

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

January 26, 2023

1. **CALL TO ORDER.** President of Council Loughry called the Council meeting of Thursday, January 26, 2023, to order at 7:00 p.m.
2. **Opening Prayer & Pledge of Allegiance:**
Prayer: Rev. Phil Anderson, Bethel Church of Tallmadge.
Pledge of Allegiance: Alex Headley, 5th Grade Student at Tallmadge Elementary.
3. **Roll Call:** Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak – all are present.
4. **Correcting and Adopting the Previous Meeting Minutes:**
1-12-23 Council Meeting Minutes.
Mrs. Kilway: I would like to make a motion to approve the minutes. Seconded Mrs. Allman.
Roll Call: Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **The 1-12-23 Council meeting minutes are adopted by a vote of 7-0.**
5. **Financial Reports:** None.
6. **Public Hearings:** None.
7. **Community Input:**
Pres. of Council: The first thing we will do under Community Input is have a presentation by Mr. Scott Hileman of the Rubber City Kennel Club. Mr. Hileman and Mrs. Hileman.
Mr. Hileman: I am Scott Hileman and I live at 1013 East Avenue in Tallmadge and this is my wife Lisa. We came tonight to show our continued support for the Tallmadge K-9 Unit. Every year at our show, and we had our show January 7th and 8th, we try to do something for the different K-9 units around the area. This year we were pleased to have the Cuyahoga Falls K-9 Unit show up and we were able to raise \$200 for them and we designated this year for the Tallmadge K-9 Unit and we had our separate raffle and from that raffle we were able to raise \$530 and we would be very pleased to show our support to the Tallmadge K-9 Unit for all that they do for us and again, they did a wonderful program; the policemen came out and helped with the traffic and we are so appreciative. So, at this time I would like to provide you with our donation.
Captain McGee: This group has been involved with our K-9 Program since they started I think back in 2012 roughly. They have been very, very integral in our department with the K-9 Program and donated a lot of money and also equipment. Our GoPro system and the harness is very helpful in getting K-9 Kato in the works too. So, we greatly appreciate you guys.
Pres. of Council: This is also the time for anybody in the audience that would like to speak to Council on something that is not on the agenda this evening. Is there anybody that would like to speak? No one responded.
8. **Agenda Additions:**
 - City Department Presentations
9. **Reports of Administrative Officers:**
 - a. **Mayor/Director of Economic Development:**
Pres. of Council: The Mayor is not here this evening.
 - b. **Director of Administration/Director of Safety:** Good evening everyone. Thank you. Just a couple quick things. I hope you forgive me if I don't show you another picture of Fire Station No. 2. It has not changed and we are still working to procure the proper doors.
Another couple quick things; I really enjoy sharing these type of things with you, but I had the pleasure of receiving usually several time a month compliments or letters of commendation or this one is called **Recognition of Excellent Service** from some surrounding communities whenever we work with either communities or agencies.
In front of me are three letters from the Mogadore Police Department; their Police Chief for a situation where three members of our department worked with them on a situation that seems rather mundane, but it was a situation in Mogadore where three of

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Dir. of Pub. Safety (Cont'd.) our officers responded and it was a large building where someone had broken in with a ladder and they were climbing on the roof and they were using tools to access the building and three of our officers, **Officers Trexler and Carlson and Sgt. Stover were of magnificent help** apparently to the Mogadore Police Department and I just wanted to make sure that you are aware that it is not infrequent that we receive such compliments from other agencies and other departments and although I probably will bring them all to your attention because there are actually a couple more that will be going in their personnel files in these couple weeks.

There is one that I wanted to bring to your attention with regard to **Pat Fairhurst, Sgt. Pat Fairhurst who helped the FBI with a situation** and identifying a particular individual and they accessed this person's home but it ended with a Ravenna man who was sentenced to prison for cyber-stalking, sextortion and attempted exploitation of a child and the FBI also is very complimentary as was the Chief, Chief Williams of Sgt. Fairhurst's assistance with that particular arrest and pursuit.

So I just wanted to bring to your attention that our Police Department, much like the Fire Department, is really doing a great job and you should know that if you don't already. That's really all I have for my report right now unless you have any questions.

c. Director of Public Service:

Good evening. I have no report this evening, but I do have two follow-ups from questions last time. I think one of the Council folks asked about the **price of salt**. I did send out an e-mail to you guys, but it is \$59.17 per ton; that is thru one contractor and the other one is \$47.08 a ton. So those prices are pretty decent considering in 2020 we were paying over \$70 a ton so that is a pretty substantial drop.

Also, I believe a Council folk asked about the **auction of the DD building** and I do have an update for that. We are starting advertisement on February 22nd for the auction of the furniture that is in there and this is going to go through the Kiko Auction Sale and the auction will be March 8th through the 13th and it will be advertised in the local papers and social media and as well signage up there. That's it for my report.

d. Director of Finance:

Good evening. We are just continuing to get the last year closed and wrap that up and the new year opened. **W-2's did go out** and so employees should be receiving those in the mail and that is all I have for this evening unless anybody has any questions.

e. Director of Law:

Thank you. We have started pushing out on social media and we have requested that the newspaper publish the notice about the **Project DAWN forum** that we are hosting here on **February 8th at 6:00 p.m.** Myself and our Summit County **Councilperson Christine Higham is co-hosting with Summit County Public Health** and it is an opportunity to come out and learn more about **community based drug overdose prevention and education topics** and I encourage anyone and everyone to come out and participate in that.

Again, we also have a **self-defense class** that we will be co-hosting in March with the Summit County Sheriff and our Summit County Councilperson Christine Higham and then we also have an internal **Ohio Ethics training on April 28th** and both of those will have more information forthcoming. End of report.

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

a. Planning and Zoning

Carol Kilway, Chair

Rebecca Allman, Vice Chair

The Planning & Zoning Committee deals with land use, zoning, conditional uses, planning, economic and community development, and public property.

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i. **3rd Readings of Ordinances and Resolutions**

A. Ord. 2022-85 – Amended 1-12-23 – P&Z recommends approval by a vote of 5-0.

Amending Ord. 74-2016 approving and granting a conditional zoning certificate for Village at Town Center Phase 4 and amending Partial Phase I to applicant Testa Enterprises, Inc. on behalf of owner VTC Development, LLC for Parcel Number 6000310 (North Ave.) and Parcel Numbers 6010466 and 6010467 of 100 North Avenue.

Sponsor: Carol Kilway

Mrs. Kilway: I would like to open Planning & Zoning this evening. We do have in front of us Ord. 2022-85 which was amended on 1-12-23 to accept Planning & Zoning's recommendations for approval by a vote of 5-0.

The ordinance was read into the record. I do believe we have the applicant in the audience. Does the applicant want to come up and I know I put you on the spot the last time. I think you have a presentation today.

Joel Testa, President of Testa Companies, 2235 Second Street. I am not going to bore you by starting over. I will say that I brought some things, and I will pass out to you. One of the topics that came up the last time was economic development and the National Association of Home Builders actually put out a very thick, which I have the backup here, but we pulled the summary pages to save you time, but they have produced a fairly thick document of the economic impacts on a community for senior (inaudible) houses, which are exactly what we are proposing.

Their model is based on 100 units and so we extrapolate the per unit cost and then came up with a summary of 54 units which was our original presentation and what that does. I will say this, they address really the income, the revenues during construction and so basically take a three-phase approach and one was during construction, the actual revenues that are paid to the entities that are involved in construction, so suppliers and contractors and so on and so forth. Phase 2 are those revenues that are reinvested back into a community by the people that earn that and so getting my car fixed and buying lunch at McDonald's or whatever it might be and then Phase 3 is the ongoing revenues which is the jobs that are supporting the tax base after it is placed into service. So, they only address the actual physical building.

I have a one-page flyer that we have that addressed the economic impact of seniors moving out of their homes into apartments and freeing up their homes for families that have higher income. So, I will show you that because I think that is a piece NAHB missed.

Dir. of Law: Do we have that? It has to be electronic.

Mr. Testa: I will give you this and I will walk you through real quick. As you open that you will see a summary and the summary gives you the high levels. Phase 1 and 2 they combined for this specific building it's got a one-year up front Phase I and II local income of \$3.9 million. \$1.1 million to local business owners, local wages and salaries are \$2.8 million and local taxes at \$400,000 and 61 local jobs supported. Then year ongoing after it is placed in service, \$1.2 million of local income and obviously I won't read it all to you, but you can see it. It is a breakdown of during construction and so how they figure that and where that revenue is derived from. Like I said, I am happy to share the whole detail report that is 20 or 30 pages long, but what they are missing in that report was . . . so we looked at our typical resident who is a 74-year-old single

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Mr. Testa (Cont'd.) female and those residents are on Social Security and we looked at the national average on Social Security and that is \$18,516 a year. That resident comes out of a house and typically they have been on Social Security for 9 years or so; let's assume that they retired at 65 or at least started Social Security at 65. Most of their homes haven't been improved or expanded on in the last 9 years because they have been on fixed assets and they are obviously on a declining family size and there is no reason to expand their homes and so typically that is what we see.

