remember that we are lacking in some of our ADA facilities and so we already went and started doing some of those updates in the Kent Drive Park if you drive by there you can see that is going on.

In the **Street Department**, 14 tons of street sweeping was done and there were 116 total tons removed from street sweeping. Last year it was 84 tons. In 2017 it was 14 tons. So, we have done a little bit better in getting those tons off the roads and that is just the debris; that is just the sediment.

You can see the rest of the work that they have done. **Leaf pickup is finally finished**. It was a great fall; I mean, I am not going to complain about it; it was excellent. Night shift starts next Sunday night. So, the guys will go on second shift there.

In the **Water Department**, there were two watermain breaks; one on Overdale and one on Sunset View. We were under last year's water breaks; we had 22 for the year and last year we had 29. The sewer backups: both were on private property. They weren't anything that the City was responsible for, but it wasn't us. Then the valves; the big thing about that is that asset management; we have replaced six of those valves and that was part of the valve exercise program.

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Dir. of Pub. Service (Cont'd.) would like to make mention that on Christmas day there was a watermain break and I would like to thank the crew that went out on Christmas day and worked New Year's Eve day when there was a sewer backup. I would like to thank those crews. Everybody says, hey they are getting paid, but yeah, but it is still a holiday and they are still at home eating and they get called out. No complaints. Those guys went out there and did a nice job. That's the end of the report if there are any questions?

Dir. of Administration: Good evening. Just one thing really quick. We have scheduled a **disaster exercise** basically for the first week in February for many of the leaders of the City. Council doesn't have a direct role in our department operation center during disasters and so Council isn't necessarily part of the training, but many employees in the City will be attending a 90 minute session in the morning and then an exercise that we will have in what we refer to as the "Department Operations Center" the DOC to be held in the Police training room over at the Police Station. We will go through a scenario, a common scenario, to walk through and kind of get practice on how leadership decisions would be made at the Department Operation's Center; should we have a widespread emergency or disaster in the City. I just thought you might want to be informed about that. If you have any questions, feel free to give me a call or give me a visit. Thank you.

Mr. Loughry: I have a question for Mr. Cooper, or a request actually. You are very involved without safety forces, both Police and Fire, and I have not heard any rumors or heard anything, but both our Police Chief and our Fire Chief have a lot of years of service and I would think that sometime in the next few years that both may be looking to retire; one or the other and I don't think we have reviewed our replacement process in several years and so I would just like you to look at that and let us know if you let us know if you think the process is still good or it needs to be tweaked or whatever.

Dir. of Administration: So, as a point of information, two years ago now I think we completely revamped that process.

Mr. Loughry: Well, that was when I left for a little bit.

Dir. of Administration: Sorry you missed that. Happy to share with you the current state of that legislation and that process; that is in Civil Service I believe, so I can share that with you, or the current state of it so you can catch up.

Mr. Loughry: Thank you.

Pres. of Council: Next is Dir. of Econ. Development. We don't have one at this time.

Mayor: Working on it.

Dir. of Finance: Thank you. Everybody should have received their **end of year financial reports**. I was pleased with how the year ended. Our income tax really did rebound for us from the big drop we had taken in 2018. I did point out in my report that 61% of that increase was actually attributable to the net profit and the individual withholding which is the more volatile portion of our income tax so that is what brought us down in 2018 and brought us kind of back up in 2019. So hopefully 2018 was kind of a blip and we won't see that volatility, but then of course, you move forward cautiously due to knowing that we have two large employers that will be having a lot of jobs leaving within the next couple of years. So, I was pleased with that. I think everything ended well. All of the departments came mostly within their budgets. We had one small re-appropriation with that.

We did get the year closed. We are up and running in 2020 processing purchase orders and such. This is the first year closing on our new system and it was so much smoother than our old system and so I appreciate Council's appropriation for me to purchase that software. We are working on getting everybody's W-2's out by the end of the year and switching over all of the payroll systems and so all of the exciting stuff that happens in the Finance Department. If anybody has any questions on any of the financial reports . . .

