

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

March 10,

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1. **CALL TO ORDER.** President of Council Loughry called the Council meeting of Thursday, March 10, 2022, to order at 6:00 p.m.
2. **Opening Prayer & Pledge of Allegiance:**
Prayer: Rev. Phil Anderson, Bethel Church of Christ.
Pledge of Allegiance:
3. **Roll Call:** Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak – present.
4. **Correcting and Adopting the Previous Meeting Minutes:**
2-24-22 Council Meeting Minutes
 Mr. Sisak moved to adopt the 2-24-22 Council meeting minutes as submitted. Seconded Mrs. Kilway. Roll Call: Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **The Council meeting minutes of 2-24-22 are adopted by a vote of 7-0.**
5. **Financial Reports:**

- **Fire & EMS Fund Transfer in the amount of \$135,000, and Street Maintenance & Repair Transfer in the amount of \$210,000 to Council on 2-1-22.**
- **Appropriation Report, Fund Report and Revenue Report for the period ending 1-31-22 to Council on 2-4-22.**
- **January Financial Reports to Council on 2-4-22.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 1-31-22 to Council on 2-4-22.**
- **Income Tax Comparisons for the period ending 1-31-22 to Council on 2-4-22.**
- **Revenue Comparisons for the period ending 1-31-22 to Council on 2-4-22.**
- **Consolidated Investment Portfolio for the period ending 1-31-22 to Council on 2-4-22.**

Mr. Sisak moved to accept the Financial Reports submitted by Dir. of Finance Gilbride. Seconded Mrs. Allman. Roll Call: Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bozic – unanimous. **The Financial Reports were accepted by a vote of 7-0.**

Pres. of Council: Next, we will move onto our public hearing. There will be some ground rules.

- Exit out of the front lobby.
- We will take a break as needed for 10 minutes every 2 hours.
- The order of this portion of the meeting will be:

When we open the public hearing, Pulte will give a presentation. They have asked for 20 minutes and that has been afforded them. Attorney Al Schrader, on behalf of a group of residents, then will give a presentation. Attorney Schrader asked for 10 minutes that will be afforded to him.

Then there will be a public comment period that the public will be given an opportunity to speak.

We will do that in the order of those that registered, then those that just want to speak this evening that did not register.

Council will then have an opportunity to ask questions and the applicant may make a final statement, then the Planning and Zoning Committee will be called to order. Council will deliberate and vote on this order.

Letters and emails that were received in the Council office will not be read into the record this evening, but they have all been shared with all of Council and will be retained and incorporated as part of the record.

Residents were asked to register to speak those that pre-registered will be called up at the designated time.

I will call you two at a time.

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Pres. of Council (Cont'd.) You will form the line in between the stanchions. The first name will be the speaker, the second name will be the on-deck speaker. We ask that you make your way to the podium the first time you are called.

For others that did not pre-register, you will be given an opportunity to speak. We are going to do it a little different tonight to accommodate the number of people that we anticipate wanting to speak this evening at the appropriate time again, we will ask you if you wish to speak that you form a line in the designated area; again, we have two stanchions. We will ask for safety reasons that the line be maintained to the area it is designated with approximately 5 to 10 people in it at any time.

As speakers complete their statement, others that may want to speak may get up and go to the line again.

We would ask that if the line appears to be too lengthy that you wait until there is space and then get in line. Each of you will be asked to state your name and address and be sworn in.

If you did not pre-register, you will be also asked to spell your name.

For the record, each of you will be given the opportunity to speak for up to two minutes. At the two-minute mark, when time is called, you will need to stop and take a seat. If others have already expressed your views, you may simply indicate that you agree with the previous speaker.

If you pre-registered and do not come forward, it will be assumed that you wish to pass on speaking tonight.

Everyone speaking at the lectern will be recorded. Please speak into the microphone. Each of you will only be permitted to speak once. This meeting is to receive input. It is a one way dialogue the public to council. It is not interactive.

Council will have an opportunity to ask questions at the conclusion of the public comment period. Your input is wanted and encouraged.

Our objective is to receive it in as efficient a manner as possible.

To that end, please refrain from disruptive conduct such as booing, clapping or shouts of approval or disagreement. Please address all comments and questions to me.