So, the buyers of those homes are more often than not families and if you look at the demographics in Tallmadge right now, 70.2% of the households in Tallmadge are family households and the median income of those families is \$54,200. So if we just use that math and say that as we take a senior that is in a house that is having a declining property value because they are no longer able to improve it or expand upon it, they have a fixed income of \$18,000 a year and we move them into a rental unit, and by the way, one of the things we see historically in the communities is that those seniors stop voting for levies. They can't afford increased taxes because they are on fixed incomes. They can't put more money in the schools because they don't have kids in schools so there is not a direct benefit to them.

When we put them into senior apartment buildings, we are paying the taxes now and so they will vote for every levy we put in front of them because who wouldn't want all the better things in your community if you don't have to pay for them. The developer pays all of the taxes; not the residents. So now we have this family who moves in who is again voting for levies because that is important because they have kids going to school and they are making more income and so it is just this big domino effect, but that delta, her family is \$35,683 a year of additional income if we just use the medians. You take that over 54 units and so assume 54 houses, that is \$1.9 million a year of increased income that you get the tax base on the income and so that combined to the NAHB study shows us that there is a major economic development ripple that happens with affordable housing. So, that would be I guess my counterpoint to their reality is as we said; we aren't able to put anything else in there anyway so it is sort of a moot point and one of the things that I will say that I hadn't mentioned in the past, but it was suggested that maybe I should is that that space has been sitting vacant for 4 years and we have 20,000 square feet and we are losing \$500,000 a year in rental income.

We have a loan on this building. It is a non-performing asset. If it continues that way, our bank will take it back and so the idea of could we sit here and hold the property for the next couple of years and wait for the market to change and maybe something else changes, but the discussion of the 7,500 square foot that was B building site that may be in a couple of years the market changes and medical facilities want small buildings again where today they don't want them; we wouldn't have that opportunity. A couple of years from now we wouldn't even own this property. Somebody else would come in because at a \$500,000 of loss a year, we are not the Rockefeller's; we can't sustain that too much longer. So, that is that.

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Mr. Testa (Cont'd.) Now the other piece that you have is that loose wire in there was about parking because the other issue, it didn't come up as much, and of course Planning & Zoning approved it all, but I gave you a little printout to show you that the difference in use type when we talk about density and the thought that the last couple of projects that came before Planning and Council, residents came out in opposition because of density. So when you talk about density part of it is parking and part of it is just occupants I guess; people, but if you look at specifically the 20,000 square foot and if you look at the whole 28,000 square foot or so, I gave you a breakdown of what the Code requires from a parking standpoint and what we are proposing is by far the least amount of parking of cars even than what already exists.

We are trying to improve on what is currently retail and you see the numbers are twice as many and on the medical side it is significantly more. When you look at the occupancy load of those spaces, a 20,000 square foot space, if it was assembly space, which is most retail, you could allow up to 2,800 in that space. If you just went mercantile which the whole place wouldn't be, that is 333 people and we are talking about putting 15 residential units of people that occupy one unit in that building and so from a density at large, significantly less people, less traffic and so to me every objection that I have heard if there is an objection; this is the answer to it.

If we don't do anything, then we are left with a property that has significantly more density and significantly more parking and this project's design as it relates to the originally approved Phase 4, added another 30 parking spaces over what was already approved on the plan. So, to me, I think we checked every box but I am happy to answer any other questions that you have. Sorry for that long winded response.

Mrs. Kilway: That's fine. Thank you very much. I guess . . . so my big thing is it is not that senior housing is going to bring in revenue. It is not that; it is when you brought this development back in 2013 you sold a bill of sale here that said that we are going to have economic development in that first floor and that we are going to have economic in the out parcels and that this was going to be Tallmadge's new downtown. It is now being . . . you now want to put it into senior housing and apartments and basically I know you are saying it is reduced income; it's low income housing is really what it is. I just don't think that that is what the City of Tallmadge wants. That is my opinion.

Mr. Testa: I would say this, if you looked that up, and I guess let's talk about the real numbers; do we know what the original proposed income was for the project back in 2013? Because my guess is that the project currently today exceeds what we said it would generate when we came in in 2013. I think Summa alone because I think the Summa project is a very much large in demand income generator for the City than we anticipated that it would be and so I would urge you to look at those numbers if that is a big delta. What I am bringing to you is simply what the market is telling us. Four years and not a single tenant in that space. Tallmadge doesn't want retail. No office users, no medical users want the 7,500 square feet. The community is telling us that we don't want office or medical space, but I have a waiting list of 55 people for the units that I have and part of the problem is that I have about 180 people on a list for one bedroom which we don't even offer. All of our units are two bedrooms, but the majority of our residents want one bedroom. So, there is a

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Mr. Testa (Cont'd.) pent-up demand of people saying this is what we need; this is what we want and I will argue while the project is called low income housing tax credit, it is low to moderate income; it is up to 80% of median income and for people that are retired and on Social Security it is everything, so it is definitely not low income housing. It is not Section 8; it is not housing authority driven; everybody in your community qualifies for this.

Mrs. Kilway: Like I said, that is where I am at on this is I am having a really hard time wrapping my head around how we are going to lose potential economic development. You have stated that nobody wanted to rent space that is not facing the street, well we have another retail over on East Avenue that doesn't face the street and it is completely booked and completely rented most of the time.

Mr. Testa: It is not mixed use.

Mrs. Kilway: I understand that, but it is still retail that is not facing the thoroughfare.

Mr. Testa: There is much difference between mixed use retail and stand-alone traditional retail. We are not holding out. We would have rented it if we could have.

Mr. Kilway: During the Planning & Zoning meeting there were also questions about traffic impact and there was not a traffic study that you have done in order to give us that information. Do you have any updates on that?

Mr. Testa: Well, it is not required at this part. This is just zoning and so as we move forward that was one of the conditions I think that Planning & Zoning asked for is that they would require a traffic study and then we would have to address the traffic impact of it.

Mrs. Kilway: I am looking at all of the conditions that Planning & Zoning used in order to make their recommendation to us and they did not agree on everything that this was a total home run for the City.

Mr. Testa: I think we can all agree that what we designed in 2013 came to fruition that would have been the best use of the property for us as the developers and the City at large, but you know we can't force what is not in demand in the market place and so this is our next best solution to a space that is currently sitting vacant. This is our solution on how do we fix the problem that we have today.

Mrs. Kilway: Does anyone on Council have anything?

Mr. Bollas: Thank you for being here.

Mr. Testa: Of course.

Mr. Bollas: I have a question specific to Phase I and the storefronts. Are you saying that we have exhausted all opportunity for retail?

Mr. Testa: \$2 million out-of-pocket worth has exhausted it; yes.

Mr. Bollas: Could you just expand on like what efforts were taken in terms of was it marketing; was it outside sales; was it bringing clients in and before you answer, I just wanted to, and again, this may be back to your mixed use question or your comment on mixed use, I was just thinking of going to recent plazas that I have gone to around . . . I'm sure you have been in Akron and Green and certain communities so Orangetheory Fitness, Piada, Aladdin's and Blue Devil's Diner, Pav's and maybe a craft brewery, high-end sushi like Hasai and you are saying that all of those examples do not allow mixed usage?

Mr. Testa: Yeah, so as I mentioned I think in the last meeting, what we didn't know going into this project and what we have since learned is that the national franchises have a model and you will notice them because you will see that, for

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Mr. Testa (Cont'd.) instance, and Orangetheory Fitness will always be in a strip plaza. They won't be in an outlot where like an Applebee's might be in an outlot parking lot of a plaza because that is their model and most retailers have, we have to be end-cap; we have to be end-cap with a drive-thru; we want to be in-line; we want to be free-standing and so our thought process was that we can deliver a space that for new retail is significantly less expensive than some of those places are paying. You know, like you mentioned Piada's and Orangetheory are paying more per square foot than we are charging here and we thought that would be the delta. Even to the exposure issue of you are not facing the street, but we could rent it to you for significantly less money so maybe that would offset and we took these to ICSC which is the National Convention for Retailers in Las Vegas; we even went so far as to hire another real estate company to market our properties to say, hey maybe we are not great at retail, let's go out and hire you know, Hoff & Leigh ; he was the biggest commercial, local commercial agent in our market and they couldn't bring us one lease and when we talked consistently to national retailers they said that we almost don't care if you give us the space for free; we don't deviate from our model and one of our models is we don't go into mixed use buildings.