Mr. Loughry: Mrs. Gilbride, did the JEDD perform as you expected?

Dir. of Finance: I actually kind of had anticipated that the withholding would be a little higher with the rate increase, but we ended up with the Withholdings for the JEDD about 16% over the previous year. So, it was a little slower than what I had anticipated, but again, with the timing of things that go on, it sometimes takes a catchup to get that fully realized.

Mr. Loughry: Right, but I think, this is just my opinion, with the increase of jobs in that new retail development, even though they are going to be lower paying jobs than those that we are losing, I think that we will be in good shape once those two big stores get open.

Dir. of Finance: No, I would agree.

Dir. of Law: Thank you. I have no report this evening.

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

a. FINANCE

Ord. 4-2020 – Authorizing the Mayor to purchase online subscription services with Microsoft Corporation which are special in nature and not requiring a competitive bid and providing for immediate enactment.

Mr. Sisak: Thank you. I will be the Guinee pig; so, I don't know if I will open the committee or . . .

Mayor: This is the 7:00 p.m. meeting.

Mr. Sisak: I will open the Finance Committee; Mr. Donovan and Mr. Carano are present. We currently have Ord. 4-2020 authorizing the Mayor to purchase online

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Mr. Sisak (Cont'd.) subscription services with Microsoft Corporation which are special in nature and not requiring a competitive bid. Is this something that you would be interested in having passed?

Mayor: You can just give it a 1st Reading.

Mr. Sisak: 1st Reading; OK. The anticipated amount will not exceed \$50,000. What is this regarding?

Mayor: Just our license requirements. That is why it is under the housekeeping, but you can give it another reading.

Mr. Sisak: Are there any questions from the committee members?

Dir. of Law: Just so Council is aware, for this evening, because we are trying a new method, we just decided to hold back on a lot of the housekeeping legislation so you will have that coming to you the next Council meeting and so expect a longer agenda for that one, but we just thought we would put a few in so we could kind of get our feet wet without drowning.

Mr. Sisak: Ord. 4-2020; we will give a 2nd Reading. Is that OK gentlemen?

Mayor: 1st Reading.

Mr. Sisak: We just gave it a 1st.

Mayor: This is the 1st Reading.

Mr. Sisak: OK. We will give it a 1st Reading, wherever it is at.

Mr. Loughry: So, this is one of the things that is different. This is fine. I thought we were going to read it now and then just deal with it, but what we are doing is we are putting it in committee just discussing it as a committee and then going to have the official reading later; correct?

Dir. of Law: Yes, yes. That is what . . . in our discussions you and I kind of leaned on that we would take kind of baby steps towards doing it like this and see how that goes and then we would eventually change it.

Mr. Loughry: So, what we will do here in Section 12 is just what we have always done; have the committee meeting and make a recommendation and then we will deal with it later on? Got it; right?

Dir. of Law: Yes.

Mr. Loughry: Alright.

Dir. of Law: So, would it be helpful at this point to have it noted in parenthesis just so you don't have to look later in your agenda and just have it say at 1st Reading?

Mr. Sisak: Yes, and that is what we were kind of talking about and I think Mr. Bollas kind of talked to some other committee members about kind of tracking it as to where we are at with it.

Dir. of Law: That way you don't have to find it later in your agenda. The other thing that we were planning on doing once we have the committee assignments; you will have everybody's name in there like you used to.

Mr. Sisak: Alright, so we are going to give this a 1st Reading and we talked about that because we said that we kind of miss the whole 1st Reading opportunity to discuss and talk about it, so that is good; I like that.

Res. 1-2020 – Authorizing the Summit County Fiscal Officer to advance payment of local taxes collected for the 2019 tax year, payable in 2020 and providing for immediate enactment.