6. Public Hearings:

**2022–29 - Amended
PLANNING & ZONING
P.H. on 3-10-22 @ 6:01 p.m.**

P&Z Rec. Approval 5-0

Sponsor: Carol Kilway, At-Large

At 3rd Reading.

Amending the zoning map by rezoning the property of Applicant, Pulte Homes of Ohio LLC and Owner, Mindale Farms Co. from R-1 Residential District to R-6 Residential Open Space Planned Development District consisting of approximately 124.3 acres and approving the General Development Plan located at 1485 Northeast Avenue, Parcel 6008558.

Clerk of Council Burton: Amending the zoning map by rezoning the property of applicant Pulte Homes of Ohio, LLC and owner Mindale Farms Company from R1 Residential District to R6 Residential Open Space Planned Development District consisting of approximately 124.3 acres and approving the General Development Plan located at 1485 Northeast Avenue, Parcel 6008558.

Pres. of Council: I'm going to call the public hearing open at 6:09 p.m. At this time, we will have the applicant presentation.

It should be noted that the property owner has sent in correspondence in favor of this ordinance which was received by council and is incorporated into the record in accordance with your request.

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Pres. of Council (Cont'd.) Pulte, you will be given 20 minutes for this presentation at this time. If there is any representative from Pulte that will be speaking during the presentation, please come to the lectern and be sworn in. We will swear you in individually.

Pres. of Council: Please state your name.

Mr. O'Connor: Jim O'Connor

Pres. of Council: Please give your business address.

Mr. O'Connor: 387 Medina Rd Medina, OH 44256.

Pres. of Council: Do you, do you swear or affirm that the statement you are about to give is true and correct to the best of your knowledge and belief?

Mr. O'Connor: I do.

Pres. of Council: Please state your name.

Mr. Filipkowski: Keith Filipkowski.

Pres. of Council: Please state your business address.

Mr. Filipkowski: 387 Medina Rd Medina OH.

Pres. of Council: Do you swear or affirm that the statement you are about to give is true and correct to the best of your knowledge and belief?

Mr. Filipkowski: I do.

Pres. of Council: Please state your name and your business address.

Mr. Wise: Jerry Wise, 7979 Hub Pkwy. Valley View OH.

Pres. of Council: Do you swear or affirm that the statement you're about to give is true and correct to the best of your knowledge?

Mr. Wise: I do.

Mr. Flynn: Jared Flynn, 107th Ave. Suite 150, Chardon OH.

Pres. of Council: Sir, do you swear or affirm that the statement you are about to give is true and correct to the best of your knowledge and belief?

Mr. Wise: I do.

Pres. of Council: We are ready for your presentation when you start speaking, we will start the clock.

Mr. O'Connor: Thank you members of Council and Council President.

My name is Jim O'Connor with Pulte Homes.

I'm happy for this opportunity to present before you this evening. I would just like to walk through, there are a couple of points from our previous presentation, but I think we wanted to highlight the five major points this evening about Planning and Zoning, comments, engineering and utility updates, expanded population and market studies, builder quality and reputation, and overall context of the development.

Next, is we spend a lot of time talking about Pulte and our reputation. I think everybody is familiar with the site and I wanted to call out that this particular site is as referenced in Area 5 of the City's Comprehensive Plan as a highly probable use for the R-6 zoning.

Next slide is the zoning map and this site, and this plan comply with the city zoning and was found as such through the Planning Commission.

Next, would be the community plan itself that was presented extensively at the Planning Commission, and I wanted to point out it's basically comprised of two neighborhoods within the community itself. Those price points starting about \$425,000 and then the retreat series which is aimed at active adult and empty nesters which allows for one floor living and that price point starting at \$365,000 and there are 147 of those lots. The open space, the pedestrian mobility and we went through that in great detail, so I won't rehash too much of that this evening. And now I'd like to have Keith talk a little bit about the landscaping plan.

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Mr. O'Connor: Yeah, this is just the overall site plan being demonstrated here. 45.75 acres of open space, roughly 37% of the site in total. A land plan lending itself to 200-foot thoroughfare buffer, 6 water features across the site, rolling terrain, ravines, open vistas, natural preservation and Amenity Center, 3.8 miles of pedestrian walkability, and lookouts. There are two tie-ins to the Freedom Trail. An absolute recipe for a park-like feel.