Now we will in a market like Chicago or New York where there is no other choice. You won't see a Target in a mixed use building anywhere outside of downtown New York or downtown Chicago because that is their business model period. They are beholden to their stock holders and they have a model. Now I will tell you this that one of our challenges is we can't give away the space for free even if that was an option because we have a lender that has a loan on the project and that loan on the project says that we have to have a certain debt coverage ratio and so the difficulty is we can't put in the local businesses like a local coffee shop because that local coffee shop can't pay for the build-out for that retail space and our loan is only going to allow us to put \$80,000 into a 2,000 square foot space and they have to come up with another \$80,000 to \$180,000 to finish the build-out.

Well the local people who don't mind mixed use can't write that kind of check and they can't afford the cost per square foot that follows that because they are still at \$16.50 a square foot so the model is just broke; it just doesn't work, but believe me we didn't like losing \$2 million and so we did everything to try to figure out and we went to the medical community and we talked to the hospitals about could it not be traditional in retail; could we turn it over and make a medical office space; could we make it insurance offices. We always run up against the same problem is that when you look at office space, the cost of renting that office space and building it out from scratch is so high that nobody in the market is going to pay it when I can go pay 1/3 of existing office space which there is plenty all the time. I wish we would have come up with a better answer and people I think smarter in leasing and developing retail would have come up with a better answer than what we did.

Mr. Bollas: Thank you for the explanation and does the explanation change pre-Covid and post-Covid from what you are seeing?

Mr. Testa: No because we have been sitting with the space vacant for four years and so we had the same problem pre-Covid as we have post-Covid. Now I will say post-Covid, everybody has less demand for retail. Everybody has less demand for office space, but that is not changing the fact that if we had not had Covid, we would still be standing here today and we would still have this space vacant today and we would still be having this conversation.

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Mr. Bollas: Thank you.

Mrs. Gutman: Thank you Mr. Bollas for asking those questions too; that was a lot of what I was going to ask him. Thank you for being here. One question I had when you said that you have a waiting list of 55 to over 100 people waiting for these units; how long do they typically spend on that list before they get into a unit?

Mr. Testa: 18 months.

Mrs. Gutman: 18 months; ok. You mentioned that you are governed by not what people are maybe familiar with the Housing Authority; what regulations do you need to follow to ensure that for example, residents are following their leases and not moving in all of their grandchildren. What do you do to ensure that?

Mr. Testa: So, because these are governed under the Tax Credit Program which is IRS Section 42 we have compliance that we have to do. The compliances are excruciating and part of the reason is it is private entities, businesses that invest in the credits. So, unlike government housing, which are your tax dollars that go to HUD and HUD creates public housing, this is private enterprise and the tradeoff is that somebody like a utility company, let's say First Energy is going to pay X number of dollars in taxes this year and they invest and buy credits and they get a direct write-off for those credit dollars but it has to stay in compliance. So, to your point, we have to rent to people that qualify based on the program and they have to remain qualified and if they don't then that investor loses the tax credit and then we have to pay them the difference in what they lost in tax credits so it is a pretty big tool I guess to keep us in compliance because it could be a big financial delta. So our syndicators are who we have is Ohio Capital Corporation for Housing. They are the people that actually take the credits and find an investor and exchange the credits for cash. Then they stay for the entire life of the program and they have compliance officers to oversee the project. So, they come out and check physically what the condition of the project is. They look at our quarterly reporting that we are doing for them so they go through all the leases and all the folders, all of our financial reports to make sure that everything is healthy. As I mentioned before, we have pools of money that are set aside in reserve so you have operating reserves, we have replacement reserves and so should they find that we are out of compliance, they pull money directly out of those funds before it ever gets to us to fix the problem and I will tell you because of all that compliance low income tax credit apartments have a 300% less foreclosure rate than market rate apartments or apartments that have Section 8 vouchers that are privately owned just because of all of those layers of due diligence that is stacked on us.

Mrs. Gutman: Thank you and I think while I have the microphone I am just going to say again, because I hear it said that we don't know what Tallmadge wants or we heard that Tallmadge doesn't want low income housing or high density housing and I am going to say again that I want to be a voice for these senior citizens who are not going to come to the meeting and tell you that they are on the verge of being homeless and they are not going to tell you that they can't go up the stairs to go to the bathroom and so they are using a glorified bucket. They are not going to tell you that there are holes in their roof, but they can't fix. Nobody is going to stand up and say that, but it is an everyday reality for a large number of senior citizens in our community; our retired teachers, retire factory workers; people who have pensions even I know that can qualify

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Mrs. Gutman (Cont'd.) for these programs and I think that we have a duty to represent those people even though they don't have the loudest voices; sometimes they don't have a voice at all and I would like to challenge everybody here to remember them when you are thinking about what is right for Tallmadge and think about who lives in Tallmadge. So, thank you for letting me say that.

Mr. Testa: I will say that 34% of your population is 55+. These apartments are 55+ and that is a third of the entire Tallmadge population and I think the fact that every other new development that has been proposed has had I am told a hoard of people over here and at the mic and trying to shut it down and so far not one person has come to talk against this from the community to any of the Planning Commissions or any of the Council meetings and so I think that exactly tells you that people who are in opposition show up in droves and people who are for it stay home and pray.

Mrs. Gutman: Yes. Thank you.

Mrs. Kilway: We are in receipt of one letter that was sent to everyone on Council today who is opposed to this. So, they probably could not come today, but I do have the letter here so if we could add that to the record as well.

Dir. of Law: We can add that to the record and I would like the record to reflect that that was signed in a group; I don't know if it is an identifiable group or an identifiable person, so just point that out for the record.

Mrs. Kilway: Yes, it is signed by the Tallmadge Concerned Citizens Group which we cannot validate at this point in time yet. Anyone else on Council?

Mr. Bozic: Yes, madame chair, so again thank you for speaking tonight and the last meeting. So, a couple of comments you made this evening in relation to the high cost to build-out. For the ground level of the Phase I; what is the minimum width and what is the depth of a space that you guys would do a build-out of?

Mr. Testa: You mean for retail?

Mr. Bozic: For retail.

Mr. Testa: There is really not . . . I mean you could flip the spaces that are there now they kind of zig-zag as it goes through and so you have spaces that wrap around the other ones so the depth and the width are arbitrary. It is just up to the tenant.

Mr. Bozic: So overall like square footage; is there a minimum?

Mr. Testa: No, not really. At one time we looked at converting the whole thing into mini storage units as an option so we would have had 5 x 8 spaces. Like I said, we sat in a room and threw darts at a wall and said what in the world can we do with this space. We can't keep it vacant.

Mr. Bozic: Sure. That was my big concern was if the cost is extremely high; you know, \$16.50 a square foot sounds competitive but like you are saying when you add in that additional build-out cost that is just unachievable for many small business owners and so I guess when I am thinking about other similar areas and communities similar in size you know I think of Green or I think of Hudson and Hudson jumps out to me because you have spaces that are not where near a front facing street. They are on small alley-way type streets so they are not high traffic; they are not like North Avenue type area. They built a downtown area and so I think that when we see other communities doing things like we heard that we are getting this great building with housing on top and retail on the bottom and you know kind of like Councilwoman Kilway had said you know we were sold a bill of goods basically at that point, and this isn't a knock on you guys, I'm just saying that is the excitement; that is what we felt

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Mr. Bozic (Cont'd.) and that is what we thought we were getting at that point is a new downtown district; a new downtown area that would not only be housing like it is now for those apartments, but also a new retail space with maybe restaurants and those sort of things and so that is I think the biggest obstacle that is where I am coming from as well is that this is something that we kind of just . . . not to say you haven't done your due diligence in trying to find an option, but it is a bit disheartening or heart-breaking to look at it and say like we have not necessarily given up but it feels like it. It feels like we have on the potential of what that site could be and a lot of those restaurants or retail spaces that Mr. Bollas mentioned, you know the Orangetheory and those sort of things, you know when you look at for example Hudson Square they've got some bigger name like a Talbot's and better well known names that are going into spaces that I feel like they look and they feel and they appear to be kind of a good fit for over here. So, I think that is where, and I'm sure, you know, that those conversations were had with those individuals or those businesses.

Mr. Testa: And I will tell you what the response for a lot of those are and I didn't say this, but when we were talking about the model types and most of those businesses it is about critical mass and in commercial real estate they call it the dirty dozen and every retailer wants to be by these 11 other types of retailers and so they need those anchor tenants and people understand that concept just like the malls have big anchors and all the small people feed off of the anchors. So, Hudson, First and Main is a town center development. It is a retail development no different than a mall or strip mall or strip plaza. A little different than ours; there is no housing there; it is all commercial; it is all you know and so again, that is different. That model works there because it is one of the types of product that national retailers want and it is big enough that you can attract the retailers that need that critical mass of other retailers. I need the demand of five restaurants to be able to put a woman's clothing store in because I want to get that foot traffic and it just doesn't work here.