Mr. Sisak: We have Res. 1-2020 authorizing the Summit County Fiscal Officer to advance payment of local taxes collected for the 2019 tax year, payable in 2020 and providing for immediate enactment. Again, this sounds kind of housekeeping to me gentlemen; what do you think? Mr. Carano?

Mr. Carano: Yes.

Mr. Sisak: So, is this something that needs passed?

Dir. of Finance: Yes, if you could pass that; that will allow the County in February to start sending us the property taxes they collect.

Mr. Sisak: Yes, so we recommend adoption at 1st Reading. Are you guys good with that? They answered yes. 3-0 to adopt.

Res. 2-2020 – Authorizing the Portage County Auditor to advance payment of local taxes collected for the 2019 tax year, payable in 2020 and providing for immediate enactment.

Mr. Sisak: Res. 2-2020 is authorizing the Portage County Auditor to advance payment of local taxes collected for the 2019 tax year payable in 2020 and providing for immediate enactment. Again, housekeeping; committee? So, we will recommend adopting Res. 2-2020 at 1st Reading and that will be 3-0. Is there anything else to come before Finance? I will go ahead and close committee then. Thank you.

b. **PLANNING & ZONING:**

Ord. 101-2019 – Approving, supplementing and amending Ord. 85-2018 granting a conditional zoning certificate for special non-residential development to applicant/owner The Shepherd's Pasture to modify the use from religious place of worship to personal services for 7,400 square feet at 361 Northeast Avenue.

Mr. Donovan: (microphone not on) I call the Planning & Zoning Committee to order; myself, Mr. Sisak and Mr. Loughry are here. We have Ord. 101-2019 approving, supplementing and amending Ord. 85-2018 granting a conditional zoning certificate

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Mr. Donovan (Cont'd.) for special non-residential development to applicant/owner The Shepherd's Pasture to modify the use from religious place of worship to personal services for 7,400 square feet at 361 Northeast Avenue.

Mayor: This is at Planning & Zoning and so there is a public hearing set for the Planning & Zoning meeting in February and so if you could just give this a 2nd Reading.

Dir. of Law: Just so Council is aware, they had originally applied earlier which is why you got it last month and then they asked for a continuance for the following month so that was why it was delayed.

Mr. Donovan: Can you just give us an update on that?

Dir. of Law: Essentially they just want to take the portion that had been an accessory use for the religious institution, which was their softball field area; the indoor softball/baseball area and now they want to use it, part of the time, for personal services. The proposed use is like a doggie dock diving school and they also want to be able to have it then in the off season because I guess that business operates outside during part of the year and they want to be able to convert it back to their use for part of the year and so that is what they are asking for.

Mr. Donovan: I close committee.

c. **PERSONNEL:**

Ord. 96-2019 (Tracked/Amended/Amended Tracked) – Establishing the number of employees by department and position pursuant to R.C. 731.08 and providing for immediate enactment.

Mr. Carano: I call the Personnel Committee to order; Becky Allman, Jonathon Bollas and myself are present. Before us we have Ord. 96-2019 establishing the number of employees by department and position pursuant to R.C. 731.08 and providing for immediate enactment. Mayor?

Mayor: Yes, if you could follow me; if you are looking at it on your computer or up on the screen, I will go over the tracked changes. Since your last Council meeting, we did meet internally, and we did amend it again or are asking Council to accept the amendment of today's date. Let me go through those with you.

The **Garage Administrative Clerk:** that is the change, your previous version that was a "C" for classified and we went back to unclassified.

Planning & Zoning; Administrative Assistant Zoning changing from a Band 2 to a Band 3. The **Planning & Zoning Manager;** Helene's job, just to put a name so you know where the position is at; is changing from a Band 4 to a Band 5. The Clerk would be Kelli out front.

The **Auxiliary Police Officers** currently there are 18 Auxiliary Police Officers with no management or the ones who are in the upper management; the Captain and the Coronel are the supervisors similar to what we do at the Rec Center. So, I made it Auxiliary Police Officer Supervisor part-time; a Band 2 so they supervise the other folks. We also had Chaplain; the Fire Department Chaplains have always been in that Auxiliary Officer's . . . the 18, but now we are just breaking that out because that is really taking spots of the auxiliary officers because the Chaplains do not do the auxiliary work; they strictly get called out on an as-needed basis and we currently have two chaplains and so that is that position.