The following items were discussed by Mr. Filipkowski:

- Six water features
- Pavilion
- Open space
- Electric Power
- Generation Comparison
- Real estate market dynamics
- Trip generation comparison
- Age of homes

The next is the R-1 plan that we have, so it's 186 units. This is, you know, you just go down the list of impacts, lower aesthetic quality, and no buffer on Northeast. 86% reduction in open space. Greater impact, uh traffic. Greater impact of schools and greater environmental impact and no preservation. And then lastly, I'd like to turn it over to Keith to talk about the builder reputation and quality.

Mr. Filipkowski:

- Builder reputation

Pres. of Council: Thank you very much. At this time, we will ask Attorney Al Schrader to come to the lectern.

Attorney Schrader: Do you want me to get sworn in?

Pres. of Council: So, in accordance with your request, you will be given 10 minutes. So, for the members of Council Mr. Schrader is being afforded this time because he represents some members in the audience. So, Attorney Schrader, please state your name and your business address.

Attorney Schrader: I'm attorney Al Schrader. I'm with Roderick Linton Belfance, LLP Law Firm_at 50 S. Main St., Akron, OH 44308.

Pres. of Council: Do you swear or affirm that the statement you are about to give is true and correct to the best of your knowledge and belief?

Attorney Schrader: I do.

Attorney Schrader: I'll try to be quick then.

Good evening, Mayor, members of Council and Law Director Raber. This is not a quasi-judicial hearing. This is a legislative. That means that you, as the elected representatives of the people get to vote legislatively on whether or not this is something you want in that particular neighborhood, and I want you to please consider what your constituents want, because this is legislative and it's something that you have the absolute authority to make the decision on.

The following items were discussed:

- Left turn lane
- 40 mph speed limit
- Cost of traffic light
- Significant delay
- Historic structures

OK, well thank you for your listening. I respectfully request you turn this down. Thank you much.

Pres. of Council: At this time, we will move into the public comment period, and I will remind you that if others have already expressed your views, you may choose not to speak, or you may simply indicate that you agree with the previous. If you pre-registered and do not come forward, it will be assumed that you wish to pass on speaking tonight.

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Pres. of Council (Cont'd.) As a reminder, please speak into the microphone as this is recorded at the two-minute mark when time is called, you will need to stop and take a seat. So, we will start with those that have pre-registered.

So, we will start with Mr. Jim Evans as our speaker and this is Barbara Mayes, who can go in the stanchion on deck.

Pres. of Council: Mr. Evans, please state your name and address.

- **Mr. Evans:** Jim Evans, 747 Jennifer Trail, Tallmadge. Concerned about the density of the development.
- **Mrs. Mays:** My name is Barbara Mays, 654 Deerwood Drive and I also have property on Washburn Road. She has a problem with the appearance of the new development.
- **Mr. Conley.** My name is William Conley, 1037 Northeast Avenue. Problem with the number of homes.
- **Ms. Davis:** My name is Anna Davis, 1070 Northeast Avenue. Will put a burden on schools and infrastructure.
- **Ms. Springirth:** April Springirth, 568 Deerwood Drive. Problem with traffic issue.
- **Ms. Means:** Mallory Means 797 Atwood Drive. Problem with traffic.
- **Ms. Blatt:** Jenna Blatt, 926 North Munroe Road. Pulte's prior presentation.
- **Ms. Victor:** Cathy Victor, 809 Locust Drive. R-6 does not fit in the neighborhood around us.
- **Mr. Victor:** Daniel Victor, 809 Locust Drive. R-6 does not fin in the neighborhood.
- **Ms. Conley:** Donna Conley, 1037 Northeast Avenue. Traffic congestion.
- **Mr. Bartlett:** My name is Eric Bartlett and I live at 808 Locust Drive. Studies presented by Pulte.
- **Mr. Futules:** My name is Jim Futules, 310 South Munroe Road. The Pulte study is questionable and then a traffic engineer not associated with this study says it will be a problem.
- **Ms. Hillegas:** Pauline Hillegas, 257 Woodridge Road. R-6 does not meet current Zoning Code.
- **Mr. Albrecht:** Josh Albrecht, 1566 Northeast Avenue. Represent your constituents.
- **Ms. Albrecht:** Janelle Albrecht, 1566 Northeast Avenue. Pulte is a business.
- **Mr. Victor:** Mike Victor, 809 Locust Drive. Asking Council to make the right decision.
- **Ms. Caipen:** Sally Caipen, 1464 Northeast Avenue. Trina has the right to develop, but not R-6.
- **Mr. Caipen:** Randy Caipen 1464 Northeast Avenue. Relax and be patient and think about it.
- **Ms. Epstein:** Jessica Epstein, 508 Howe Road. Not in line with historical rural charm.
- **Ms. Millham:** I'm Cheryl Millham, 1175 Shadybrook Lane. Significant impact on surrounding area.
- **Mr. Putaturo:** Vincent Putaturo, 1435 Northeast Avenue. Engineering studies.
- **Ms. Toth:** Lori Toth, 947 Northeast Avenue. Traffic congestion at East Avenue and Munroe Road.
- **Ms. Kirker:** Marlene Kirker, 754 Locust Drive. Cut-through traffic impact.
- **Ms. Vogliano:** Diann Vogliano, 953 Atwood Drive.