Mr. Bozic: So, I guess in response to that, because it is interesting that you say that because they don't have the residential side of it and so if, for example this Phase 4 Section for it to be all retail and/or offices do you foresee that being able to be built?

Mr. Testa: No.

Mr. Bozic: No?

Mr. Testa: No, not at all. I mean we have existing space that I could fill cheaper than building at today's costs for a new building and I can't fill it. Part of the problem is that even if I did it, so you know, Planning & Zoning wants one thing and Council wants another. Planning & Zoning is all about traffic, walkability and cars and traffic and the whole idea that we don't want to see retail there because it has so much more parking. We have a parking problem. In those zoning meetings they will say that you can't do this because we have a parking problem and so OK, what is the solution to that? Well, it is reduced parking. Well, how do we do that? You do it by this thing . . . then we come here and it is we really don't care about the parking, it is about the economic development side of it. Well, OK, so if we got nothing; what are we all . . . because my question is always what should we do next because if we leave here and we don't develop this property then we are going to watch it decay; we are going to watch the bank take it back and we are all going to sit here when the next person comes through and says well, I wasn't the developer in 2013 and I didn't promise you any of that stuff and I bought it and it is zoned for this and this is

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Mr. Testa (Cont'd.) what I am going to do because it didn't work. How do we get out of the problem that we have. It is empty space for four years the site sat empty and the retail sat empty and as much as we probably more than any of you wanted the 2013 plan to work because it was my plan you know. That is my ego and it was my money that is lost on it. It didn't work and so we need to figure out for that development for all the hard work that you and everybody put into this getting it through here and getting the process and getting it approved and for the community who is losing out on the empty revenues of that space, we need to figure out what do we do and this is our best solution. If anybody else has a viable one that works we are all ears.

Mr. Bozic: So that was going to be one of my other questions too because we had obviously benefited greatly by our Summit DD. We used to have them over on North Avenue and Howe and they have since relocated but we have a new dispatch center, we have a building now that we are debating on what we want to do with it at this point, but you know, I guess governmental organizations like the library. I know they are in a space right now, but is that something that they would be willing to move into because for me, a walkability type of situation where you have housing right here and you have a library, I mean that is your clientele right there.

I think finding or attracting you know not necessarily businesses but those agencies or those organizations that wouldn't necessarily be a huge revenue boost I think for us, but it would certainly be a welcomed addition to that area by people that live there plus now you are talking about creating more of a square type feel because you have, for example, if you did the library or if you know the Tallmadge Chamber of Commerce is currently in our Community Center and if they relocated into that space what would that look like if there are other non-profit type of organizations within our City that could reposition themselves in there and make that kind of an anchor point for you to continue building onto the Phase 4 then.

Mr. Testa: I think the problem is that because of the success; because of what has been developed to date with the parking; you don't have the parking to put anything in that space. We don't have what the Code requires, you don't have what Planning & Zoning requires. We don't have enough space to put enough parking in for those uses and that's why I say, that is part of the issue is that we have a Planning & Zoning problem of which this is the solution to. I don't disagree that hypothetically there are a whole lot of things that would be great there, but you know this is our reality.

Mr. Bozic: So, I know in the plan there was mention of use of the church parking lot across the street and forgive me because I don't have it off the top of my head or right in front of me but that suggestion was based on its current use or based on . . .

Mr. Testa: No, in 2013 the parking requirement required us to have a certain number of parking spaces and so the approval that we got was because we got a use agreement with Our Lady of Victory to use parking spaces. They could only give us a certain number and I want to say I have it here . . .

Mrs. Kilway: I think 37 spaces.

Mr. Testa: 37 spaces and that was because they could only be the front parking spots. They had to be so far from the site in order for Planning & Zoning to approve it. So we can't get any additional . . . we already have those. That is already counted in the numbers that you have; you can't get any additional ones.

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Mr. Bozic: I guess my other question was then, and maybe the City can answer this, but obviously our parking lots right here, the City owned parking lot; would that be factored into any of those numbers?

Mr. Testa: It's not currently. I don't know what your code requirements are here, but as this is an assembly space, my guess is that you have to have quite a bit of parking here for the City building within your own code too. The church had more parking than was required for them which is how they were able to have that and they have two days a week that it is used and not days when there is high demand here.

Mr. Bozic: Then I guess for my last question and this is a hypothetical one, but I think it is something that we could probably potentially see in the future is you know blank slate this area here meaning the current site Phase 4 site where City Hall sits today where the Tallmadge Police Department sits today, if that was all available for your use; would that change the outlook of this plan?

Mr. Testa: No because I mean you have to appreciate that we are sitting here today with bleeding; we are hemorrhaging money and so I can't . . . I can't . . . this project can't absorb the costs of speculation. Five years down the road, six years down the road, further development; we have to deal with today. You know we have a lender that is looking at this property today and saying alright, for four years now you guys haven't put anybody in there so what are we going to do. Are we going to take the property back and auction it off or are you guys going to develop the property and so, like I say, we can't speculate any further; we have to focus on what we have today and today the only demand that we have is senior housing. The only line we have out the door is people waiting for more senior housing that we don't have. So, it is a pretty you know . . . if you were in my shoes and you are having to write a big check every month to the bank for empty space and you've got a user right here that says I'll take it and that user by the way makes the space work financially. It is profitable; it is good for everybody really or you are going to roll the dice and hope maybe somebody else comes a year from now or two years from now or three years from now and your history is for four years it has been sitting vacant. I mean, I think it would be hard-pressed for you to be on this side and say I'll gamble that with my money.

Mr. Bozic: Right. And I did try to put myself in that position and I think when I looked back at our last meeting, you know, I think I would rather go in there and pour a concrete floor and be ready to go and potentially build out some just walls or anything so that way that is one smaller cost. Yes, you are still paying \$500,000 a year but at least now you have a space that is somewhat move in ready and I understand that that may not be as cost effective right now, but long term . . .

Mr. Testa: Well, I will tell you I went and looked at the space and all of the floors are concrete. So I was wrong in the last meeting. They have all been poured. They have all been drywalled and there are lights in the ceilings. Whether you put the numbers in today or after you meet with a tenant, it doesn't change the fact that the concrete costs the same price. It is \$4.50 a square foot and \$5.50 a square foot whether I put it in before I meet a tenant or after. The only thing that saves me is 2 days of pouring concrete. To the point that I made last time, which is not the reason nobody is renting the space. In fact, just the opposite. Now I have the ultimate flexibility so if you told me I only want 500 square foot; good, I can give it to you. I didn't put up a wall where I made the space 3,000 square foot.

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Mr. Testa: So, like I say, the plain and simple thing is that retail doesn't work right there. The market has proven it for 4 years. All the things that you and I would like to see there, you know, restaurants included. I having a dining group, I have restaurants and I would love to put a restaurant in there. Right now, the restaurant industry can't get people. You know you see them closing left and right. Everybody is shutting down their dining rooms and want to Door Dash and Grub Hub only. Our industry has changed. Our demographic has changed, which is changing the market significantly. There are not enough people that do restaurant jobs compared to the amount that we are consuming as a population. I don't think that is a PPP Covid related issue; I think it is a census demographic issue. I don't think it is changing any time in the next 5 to 10 years. So, the model just doesn't work. The space just doesn't work for what it was intended to work for and if I could wave a magic wand and make it work; I would. If there was an easier solution or better solution, I would.

This is a good solution. I mean, you still have a big medical facility and we still have the dental facility, you still have Jimmy Johns and we still have Wally Waffle; we have two restaurants in here. I mean this is a small site so to pack this much mixed-use development on this site, if I was to bring you this project today and say this is exactly what we are going to do, I would still think everybody in the community would say yes, absolutely do that you know. This old school building that was sitting over here dilapidated and earning us no income for years, you know, this would be a welcome addition to that. So, you now, today in 2023, this is what the market demands and this is what it wants and that is what we are trying to do is finish the project and make the community proud.

Mr. Bozic: Thank you.

Mrs. Kilway: Thank you Mr. Bozic. You brought up the restaurants and how restaurants don't want to go in there, well that was kind of predetermined when you put the garages onto the back end of the building.

Mr. Testa: I don't know who gave you that thought.

Mrs. Kilway: The Police Chief and the prints were right down at the Police, or not the Police Chief, I'm sorry, the Fire Chief and when we were discussing this the last time the old Fire Chief was sitting right behind you and he is shaking his head and he is like it's true, it's true. You cannot vent a grill through those garages.