The Rec Center: you know we came to . . . on your old grid the amended one that was in front of you before it said **Aquatics/Marketing Coordinator**. We've had some changes at the Rec Center in the last . . . since you guys have met, a few folks have resigned and we still like the idea of an Aquatics Manager being full-time but the priority to the Parks and Rec and to the Service Director and to Jessica is the **Rec Center Programming Coordinator** which was Renee; that position will go to full-time is our request. Take the Aquatics Marketing Manager and put the Aquatics Pool person to part-time. Financially if we could afford to do both, I would request that, but we have to make a decision and the better decision is the Rec Center Program Coordinator for the full-time. The Marketing Coordinator was always in there; it was never filled and so that position is still in there as a part-time person.

Then the **Rec Center Supervisors** were changed and the Rec Center Supervisor in the next line changed from 4 to 10. They still can only work so many Supervisors; the same number working at a given time is the same number, but it gives them opportunity to hire more to work the different shifts.

In the Utility Department, the **Administrative Assistant Utility;** this is Heidi's position down at the Rec Center (Water Department) so the Superintendent for the Water Utility Department had a Clerk as his Administrative Assistant and we are cleaning that up and making that a Band 3 from a Band 2 and unclassified. Your previous one had classified.

I know that is a lot thrown at you. We are not asking for the adoption of this. I want you to look at it. If you have questions tonight, we could answer those questions or look at it and come in and I will gladly meet with you. I know that Dennis had a question.

Mr. Loughry: I just want to thank everybody in the Administration. You know, you give me a personnel ordinance and three weeks to look at it; I'm going to have a lot of questions and they were very receptive, very receptive and I'm happy with this ordinance.

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Mayor: You can adopt it if you want to.

Mr. Loughry: But anyway, I just wanted to thank you.

Mayor: Thank you for the comment.

Mr. Carano: There is no problem with a 2nd Reading?

Mayor: No. I don't want this at 2nd. I am just asking you to amend it so then we can talk about it.

Mr. Sisak: I guess I do have a couple questions. I mean, it looks like we are probably going to be having some raises here with some of these folks and we just passed the budget and I don't know if that was figured in or not. It is not a lot of money, but it is kind of point . . .

Mayor: It was budgeted.

Mr. Sisak: OK.

Mayor: In anticipation.

Mr. Sisak: Even of these changes within the past several weeks?

Mayor: Well, in the Aquatics, in the Parks and Rec; the Aquatics was budgeted for a full-time pool manager.

Mr. Sisak: Right, but we just went over like ten changes and a couple of them were band changes and so . . . I mean, it just . . . and then secondly; do the job responsibilities and the job descriptions change with the change in bands because it seems like, I don't know, I am kind of trying to compare like 2's and 3's and I am trying to compare 4's and 5's . . .

Mayor: Yes; the answer is yes.

Mr. Sisak: OK, so you . . .

Mayor: The position descriptions have to be modified or are in the process of being modified. The job duties are changing.

Mr. Sisak: OK; good. Alright. Thank you.

Mr. Carano: Do I recommend at the next reading? I am really confused because of the new process.

Mayor: So, when it comes up on Item No. 14. you would make a recommendation to amend Ord. whatever . . . the ordinance number is. Jim: do you have a question?

Mr. Donovan: This thing says 96-2020. Wouldn't it be 2019.

Mayor: It is Ord. 96-2019 amended January 9, 2020.

Pres. of Council: On our agendas it does say 2020. Just on the agenda.

Dir. of Finance: It does.

d. **COMMUNITY ISSUES:**

Res. 3-2020 – Congratulating Mary E. Tricaso, former Council member of the City of Tallmadge and providing for immediate enactment.