Pres. of Council: Mrs. Vogliano is passing this evening.

- **Mr. Keen:** John Kee, 84 Westview Drive. Historic structures and signatures on petition.

Pres. of Council: So that ends the period of the public hearing for those residents that have registered to speak. So, we will enter into the next phase now and that will be anybody in the audience that would like to speak, and again, we have two stanchions created get in line no more than 10 total please.

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Pres. of Council: It is 7:48 p.m. and the break is over. We will reconvene the public hearing. We are starting the process that those that chose not to register and just show up to speak tonight will have that opportunity afforded them. I'll ask you to state your name and address.

- **Mr. Huber:** Jack Huber, 300 Hanna Drive. R-1 tax dollars versus R-6.
- **Ms. Fiume:** Pamela Fiume, 1063 Morningview Drive. The structure of our historic city dates back to 1807.
- **Mr. Wagner:** Ryan Wagner, 1115 Northeast Avenue. Is this good for our community.
- **Mr. Strickler:** Mike Strickler, 698 Northeast Avenue. Maintain the rural area for the wildlife.
- **Mr. Collins:** David Collins, 703 S. Munroe Road. Speak and represent the people.
- **Mr. Kunze:** Rusty Kunze, 38 Cambrian Drive. Tallmadge is tight-knit community.
- **Mr. Manka:** Andrew Manka, 408 Helena Drive. Development isn't made for long-term interests of the City.
- **Mr. Salvins:** Ray Salvins, 76 Linda Street. Traffic.
- **Ms. Patrino:** Lacy Patrino, 101 W. Garwood Drive. Impact on schools.
- **Ms. Henry:** Karen Henry, 1492 Northeast Avenue. Handicapped resident living near there.
- **Mr. Bellnap:** 785 Bellnap, 785 Bentley Place. Do away with R-6 zoning.
- **Mr. Pavlik:** Donald Pavlik, 820 Bentley Place Blvd. Listen to the residents.
- **Ms. Bower:** Terry Bower, 117 Washburn Road. Overcrowded allotment, like Tallmadge Reserve
- **Mr. Farjev:** Harold Farjev, 1212 Northeast Avenue. Traffic.
- **Mr. Antrobis:** Bob Antrobis, 1145 Northeast Avenue. Tallmadge is almost primarily custom homes.

Pres. of Council: This will be the last and final call for anyone in the audience that would like to speak this evening on this. Is there anyone in the audience that would like to come up and speak at this time?

Mr. Schrader: I only asked for 10 minutes instead of 20, so hopefully it's OK. I'll do this as quickly as I can.

Pres. of Council: First off, you have two minutes, thanks.

Mr. Schrader: You did an excellent job of running this meeting. It's not an easy thing to do and we appreciate it. What I'm trying to do, . . . we have signed petitions, but we got to make copies of this, so we'll get those to you next tomorrow. What I presented was an electronic petition and I'm still amazed that I can electronically sign something and file it in a federal court.