Mr. Testa: Well so, let me say this. 10,000 square feet has no garages behind it; that is half the space. No restaurants in there. There hasn't been an issue. We haven't had one restaurant that wanted to go in where the vents were an issue and turned away because of that. You can vent out the side. You can even vent out the front of those spaces and so I would argue and say that the garages on the back were more about the marketability of the space upstairs which were needed more. It certainly didn't hamper any tenants back there at all.

Mrs. Kilway: I am just telling you what I was told by the Fire Chief.

Mr. Testa: I understand.

Mrs. Kilway: That is his job so . . .

Mr. Testa: But I think logical people would say that we have half of that space that has no garages behind it. So, if that was the issue, there is no 10,000 square foot restaurants in our marketplace. You know, a typical big restaurant is 5,000 square feet and our fast casuals are 2,000 square feet. We could put a couple of restaurants in there. You know the Wally Waffle space; I could have

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Mr. Testa (Cont'd.) put 2 more in there and that . . . it didn't happen, so it obviously wasn't the hood fans that kept them from going in you know, I guess is my point.

Mrs. Kilway: OK, anything else from anyone else on Council?

Pres. of Council: Thank you Joel. We have known each other for a long time. He does hospitals and multi-family and retail and we did warehouses and industrials. Just different markets; a lot of similarities though. Vacancy stinks; no matter how small or how large the building. The issue I have in discerning all of this is that I agree with everything that you are saying and it all makes sense to me and if I were making a decision just on my family; Pam and I, this would be real easy and I would say yeah, let's move ahead. But, as Council people, we have constituencies that elected us and we all know who elected each of us or you should because that is who you should make decisions for; them and also what is best for the City. But when we had, not a formal applicant, but a developer testing the water on 20 acres on East Avenue and he wanted to do . . . that company wanted to do senior stand-alone housing at a \$450,000 to \$500,000 price point and took so much heat that they withdrew that proposal or that idea. That tells me that those same people, again many of them are people who expect me to make decisions on their behalf and I know that they would not think that it would be a good idea to give up potential income tax producing property, long term job creation to bring in senior housing; additional senior housing in the Town Center and so what I struggle with is seeing a business person struggling here trying to stay viable and make a decision that I know the people that elected me would expect me to make. So, when push comes to shove, I have to make a decision to represent those citizens and so that is where I am at on this.

Mr. Testa: Doesn't it say something that those citizens are not here though?

Pres. of Council: I'm not so sure Joel.

Mr. Testa: And I say this because I can understand and I didn't read the stories; I didn't follow. My guess was that their opposition about the other projects were personal; where they lived; how it directly affected their view, the property next to them and their traffic. This project is already in and I would argue that anybody that said I don't want this development because of its density and because it is going to create more traffic, I think that is the same person that would urge you and say, take 20,000 square foot of retail space that could host 2,000 people inside and 112 cars and please convert it to housing that has 15 people inside and 60 cars. I think it is just the opposite if truly those constituents are saying we don't want density, then they would definitely want to convert retail existing space to senior apartments would be my argument, but . . .

Mr. Sisak: So, yeah I mean thanks Mr. Testa for being here. I, along the lines with Mrs. Gutman, know firsthand of the need for senior housing and this type of housing not only in our community. I appreciate everyone's viewpoint talking about Hudson and Green. I think Mr. Testa said our median income is \$54,000 and it is definitely not probably of the likes of Hudson or Green and so I think we have to be realistic. We have a retail space on the western corridor of our community; Midway Plaza, that has seen turnover in ownership over the past number of years and I don't want that for the community; I don't want that for you, Joel; I don't want it for the residents, the tenants because when you have turnover in ownership and things of that nature, I think things become more

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Mr. Sisak (Cont'd.) difficult to manage and more difficult for the tenants, more difficult for the people who rent, and live there and run their businesses there and they may not potentially have the same standards as your company being tied in with the housing credits. I don't know where that would go but I would say that we have been there or we are there right now with Midway Plaza and I am not trying to create a distress or anything, but I would say that we definitely have an example of an unfilled plaza that is in disrepair at this time and I just . . . I want this to be viable for the community and I want it to be viable for the constituents and I want it to be viable for you know maybe us in 20 years as a housing option, but Mrs. Gutman brings up a great point that there are a lot of very proud senior citizens that you may not think 55 is old, but maybe in their 70's or 80's that say I'm not leaving my house and I am going to live my way, but then their house does deteriorate around them and they don't thrive; they survive in their home. So, I definitely feel that we need to move forward with this project; it needs to be completed and I will support it tonight.

Mr. Testa: Thank you.

Mrs. Kilway: I am just, like Mr. Loughry had stated, I'm trying to wrap my head around what was brought to us back in 2013 when I was on Council and I understand things have changed, but we know what our City has wanted in the past and we know what our constituents wanted in the past and that is where I have a hard time saying let's make it more dense; let's put more people in this small little area when we know that our constituents do not want that. That is where I'm struggling and then we are also losing the economic development, potential economic development which it just didn't perform. I am just curious as to how you had the same type of a product in Cuyahoga Falls. How did you get that to be successful compared to this?

Mr. Testa: I own 90% of the businesses in the retail level. They all failed. I have two restaurants that owe us probably \$400,000 collectively that we had to evict and take over their space and take over their operations and my wife has to run a restaurant now because they weren't successful. This is me; I was a steward to the City. We came in and tried to design the project that Tallmadge wanted. We invested millions upon millions of dollars of ours and it is failing and we are suffering. So, this is part of us coming to you and saying help us fix the problem that we all have. You know. It wasn't because we were bad guys; it wasn't because we proposed something that we thought we couldn't deliver you know. But here is the reality that we are and I would argue that we are a business; a very substantial business. We have brought Summa, a very substantial business to the community. We have done a lot of good here and the project is failing and so at some point we have to say, help and if it is really we don't want to put more people into a space, you already approved retail in that space today and way more people would occupy it if it was successful in retail than if I put 15 residential units in there. So, to the point, if you are going to hold your head up to your constituents and say we understand what you are saying and we know you want less density; we know you don't want more people in the space and therefore we voted for this project because the occupancy load of 20,000 square foot of retail space is 2,849 people and instead they are going to put 15 apartments in there that are going to be occupied by one person. To me, hold your head high and say I did exactly what my constituents want, but please help this business that tried to do everything that it could to help the community and give the community exactly what it wanted through community outreach meetings. You know we designed what

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Mr. Testa (Cont'd.) the public wanted, what the municipality wanted for this project and we have bled with it for 4 years we didn't just turn it over to the bank and say hey, we failed, take it back and sell it at auction and see what happens and you know good luck with everything. We kept writing check after check after check and so as a business owner in Tallmadge I am asking you please support what 100% of what Planning & Zoning said once that this is the right move and help us fix our problem that we all have.

Mrs. Kilway: Well, thank you very much for that. I appreciate that. Anything else from Administration or Council?

Mrs. Gutman: I want to just like to address something that Mr. Loughry brought up actually; the 20 acre parcel is actually in my Ward and so I would just like to clear up a little bit of what you said and maybe things that you aren't aware that were discussed around that issue because I did have a neighborhood Ward meeting with those residents so I can tell you that when I actually had a chance to meet with them and give them a little more information, they were surprised. Most of them did not even realize that those condos were planned to be 55+. Most of them did not realize the price point. I heard several viewpoints that given the choice between having possible ranches and two-stories that maybe it wouldn't have actually been that bad to have ranches instead of two-stories. And so I guess my point here is that when I got to sit down and talk to the people I represent what I found out was that their viewpoints are much more diverse than what you may first get an impression from just hearing from one group. The other reason that that situation happened the way that it did was because one person was contacted and that person has a certain viewpoint and gave a very strong viewpoint to the developer for whatever reasons that I am not aware of decided to move forward. It was one person that they spoke with; not an entire group of people and certainly not the majority of Tallmadge or the majority of my Ward or even the people that surround that property were not informed and so I guess I would just encourage you all to think . . . what I am going to tell the people I represent since we discussed voters is that yeah, I would have loved to see what everyone else has mentioned what we thought we were getting.

I was just as excited as everyone else about that plan, but that is not what the reality is and I trust the information that we have heard tonight for the reasons that is, but what we can offer is a place for our senior citizens; nice apartments in a good community. I know personally that the seniors that live in those apartments have a very thriving community. They know each other and there are activities planned for them as part of the programming and they bond and they support each other and the fact that we can take what could have just been a failed empty business development and turn it into that for our seniors, I think is the best we can do and it is a good thing and it is maybe the silver lining and that is what I am going to say. You know whether you are young now and you are going to be looking for a place for your parents or you are looking for a place for yourself, now we can offer this where we couldn't before and I am proud to be able to answer it and say that to anyone I represent. So, I hope that additional information about the 20 acre parcel helps a little bit.