Mr. Loughry: I call Community Issues to order; myself, Mr. Bollas and Mrs. Allman are all present. We have two resolutions. In the past, we would typically not discuss or make a recommendation on resolutions, so I would just assume that they will be read, and we will adopt them later in the agenda. Does anybody else have anything for Community Issues. No one responded. I will close committee.

Res. 4-2020 – Extending the sympathy of the Council and the Administration to the family of Steven J. Wood and providing for immediate enactment.

e. **SAFETY:**

Ord. 2-2020 – Authorizing the Director of Law to negotiate and to enter into a contract with Oriana House, Inc. to provide for misdemeanor work release program halfway house, and home incarceration for misdemeanor offenders and providing for immediate enactment.

Mr. Bollas: I call the Safety Committee to order; myself, Mr. Carano and Mr. Sisak are present. We have Ord. 2-2020 authorizing the Director of Law to negotiate and to enter into a contract with Oriana House, Inc. to provide for misdemeanor work release program halfway house, and home incarceration for misdemeanor offenders and providing for immediate enactment.

Dir. of Law: This is a housekeeping one; I don't need 1st Reading adoption tonight. You can just give it a 1st Reading tonight; that would be fine. The same applies to the next one.

Mr. Bollas: I move for it to go to 2nd Reading?

Mr. Sisak: That's fine.

Mr. Bollas: So, I just move for 1st Reading?

Dir. of Law: So, you will just say, we will recommend giving it a 1st Reading.

Mr. Bollas: I recommend giving it a 1st Reading.

Dir. of Law: The first one is Oriana House so that we have a jail facility there. We like to have that available to us for . . . it has a longer period of time that people can be held than some of our other contracts and because of the lack of space at the Summit County Jail, it is important for us to maintain that contract and the next one that you are going to be talking about is the Public Defender's contract which essentially we are required to allow people to have public defenders and we are the ones who actually foot the bill for the services that they render pursuant to the contract.

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Ord. 3-2020 – Authorizing the Director of Law to enter into an agreement with the Summit County Public Defender’s Commission, authorizing payment therefore, and providing for immediate enactment.

Jonathon Bollas: That was Ord. 3-2020; authorizing the Director of Law to enter into an agreement with the Summit County Public Defender’s Commission, authorizing payment therefore, and providing for immediate enactment. This is at 1st Reading. I recommend 1st Reading. Is there anything else for the committee? No one responded.

f. **PUBLIC SERVICE:**

Ord. 99-2019 – Adding Part 3 “Traffic Code” Title 7, “Parking” Chapter 351 “Parking Generally” Section 351.03(28) “Prohibited Standing or Parking Places” of the Codified Ordinances of the City of Tallmadge and providing for immediate enactment.

Mrs. Allman: I call the Public Service Committee to order; myself, Dennis Loughry and Jim Donovan are present. We have before us Ord. 99-2019 at 2nd Reading adding Part 3 “Traffic Code” Title 7, “Parking” Chapter 351 “Parking Generally” Section 351.03(28) “Prohibited Standing or Parking Places” of the Codified Ordinances of the City of Tallmadge and providing for immediate enactment. Committee: do you have anything?

Mr. Loughry: This was brought to my attention and also Mrs. Raber’s attention; actually if everyone would just be a good neighbor, but, because sometimes there are difficulties or issues we do not have an ordinance that would prevent you from parking in front of someone’s mailbox and the Post Office won’t deliver mail and so you have someone parking in front of your mailbox for whatever reason and then you have to go to the Post Office to pick up your mail. So, this is just common sense; something that was probably just missed for years and it is being rectified and I think we should adopt it this evening, but . . .

Mr. Sisak: Did we look at reviewing the entire piece of legislation or just adding that one specific part?

Dir. of Law: We only really looked at that one specific addition.

Mr. Sisak: OK. Because the City has no parking overnight; right?

Dir. of Law: There is no longer than two-hour parking.