Those are actually Tallmadge residents, I'm told. Apparently with this electronic petition thing they used. the address gets recorded wherever you were when you signed it, so you're going to be a Tallmadge resident, and in California, you're going to be listed as being a California address, so you can verify that by checking it out with the Board of Elections or wherever, but I'm told that these are all Tallmadge residents. That's all I wanted to say is make sure that you had that.

Pres. of Council: One last time, anybody in the audience that would like to speak this evening? Hearing none, with that we're going to end this part of the public hearing and move into the next part of the Public Hearing. Council this will be the time when it will be open for you to ask questions. One, if that person has not been sworn in, we need to bring him to the lectern and swear him in and if they have been, we still need to bring them to the lectern to respond. So, Mrs. Kilway.

The answers to the Council member's questions can be listened to on the audio recording.

Mrs. Kilway:

- HOA's.
- 186, how do you handle the environmental aspect of the wetlands?

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- How many acres of wetlands are there on that property do you happen to know the answer to that question?

Pres. of Council: Any other questions from Council?

Mrs. Gutman:

- Why do the homes on those lots have to cost more as well? Where are we getting up to that \$750,000?
- And how does that play into what you think you can sell in Tallmadge then?
- And there was a concern that any 30-acre site in the city could be developed as R-6. If we were to do an R-1 development with Pulte, you would want to match it to about a four-year supply, so it would be a much smaller development.
- So, if I'm understanding you, the current 100 acres just creates too many homes and you wouldn't be able to see the return on that in a time frame that makes sense to do that.
- OK, so the development plan you have is not one that you would actually do here.
- OK, I do have a couple more questions. We heard a lot about traffic concerns. Can you explain where your traffic reduction numbers come from? I think there's some misunderstanding that there would be a reduction compared to not building, but you were comparing that reduction to an R-1 development, weren't you?
- OK. And how does that type of housing cause a reduction?
- And similarly with the school children, how did you calculate those numbers?
- OK, my last question then is given the known traffic issues that we've seen in the traffic study, and we don't seem to have a resolution for. From the responses we received from the latest questions and hearing everything you've heard from all these residents, what makes you feel comfortable moving forward with this development at this time?

Mayor Kline: Thank you, He is correct during the track when they start submitting the construction drawings, we heavily vet that with our city engineers to look not only for traffic but for stormwater and for sanitary sewer, drinking water, all that gets vetted out extremely with all departments, not only our engineering department or service department. The other agencies, the City of Akron, since it is in Akron water in the water pipes that belong to the city of Tallmadge. But we vet all of those and they have responses going back that they have to comply to our requirements.

We tried to put a roundabout at Washburn prior to the development even going on and that was actually turned down by ODOT and the traffic light missed the warrant by one car. So, we went back, and we did the warrant, and we were able to achieve that warrant and just so happens that the Ripley Farm development came in. So, the city of Tallmadge, instead of putting a 3-way intersection in we allowed Pulte to bring their Street into our intersection up to our right-of-away which we installed for the Washburn/ East Avenue project. So, that project just so happened, then Pulte came in. Now it's a 4-way intersection instead of a 3-way intersection and I got a lot of comments from the public who live on Washburn thanking the city for getting that traffic light in. At that location the traffic that's coming there on East Avenue is really coming from the development in Brimfield

Mr. Bozic:

- You mentioned that there's credits you can purchase for wetland, correct? So, currently do you know how many credits are available for purchase?
- OK, thank you that does clarify that for me so within the R-6 zoning you mentioned that kind of cost prohibitive if it's not an R-1; did your firm look at other zoning that is offered through the city? For example, R-2, R-3, or R-4?
- Would you develop a piece of property specifically to the zoning code or would you consider developing a piece of property that perhaps offered more open space?
- So, in planning, you're like we can have 150 homes at this zoning level? Or we can have 180 homes at this zoning level was that kind of looked at when you are in your planning process?

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- OK, so another question I have for you is you mentioned that the one section is going to be geared towards seniors or the active adult. There's nothing really that I've heard or that I've read that really says that is who you're going to sell to. Is that even taken into consideration?
- I'm just sitting here looking at it. If I was going to develop a site and I'm going to make a large investment, wouldn't you want to know what that cost would be if I was going to have to spend millions of dollars on putting in new sewer lines or you know, things of that nature?
- Sure, and so with one of my last questions because you alluded to it and I'm all about you helping build up our local economy so for example, on the proposed site, where do you guys usually get your materials from and where do you get your labor from?
- So, when you do these bids, because I'm assuming you put out say, a request for bids from local lumber suppliers, things of that nature.
- Yes, so I wanted to circle back on the question Mrs. Kilway asked on the HOA's. Do they specifically restrict or prohibit rentals?