Mr. Bollas: Thank you. Just one other item I wanted to bring up is you keep talking about two options, it is Option A or Option B and there is no Option C, and I am just hung up on the Phase I and the existing space. If the proposal was separated to a point where Phase 4 was a stand-alone proposal and didn't include Phase 1 I think we would be having a different discussion up here

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Mr. Bollas (Cont'd.) because I just refuse to give up all hope on Phase 1, and I don't know I speak similar to what Mr. Loughry said, I am trying to think through, you know we keep talking about the 34% and just thinking about the entire rest of the City right and trying to absorb that and I am a Ward Council person so I am trying to think of the constituents in my Ward; what would they want at what I would call the downtown of our City. So anyways I just wanted to comment on that because I think we keep talking and there are two options here and I think there is an Option C that may not be solved at this moment. It is not to say that someone does not want to support senior citizens in the City. Just exploring whatever that Option C is. I just wanted to make the comment.

Mr. Bozic: Madame Chair.

Mrs. Kilway: We are going to wrap up discussions here in just a few minutes, so go ahead.

Mr. Bozic: So, I just wanted to make a clarification or to ask for clarification. The data you had used for median income for the City; what was that amount?

Mr. Testa: The median household income is \$54,200.

Mr. Bozic: OK, so according to . . . because I thought that was low so I looked it up as we were sitting here and according to the 2020 Census Data and actually it is with inflation adjusted for 2021, it says our median income is \$79,233.

Mr. Testa: I pulled that off of your website, but that is great because that makes this \$1.9 million of income go way up.

Mr. Bozic: It also helps with the fact that when you are trying to sell to your businesses to move into a City or an area too. Like I could argue the other side of it as well, but I understand what you are saying as far as the economic impact. The other point I wanted to ask about was on this information you handed us on the front of it it says March, 2010.

Mr. Testa: Yeah, so those numbers would go way up by now.

Mr. Bozic: It is extremely outdated in my opinion.

Mr. Testa: For sure. All of those numbers would increase significantly since 2010. The cost of construction, cost of all those numbers. That is the last time the National Home Owners Association did a report like this, but I agree the caveat is that if you looked at 2023 numbers you would see this as even a significantly more positive economic impact on the community.

Mr. Bozic: And then one last question since it just dawned on me was I used to work within the Tallmadge Parks and Rec Department and there was at the time, talks about either the City potentially having some sort of space within this building in Phase 1 as like a potential cycling studio or something like that. Can you elaborate on that or know anything about that?

Mr. Testa: I can tell you I can't recall. I think maybe at one time we talked about a community senior center and whether or not Tallmadge was going to maintain its own 2nd one or whether or not that could be housed in our space and obviously the result was that you have your own existing senior center and didn't come into the space for whatever reason I don't know.

Mr. Bozic: Yeah because that was something that being in Parks and Rec it would be nice to have an outside facility other than just your Tallmadge Recreation Center and things like that. I know that we spent \$50,000 to upwards of over \$60,000 on a cycling studio build-out of a racquetball court to a cycling studio within the Rec Center so that would have been potential . . . basically a potential customer but so yeah that was one of my questions, or my last question. So, thank you.

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Mrs. Kilway: I think we have had a lot of good discussion here and I think we are really doing our due diligence on this, and I hope you can appreciate where we are sitting.

Mr. Testa: Sure

Mrs. Kilway: I appreciate where you are sitting as a business owner too. So, Administration do you have anything that needs to be added at this point in time? No one responded. Do you have one more thing before I ask for a motion?

Mr. Testa: I was going to say that on that Option C part, just so that you are aware, part of the issue about this is you have to have a certain number of units for the project to work in terms of the tax credit program. We wouldn't be able to have just the new building as a stand-alone building; it wouldn't get funded. In Ohio right now 140+ applications get submitted and only about 30 to 40 of them get funded. It is that over-subscribed. So, our projects have to perform at the absolute peak on paper in order to get the credits and if we took out those 15 units in there, we wouldn't have a viable project.

Mr. Bozic: So, the credits that you are applying for currently; you have secured, or you have not.

Mr. Testa: No, this application goes in this month. Forgive me if I didn't say that it was in Planning. The first step is just getting the zoning and the next step is we have to fight for these credits. Now, again, we are pretty good about getting the credits. We do our due diligence and we set up projects that we spend a lot of time and money just to put the application in, so we don't want to do it if we don't know that the project is going to be a successful one. There is no guarantee we will get it. I will say that typically projects that are resubmitted over and over again eventually get funded if they are a half way decent scoring project, but we have had projects that it has taken us 7 years to get the credits on.

Mr. Bozic: So, my question then would be if this is approved and the credits are not approved; what happens?

Mr. Testa: I don't know. We are back here and we are having that conversation and legitimately you will see For Sale signs over here because we can't keep it vacant any longer. So, I don't know what is next.

Mr. Bozic: Thank you.

Mrs. Kilway: Thank you. Council, do I have a motion?

Mr. Sisak: So moved.

Mrs. Kilway: What is your motion?

Mr. Sisak: I move to adopt Ord. 2022-85 amended on 1-12-22. Seconded Mr. Loughry.

Mrs. Kilway: Mrs. Raber, I just want a point of order here. Approval just needs to be a simple majority and if it is denied it needs to be by 5 members?

Dir. of Law: That is correct.

Mrs. Kilway: We have a motion and a second. Please call the roll.

Mr. Bozic: Point of order; can you clarify that a vote of yes is approving it meaning the project would proceed and a vote of no is denying it.

Dir. of Law: Correct.

Roll Call: Mr. Bozic – no, Mrs. Gutman – yes, Mrs. Kilway – yes, Mr. Loughry – no, Mr. Sisak – yes, Mrs. Allman – yes, Mr. Bollas – no. **Ord. 2022-85 is adopted by a vote of 4-3.**

Mrs. Kilway: Is there anything else to come before Planning & Zoning? Hearing none, I will close committee.

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Pres. of Council: Thank you Mrs. Kilway for handling a tough committee.

b. Finance

Craig Sisak, Chair

Jonathon Bollas, Vice Chair

The Finance Committee deals with budget, appropriations, reappropriations, bonds, franchises, investments, and expenditures.

i. First Readings of Ordinances and Resolutions

A. Ord. 2023-19 – Authorizing the Mayor to contract with Kastner Westman & Wilkins, LLC for legal services and consulting services and providing for immediate enactment.

Sponsor: Mayor Kline and Dir. of Law Raber

Mr. Sisak: I call the Finance Committee to order. We have a lot of housekeeping items here, so let's get to work. First, we have Ord. 2023-19. The ordinance was read into the record.

Mrs. Kilway: Due to the fact that this is housekeeping, I would move for the adoption of Ord. 2023-19 at 1st Reading. Seconded Mr. Loughry.

Mr. Bozic: Yes. Question for the Administration. Can you describe what . . . I believe we have used this company before in the past.

Dir. of Law: That's correct. They specialize in all sorts of labor and employment litigation so everything from issues with employees that we have questions on ADA to FMLA to collective bargaining and all those sorts of matters.

Mr. Bozic: I guess my question then would be; are there . . . when was the last time I guess . . . did we ever advertise for bids or for services of this?

Dir. of Law: So, these types of specialized services they are exempt because you need people; it is professional services with specialized skills, so no we don't do that. We do go out and shop occasionally but we have been pleased with the service that we have been provided for that.

Mr. Bozic: When was the last time you feel like we have reached out to other organizations or other law firms?

Dir. of Law: Dr. Cooper believes about 6 or 7 years probably.

Mr. Bozic: OK. Thank you.

Roll Call: Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic – unanimous. **Ord. 2023-19 is adopted by a vote of 7-0.**

B. Ord. 2023-21 – Authorizing the Mayor to enter into a contract without competitive bidding and through the State Purchasing Program, or as authorized by R.C. 125.04(C), with MNJ Technologies for the purchase of computer equipment, software licenses, and related equipment and providing for immediate enactment.

Sponsor: Mayor Kline

Mr. Sisak: Next we have Ord. 2023-21 at 1st Reading. The ordinance was read into the record.

Mr. Loughry: I move for the adoption of Ord. 2023-21. Seconded Mrs. Kilway. Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman – unanimous. **Ord. 2023-21 is adopted by a vote of 7-0.**

C. Ord. 2023-22 – 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.

Sponsor: Mayor Kline

We have Ord. 2023-22 at 1st Reading. The ordinance was read into the record.

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Mr. Loughry moved for the adoption of Ord. 2023-22. Seconded Mrs. Kilway.
Roll Call: Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway – unanimous. **Ord. 2023-22 is adopted by a vote of 7-0.**

D. **Ord. 2023-23** – Authorizing the Mayor to enter into a contract without competitive bidding and through the State Purchasing Program, or as authorized by R.C. 125.04 (C), with Johnson Control, Inc. for the purchase of integrated security, software licenses, and related equipment and providing for immediate enactment.