Mr. Sisak: And so I would say that we would probably revisit the whole thing because I mean you could call and you know they chalk tires and then it seems to be rather . . . two hours is a pretty small amount of time for someone to be parking in the street. So that would be my suggestion to the committee is to maybe kind of look at all of the language in here. I know I have had multiple calls probably in the past year about people parking close to like stop signs and things like that and you know all over the City and there might be some other things too that we could look at. We need to bring it up to date or just making it enforceable I guess, is the best way.

Dir. of Law: So, I think that . . . I appreciate the suggestion and I have no issue with that whatsoever. I do wonder whether you would like to do that and take that under advisement and work on that and still adopt this particular change given that there is an ongoing issue with a neighbor; this particular resident who has brought the issue to us has some medication that he gets delivered via the Post Office and he is not able to get that medication and it is causing him to be delayed to be able to get to the Post Office when he needs to be able to pick it up type thing and so it is up to you, but . . .

Mr. Sisak: It is not my committee, but that would be my recommendation.

Mrs. Allman: OK, I recommend adoption of Ord. 99-2019 at 2nd Reading by a vote of 3-0.

Ord. 1-2020 – Authorizing the Mayor to enter into an agreement with County of Summit for pavement maintenance and providing for immediate enactment.

Mrs. Allman: We also have Ord. 1-2020 authorizing the Mayor to enter into an agreement with County of Summit for pavement maintenance and providing for immediate enactment.

Mayor: This is a contract that we enter into with Summit County for the pavement. They are getting ready to put the bids together and so we would ask for 1st Reading adoption on this housekeeping ordinance for the pavement program.

Mr. Loughry: I am fine with that.

Mrs. Allman: I recommend adoption of Ord. 1-2020 at 1st Reading. I close committee.

13. REPORTS OF SPECIAL COMMITTEES: None.

14. Third Readings of Resolutions and Ordinances:

a. **Ord. 96-2019 (Tracked/Amended/Amended Tracked)** – Establishing the number of employees by department and position pursuant to R.C. 731.08 and providing for immediate enactment.

Mr. Carano: I recommend amending Ord. 96-2019. Seconded Mr. Donovan. Roll Call: Mr. Bollas, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **Ord. 96-2019 is amended by a vote of 7-0.**

15. Second Readings of Resolutions and Ordinances:

a. **Ord. 99-2019** – Adding Part 3 “Traffic Code” Title 7, “Parking” Chapter 351 “Parking Generally” Section 351.03(28) “Prohibited Standing or Parking Places of the Codified Ordinances of the City of Tallmadge and providing for immediate enactment.”

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Mrs. Allman: I move for the adoption of Ord. 99-2019. Seconded Mr. Loughry. Roll Call: Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas – unanimous. **Ord. 99-2019 is adopted by a vote of 7-0.**

- b. **Ord. 101-2019** – Approving, supplementing and amending Ord. 85-2018 granting a conditional zoning certificate for special non-residential development to applicant/owner The Shepherd's Pasture to modify the use from religious place of worship to personal services for 7,400 square feet at 361 Northeast Avenue.

Pres. of Council: **Ord. 101-2019 is at 2nd Reading and will remain before the Planning & Zoning Committee.**

16. **First Readings of Resolutions and Ordinances:**

- a. **Ord. 1-2020** – Authorizing the Mayor to enter into an agreement with the County of Summit for pavement maintenance and providing for immediate enactment.

Mr. Donovan moved for the adoption of Ord. 1-2020. Seconded Mr. Bollas. Roll Call: Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Carano – unanimous. **Ord. 1-2020 is adopted by a vote of 7-0.**

- b. **Ord. 2-2020** – Authorizing the Director of Law to negotiate and to enter into a contract with Oriana House, Inc. to provide for misdemeanor work release program halfway house, and home incarceration for misdemeanor offenders and providing for immediate enactment.