Pres. of Council: Do you have anything Mr. Bollas?

Mr. Bollas:

- So, when you're heading east toward the circle, just please refresh my memory, the right merge lane was restricted. Can you remind me why we ended up doing that? From a traffic standpoint it was accidents, wasn't it?

Pres. of Council: Mrs. Allman, do you have anything?

Mrs. Allman: No.

Mrs. Kilway:

- Is there any area or any land in the proposed area where you have to mitigate any wetlands?
- What does that do to the integrity of the soil? Do you anticipate having to build homes with pylons in order to make them stable and that sort of thing?

Pres. of Council: So, at this time, does Council have any more questions either for the applicant or for anybody else? Alright, we have no additional questions, so Mr. O'Connor, you or one of your colleagues will be afforded the same 2 minutes to finalize your presentation so it can be you or whoever.

Mr. O'Connor: Spoke in favor of his proposal.

Mrs. Kilway: I will call Planning and Zoning to order. We do not need to re-read the ordinance into the record because it's already been done. So, we're going to discuss the criteria under the code for rezoning and the General Development Plan. I am a little bit upset with the point 1% of the people in this town that have blasted us on social media; the Administration and Council are not getting any kickbacks. I'm putting that out there right now. OK, that is not Tallmadge. We are a community. However, we do need to have a landowner and a homeowner that has the right to sell their property to anyone that they wish to purchase. The person with the purchase agreement has the right to use the tools that the city provides to develop the land.

This R-6 zoning code has been on the books since 2011, as has been stated. It has been revised based on input from the community and to allow more open space dispersed throughout the development and to require a certain percentage of the lots to remain that same square footage as the R-1 zoning. Planning and Zoning did their due diligence with reviewing the proposed plans, and they made their recommendations to Council. So, now Council must, at a minimum, consider the reports and opinions transmitted by the Zoning Administrator and the recommendation from P&Z and review criteria and we need to consider whether this application provides adequate evidence that the proposed district change is consistent with the applicable standards as listed. So, we do have standards that we're going to go through and we're going to have a discussion on each one of them, and so what I'm going to do right now is I'm going to go through these standards.

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Mrs. Kilway (Cont'd.) I'll give my impression as to whether it meets the standards, and then I'm going to ask each of you on Council to give us your input on the standard as well. And like I said, we need to get my wording straight here. We have to determine whether it provides adequate evidence that the proposed district change is consistent with the applicable standards.

So, the first one that we're tasked at discussing is:

- Is the proposed amendment consistent with the adopted city plans and the stated purposes of this code?

Mrs. Allman: I agree that it meets the standards.

Mr. Bollas: Excuse me, I'm sorry, the application doesn't meet the standards. But I also believe this to be an opportunity for evaluation as I stated in the last meeting. Thank you.

Mrs. Gutman: I agree that it meets the standards.

Mr. Sisak: I do not agree that it meets all the standards.

Pres. of Council: I agree that it meets standards.

Mr. Bozic: I do not agree that it meets some of the city plans that we have set forth. Thank you.

Mrs. Kilway: The next standard is:

- Is the proposed amendment necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions?

Mrs. Kilway: I'm going to have to say that it does not because according to our comprehensive plan, when we had the survey done residents were very much wanting to have quiet and safe neighborhoods with more open space. They wanted to have the larger land or larger lots and so forth. So, I really do not think that this change is consistent with this standard.

Mrs. Allman: I believe it is not desirable.

Mr. Bollas: I also agree that it does not meet this standard.

Mrs. Gutman: There's a lot of parts to this. One, I do agree that it is necessary because of changing conditions in the research I've done I have found that what the Pulte group says about how long it would take to sell 100 acres of R-1 lots is accurate.