Sponsor: Mayor Kline

Mr. Sisak: We have Ord. 2023-23 at 1st Reading. The ordinance was read into the record.

Mrs. Kilway moved for the adoption of Ord. 2023-23. Seconded Mrs. Allman.
Roll Call: Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry – unanimous. **Ord. 2023-23 is adopted by a vote of 7-0.**

E. **Ord. 2023-24** – Authorizing the Mayor to enter into a contract without competitive bidding and through the State Purchasing Program, or as authorized by R.C. 125.04 (C), with Cadenza LLC for the purchase of computer equipment, software licenses, and related equipment and providing for immediate enactment.

Sponsor: Mayor Kline

Mr. Sisak: Next is Ord. 2023-24. The ordinance was read into the record.

Mr. Loughry: I move for the adoption of Ord. 2023-24. Seconded Mrs. Kilway.
Roll Call: Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak – unanimous. **Ord. 2023-24 is adopted by a vote of 7-0.**

F. **Ord. 2023-25** – Authorizing the Mayor to enter into a contract for the purchase of a tractor through the Sourcewell Cooperative Purchasing Program and providing for immediate enactment.

Sponsor: Dir. of Public Service Rorar

Mr. Sisak: Next is Ord. 2023-25. The ordinance was read into the record.

Mrs. Kilway moved for the adoption of Ord. 2023-25. Seconded Mr. Loughry.

Mr. Loughry: Just what Mrs. Gilbride told us that it is a potential savings.

Dir. of Finance: Yes, so this is in the budget and this tractor is actually available so if we get this passed, we won't have to wait the eons and months that we have had to wait for other pieces of equipment that we ordered. So, I would appreciate your consideration.

Mr. Bozic: Mr. Chair, can we get an explanation on what exactly the tractor is and the purpose and what it is utilized for.

Dir. of Pub. Service: Yes, so it is a replacement of an existing tractor now and it is used in the cemetery and in the parks for maintaining the grounds as well as the City grounds.

Roll Call: Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **Ord. 2023-25 is adopted by a vote of 7-0.**

G. **Ord. 2023-26** – Accepting insurance proceeds for Community Center repairs; appropriating the necessary funds and providing for immediate enactment.

Sponsor: Dir. of Public Service Rorar

Mr. Sisak: Next we have Ord. 2023-26. The ordinance was read into the record.

Mr. Loughry: I move for the adoption of Ord. 2023-26. Seconded Mrs. Allman.

Dir. of Pub. Service: Yes, it is \$219,000 is what the insurance gave us a check for.

Mr. Sisak: Is that going to cover everything?

Dir. of Pub. Service: We are still working out the final pieces on it.

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Dir. of Finance: We are also in the process of reviewing what we are replacing and make some determinations that we might present back to Council for some improvements to make it a little nicer than it was since we are in a position where we are tearing a large portion of . . . tearing out the flooring and you know, we want to make that a nice place. We started with the Wedding Package rentals so if there is an opportunity to improve a few more things to make it look nice, so we are in the process of looking into those items and those would come back to Council for consideration at **a later date.**

Mr. Bollas: What would be the projected timeline for that given that the improvements are underway or . . .

Dir. of Finance: It will be quick because . . . we are hoping to have it by the next meeting because we already have the company in there doing it so we are trying to figure out what those additional items would be and what the cost would be and then what the best course of action would you be for the restoration company to do it or is it something that we would independently bid. So we are trying to gather up all the figures so I would expect that hopefully at the next meeting we will have further information on that.

Dir. of Pub. Service: We are trying to shoot for that April 1st deadline of reopening. So we will have those numbers to you sooner.

Roll Call: Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas – unanimous. **Ord. 2023-26 is adopted by a vote of 7-0.**

H. Ord. 2023-27 – Authorizing the Mayor to enter into contract with Trident Restoration LLC without competitive bidding due to an emergency for Community Center repairs and providing for immediate enactment.

Sponsor: Dir. of Public Service Rorar

Mr. Sisak: Next we have Ord. 2023-27. The ordinance was read into the record.

Mr. Loughry: I move for the adoption of Ord. 2023-27. Seconded Mr. Bozic.

Mr. Loughry: I would like to ask Mr. Rorar a question. Do we have a negotiated price based on a certain amount of annual work with Trident so that we have something to compare that rate to this non-bid rate?

Dir. of Pub. Service: We do not at this time, but I can try to get you a number.

Pres. of Council: I just want to make sure that since it is non-bid it doesn't go out of sight. That's all.

Dir. of Finance: These are the insurance repairs so they have actually quoted the insurance and that is how the insurance determined what to give us.

Pres. of Council: Alright, I'm good then.

Roll Call: Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic – unanimous. **Ord. 2023-27 is adopted by a vote of 7-0.**

I. Ord. 2023-28 – Authorizing the Director of Public Service to advertise for proposals and the Mayor to enter into a contract for general janitorial services and providing for immediate enactment.

Sponsor: Dir. of Public Service Rorar

Mr. Sisak: Last but not least, we have Ord. 2023-28. The ordinance was read into the record.

Mr. Loughry moved for the adoption of Ord. 2023-28. Seconded Mrs. Kilway.

Mr. Bollas: Is this regarding all facilities?

Dir. of Pub. Service: It is for the three buildings, City Hall, the Police Station and then the John Westren Service Center down on Osceola.

Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman – unanimous. **Ord. 2023-28 is adopted by a vote of 7-0.**

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Mr. Sisak: Is there anything else to come before Finance? Hearing none, close committee.

ii. **Additional Items:** None.

c. **Personnel**

Jonathon Bollas, Chair

Adam Bozic, Vice Chair

The Personnel Committee deals with personnel, labor relations, insurance claims, Rules of Council and State Statutes.

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

A. **Ord. 2023-20** – Authorizing the Director of Finance to advertise for proposals and the Mayor to enter into one or more contracts for major medical, dental, eye, and/or group life insurance for various officials and employees of the City and providing for immediate enactment.

Sponsor: Dir. of Finance Gilbride

Mr. Bollas: I call the Personnel Committee to order. We do have before us at 1st Reading Ord. 2023-20. The ordinance was read into the record. It is my understanding Dir. of Finance Gilbride has requested this at passage at 1st Reading. Is that correct?

Dir. of Finance: This is just a housekeeping ordinance, so yes.

Pres. of Council: I move for the adoption of Ord. 2023-20. Seconded Mrs. Kilway. Roll Call: Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway – unanimous. **Ord. 2023-20 is adopted by a vote of 7-0.**

Mr. Bollas: Is there anything else to come before Personnel Committee this evening?

Mrs. Kilway: Yes, I just wanted to mention that we did have a health care and wellness meeting this past week. As you know that committee reviews the health care insurance for the City and we are a self-funded plan with the Jefferson Health Plan and just a quick little review. We did a review about the utilization for 2022, and just to let everyone know that we have like 98 employees that are on the plan; 255 total people are covered and in 2022 the City expended \$1,262,000 just on medical claims and that did not include prescription; that was about 13% lower than 2021 so that is great news. The City also paid out \$423,000 worth of pharmacy claims and there were reimbursements due to stop loss in large claims and some prescription rebates that came back to the City in the amount of \$145,000 and all the City paid out was \$1.542 million claims last year and that was about 11% less than last year. With that, because it is self-funded, the City funds this plan and at the end of the year we did have reserves in the amount of almost \$600,000 so the health plan is doing quite well right now and it is very encouraging that we have had very little increases over the last year. I just wanted to share that with everybody.

Mr. Bozic: I was just curious if we can get that report or is that available on the shared drive?

Mrs. Kilway: I just basically wrote this up from the minutes. I can forward the minutes to you guys. They are not approved yet, but as soon as they get approved I can forward those minutes to you. OK?

Mr. Bozic: Thank you.

Mrs. Kilway: Those won't be approved until the next meeting which is in April, OK?

Mr. Bollas: I know there was a Civil Service meeting that was postponed due to weather and so the question may be answered in that upcoming meeting. I just wondered if there was any update since the initial review of the compensation study that we had or if there were any follow-up targets that we were going after or next steps there because

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Mr. Bollas (Cont'd.) I know that the gentleman had some takeaways there and I was just wondering if there was any update.

Dir. of Pub. Safety: We don't have any additional information back from them. I really expect it any time.

Mr. Bollas: Is there anything else? Hearing none, I close committee.

ii. **Additional Items:** None.

d. **Community Issues**

Mary Gutman, Chair

Carol Kilway, Vice Chair

The Community Issues Committee deals with Parks and Recreation, civic affairs, and liaison between Council and the Recreation Board and intergovernmental affairs.