Pres. of Council: **Ord. 2-2020 is at 1st Reading and will remain in front of the Safety Committee.**

Ord. 3-2020 – Authorizing the Director of Law to enter into an agreement with the Summit County Public Defender's Commission, authorizing payment therefore, and providing for immediate enactment.

Pres. of Council: **Ord. 3-2020 is at 1st Reading and is also in front of the Safety Committee.**

- c. **Ord. 4-2020** – Authorizing the Mayor to purchase online subscription services with Microsoft Corporation which are special in nature and not requiring a competitive bid and providing for immediate enactment.

Pres. of Council: **Ord. 4-2020 is at 1st Reading and is in front of the Finance Committee.**

- d. **Res. 1-2020** – Authorizing the Summit County Fiscal Officer to advance payment of local taxes collected for the 2019 tax year, payable in 2020 and providing for immediate enactment.

Mr. Sisak moved for the adoption of Res. 1-2020. Seconded Mr. Donovan. Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Carano, Mr. Donovan – unanimous. **Res. 1-2020 is adopted by a vote of 7-0.**

- e. **Res. 2-2020** – Authorizing the Portage County Auditor to advance payment of local taxes collected for the 2019 tax year, payable in 2020 and providing for immediate enactment.

Mr. Sisak moved for the adoption of Res. 2-2020 at 1st Reading. Seconded Mr. Donovan. Roll Call: Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Carano, Mr. Donovan, Mrs. Kilway – unanimous. **Res. 2-2020 is adopted by a vote of 7-0.**

- f. **Res. 3-2020** – Congratulating Mary E. Tricaso, former Council Member of the City of Tallmadge and providing for immediate enactment.

Mr. Sisak moved for the adoption of Res. 3-2020 at 1st Reading. Seconded Mr. Donovan.

Mayor: Madame Chair, I would just like to thank Mary Tricaso for being my Councilperson in the 3rd Ward. She did an excellent job representing us and I wish her the best.

Mrs. Kilway: I would like to also thank Mary for everything she has done for the City. She was a great asset to us, and you know, she is a great friend too and so I just want to thank her for everything that she has done. Is there anyone else?

Mr. Sisak: Dido.

Voice vote 7-0. **Res. 3-2020 is adopted by a vote of 7-0.**

- g. **Res. 4-2020** – Extending the sympathy of the Council and the Administration to the family of Steven J. Wood and providing for immediate enactment.

Mr. Loughry moved for the adoption of Res. 4-2020. Seconded Mr. Sisak.

Mayor: Madame Chair, to the family of Steve Wood; Steve Wood was a great firefighter not only for the City of Tallmadge, but the City of Stow as a full-time member up there. Steve and I were hired; I was hired in 1978 and he was in 1979 or somewhere around there, but he was with the Tallmadge Fire Department and did a great job. It was a great tradition of the Wood family. Dick Wood, his father, was also on the Fire Department. He started the Volunteer Fire Department and then his brother, Tom Wood, was also on the Fire Department and he also did an excellent job and hats off to our Fire Department and Stow Fire Department. Last Sunday was the wake for him down at the Venue Restaurant and what a tribute that they did for him and so to the family thank you for letting your dad serve the City of Tallmadge so well.

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Mr. Carano: My daughter went to school with his step-daughter and it was a fine family and the step-brothers of the friend of my daughter; their mother died an untimely death and now they are fatherless and motherless and so hopefully the children will do alright.

Mayor: A lot of support.

Pres. of Council: I have known Steve since I was 18 years old. I met him when I met my husband Tom and he was a great guy; a great fireman and it is a hard one and so my condolences to the family. Voice vote 7-0. **Res. 4-2020 was adopted by a vote of 7-0.**

17. **ADJOURNMENT:** Mr. Donovan moved to adjourn. Seconded Mr. Sisak. Voice vote 7-0.
The Regular Council meeting of 1-9-20 adjourned at 8:12 p.m.

sb

Adopted:

Susan E. Burton, Clerk of Council

Carol A. Kilway, President of Council