Mrs. Gutman: I call the Community Issues Committee to order. Does anyone have anything for Community Issues?

Mr. Bozic: I have one thing to bring up. Can the administration give us an update or just provide an answer . . . within the Tallmadge Rec Center there is a row of lights on the soccer field that are currently not operational. Can you give us an update on when those would become operational?

Dir. of Pub. Service: Hopefully sooner than later. I know the contractor that installed those has been contacted and those should be being replaced soon. I don't have a definite deadline.

Mr. Bozic: The only reason that I say it is because I have been in there before when we had a soccer team and it is very, very dark on that end. I just hope that it doesn't become an issue within a game whether it be flag football or soccer or what not for the goalie basically to be able to see it. I know they can see a soccer ball, but the lighting does affect that response. In addition, I know that they have, in the past, have dragged the field and repositioned or not repositioned or added more of the rubber pellets and I believe that was something that needs to be done sooner than later as well. They are starting to get some very bad divots, but that is all I have. Thank you.

Dir. of Pub. Service: Let me look into that last one and I will get back with you.

Mr. Bollas: I wanted to ask the popular question on cell phone service in the City if there is any update on that in terms of the tower?

Dir. of Pub. Service: No, the tower is still scheduled I think in 18 months. We have only gone 4. Still have a little bit of time.

Mrs. Gutman: I thought I had heard that we had gotten bumped up to the first half of this year.

Dir. of Law: Ultimately it is not our project and we haven't passed the necessary zoning requirements so at this point though I'm not sure about all of the details.

Mrs. Gutman: We can follow up with Mayor Kline when he gets back.

Mr. Sisak: I have a question for the Service Director. Are we putting in the new community sign at the Circle or is that reinforcement for the wall?

Dir. of Pub. Service: That is the new sign.

Mr. Sisak: Excellent, that is what I was hoping for. Are we doing the install? It looked like it was our crews over there.

Dir. of Pub. Service: No.

Mr. Sisak: Oh, OK.

Dir. of Pub. Service: No, we have been over there looking at it.

Mr. Sisak: Is there a date on that?

Dir. of Pub. Service: I think tomorrow.

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Mr. Bollas: For the approved ARPA projects for this year, I guess another question for this evening, I was just curious to go back to the schools and the sidewalks and what not. Maybe for the next meeting can we get some updates on some of those ARPA project funds that were formally approved in terms of like timeline and where they are at and just like a brief summary. The sidewalks was one that I was thinking of.

Dir. of Finance: Most of those . . . I mean I can get with the Department Heads, but most of those were going to have to go through a bidding process and so the sidewalks will be incorporated into the concrete maintenance bid and those kind of things so the timeline for something like that would be when we put out the concrete maintenance bids . . .

Dir. of Pub. Service: Those are out.

Dir. of Finance: So, it will just be a matter of us getting the bids back and scheduling the contractor, but I can . . .

Mr. Bollas: I was thinking in terms of months. Like what we were looking at; high level, nothing like project level specific but just to get an idea of like when each one would be potentially implemented.

Dir. of Finance: OK. We can do that.

Mrs. Gutman: Is there anything else? Nothing further for Community Issues and I will close committee.

i. **Additional Items:** None.

e. **Safety**

Adam Bozic, Chair

Craig Sisak, Vice Chair

The Safety Committee deals with disaster services, communications, fire, and paramedics, police, and health.

Mr. Bozic: I call the Safety Committee to order. We currently have nothing in front of us for this evening. I will open it up to the floor. Are there any questions, comments.

Mr. Bollas: I just had one for the administration. Recently on the social media I have been seeing a lot of advertisements for Police and Fire for staffing within a 30 mile radius of our community and the term I am seeing is known as laterals where you are recruiting, my understanding is you are recruiting an officer or fireman at their current rank, vacation, salary and what not. I was wondering if we have ever explored that based on that definition in terms of have, we explored recruiting on that concept because I am seeing some of the incentives are very incentivizing if we are looking for enhanced staffing in both the Police and Fire Departments.

Dir. of Pub. Safety: Yes, we have investigated that and actually have done it previously. We have recruited some excellent individuals by doing that, but we are finding a lesson we have learned from that is often what is getting presented to us is individuals that maybe aren't staying with another location for a reason and so they are interested in leaving with purpose either with encouragement from their employer or with purpose on their own personal reasons. And so we are investigating alternative methods for the recruiting to that, but we have tried that and have had some success but we have also had some challenges presented and so we are reconsidering how we do it. Actually we are currently studying surrounding communities and how they have had success in recruiting larger numbers and more qualified individuals for the positions that are open.

Mr. Bollas: I just happen to see two ads this past week and it just sparked some discussion. So, thank you.

Mr. Bozic: Anyone else? Now, I do have two questions for the administration. In light of the current weather and the past weather we have had, for our emergency operations

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Mr. Bozic (Cont'd.) plan we talk about having warming centers potentially available or cooling centers; I guess my question would be as of recent we have had one location here in Tallmadge and they didn't have heat available and I was just wondering if that was something that was discussed with the administration and/or if there were I guess, what is the reasoning why we didn't open up a warming center?

Dir. of Pub. Safety: I am not aware of a request to open one and that a need was brought to our attention to do so. If we have a need that arises, we generally contact the County Emergency Operations Center who helps us identify and even staff those types of things, but I wasn't aware that a need was brought to our attention to open a warming center.

Mr. Bozic: So, I guess my question is then who should be initiating that request? Should it be the City . . . just a general . . . I guess I believe in the EOP and it states that the Mayor or designee can just open a warming center even if we have extremely cold weather for consecutive days. It doesn't necessarily have to be a need. It could just be in response to the current weather conditions.

Dir. of Pub. Safety: Generally though, there would have to be identified a need to do it but you are correct about your reading of the EOP and in that the administration can choose to open one.

Mr. Bozic: OK, because I mean I thought locally here this housing facility behind us they had no heat and I don't know for exactly how long, but I know it was more than a day I would assume. It was on and off for about a month; OK. So yeah, I guess that was my big question if knowing that information now, I am more concerned about the fact that we haven't opened a warming center at some point or at least thought about it. Perhaps the administration needs to review that section of the EOP for further investigation to make sure that we are providing that service should the need arise or to anticipate that need arising.

My other question would be related to what Mr. Bollas had brought up, the staffing levels within the Police Department. I know at one point in recent years we discussed putting job postings on the national search site; I don't recall exactly what it was called, but can you provide an update on the success level of that or perhaps how many applicants have applied through that as opposed to just applying through walking through the door and dropping an application off. Is there a comparison that we can hear about or know about when it comes to that particular site?

Dir. of Pub. Safety: Yes, I can collect that data and get back to you.

Mr. Bozic: Alright. I guess when it comes to Police obviously we know that we have a Police Chief potentially retiring this year and so I look forward to hearing about what our steps are coming up with that search and if we can get some planning meetings before that. Posting goes out to talk about the pros and cons of the Fire Chief search and things that we can critique or make different for the Police Chief search. Thank you.

Anyone else on Council?

Mrs. Gutman: I actually have a follow-up question for Dr. Cooper related to the warming center issue. I am sure you don't know off the top of your head, but if we could just get the data if there were any calls made related to residents not having heat, being cold, distress calls to 911. That would be helpful to know if anything like that had happened.

Dir. of Pub. Safety: Yes, I can do that.

Mr. Bozic: Without hearing any other comments or questions, I will close the Safety Committee.

i. **Additional Items:** None.

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- f. **Public Service**
Rebecca Allman, Chair
Mary Gutman, Vice Chair
The Public Service Committee deals with streets, highways, sidewalks, buildings, and improvements: water, sewer, electricity, gas, energy resources, recycle, waste, and trash.
Mrs. Allman: I call Public Service Committee to order. We have no legislation before us. Does Council or the Administration have anything for Public Service? Seeing none, I close committee.
 - i. **Additional Items:** None.

- 11. **Reports of Special Committees:**
Pres. of Council: Mr. Bollas has been working with the Council office and with IT on coordinating the tv's and the installation of the wireless mike. So, everyone is working well to get that done.
 - a. **Council Operations Committee**
 - i. **Additional Items**
- 12. **Announcements:**
Mr. Bollas: I just have one update on the displays, the target date was either February 6th or possibly February 7th so possibly we can have displays that we can read.
- 13. **Adjournment:** Mr. Sisak moved to adjourn. Seconded Mrs. Kilway.
Roll Call: Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry – unanimous. **The Council meeting of 1-26-23 adjourned at 8:50 p.m.** Please remain for the Richardson Trust Fund Meeting.

sb

Adopted:

Susan E. Burton, Clerk of Council

Dennis K. Loughry, President of Council