I disagree that it's desirable, and I think that's pretty apparent from everything we've heard. Desirable to the residents here? I think it would be desirable to people that want to move to Tallmadge, and we have seen that with The Reserve and how fast it's selling. Overall, when I'm evaluating this standard weighing all those things I will agree as a whole with the caveat that there are parts that it does not.

Mr. Sisak: I agree that it does meet the conditions as desirable. This is a trend in our current building across the nation. Trends come and go so I think at this moment in time it is desirable.

Pres. of Council: I do not believe that it is desirable in this location, and I believe that that is what is so pertinent to the discussion is that rezoning is site specific.

Mr. Bozic: I believe that this is not desirable for our community. I think there's some aspects that perhaps do meet where we're at as a society, but I overall feel that it does not meet them.

Mrs. Kilway: Thank you. The next standard is:

- Does the proposed amendment promote the public health, safety and general welfare?

Mrs. Kilway: In my opinion, I do believe there's a huge safety aspect with the added vehicles and traffic. You know, it's really hard to say that it's not going to have an impact on the traffic when there's already traffic issues there when the intersections are already getting E & F ratings and additional cars in the area are not going to make it worse because you really can't get any worse, so I do really think that there is a huge safety aspect with this. I also, I mean there's that huge blind spot where the hill is where that tragic accident happened here last summer. It is very low visibility at that point. So, I would have to say that it does not meet that standard. I believe there's a safety concern with the increase in traffic. Adding this many homes to the Northeast Avenue area is going to increase the traffic and the cut throughs with Atwood and Locust and Westvue.

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Mrs. Allman: I think the high volume of cars will be dangerous for the school children as they get on and off of the bus and as she mentioned that hill; they call it the Blind Hill, and I did drive up there today to check it out again and it is a blind hill and dangerous.

Mr. Bollas: I believe there is a safety concern, as noted during the meeting. I also think it could create a substantial cost in the future for the city to alleviate that. That's my concern.

Mrs. Gutman: I disagree with this based on the traffic concerns that everyone has mentioned, and I just wanted to mention something else that the connection to the Freedom Trail is a huge benefit for the residents that would be in Mindale Farms, but it creates a major hazard for anyone who is attracted to go to the Freedom Trail from that one neighborhood. I know there are children who use the Freedom Trail to come down East Avenue and then go to their individual neighborhoods on the trail, and I can just imagine those kids trying to get home, impulsive young teenagers, trying to beat the cars and what would happen. I think from the traffic study it looked like roughly a car crosses that intersection about every two to three seconds during the busy times, which also happened to be the times that kids are coming home from school and going to school. For that reason, and I should mention that in the presentation, Atwood was diagrammed as a connector trail throughout the city, and I don't think we should be encouraging people to use that road connecting trails at this point, so I will disagree.

Mr. Sisak: I do not believe that this proposed amendment will promote that public health, safety or general welfare of the city.

Pres. of Council: I agree with that, but primarily because I think that this proposal is in direct conflict with our existing thoroughfare plan, especially as it relates to Atwood Drive.

Mr. Bozic: I believe, or I agree with everyone else, that it does not promote the public health and safety in general.

Mrs. Kilway: The next item is:

- That the uses that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity?

Mrs. Kilway: Planning and Zoning Commission did not think that there was adequate evidence that this would be compatible, and I think that would be primarily because of the 55-foot frontages in the development is not compatible. So, like I said, Planning and Zoning did not even think that this issue was one that had adequate evidence.

Mrs. Allman: I agree with you. I do not believe the homes are compatible with our community.

Mr. Bollas: I would agree with the previous statement that they would not be compatible.

Mrs. Gutman: I'm going to disagree with you guys on this one. These are all residential homes and the actual sizes of the homes themselves match the neighborhood. So, we're talking about a difference of yard sizes. The homes are still used the same way the other homes will be used. I've found numerous examples in Tallmadge where condos and these are not condos, but condos are existing within or next to R-1 developed neighborhoods and the values are not affected. So, on this one I'm going to agree with this standard.

Mr. Sisak: I do not believe it's compatible.

Pres. of Council: I believe the use is compatible. It is residential housing and again to some of Mrs. Gutman's point, I also believe that it is a self-contained site, and it is definitely not harmonious with Bentley Place and Shadyside.

Mr. Bozic: I'm going to say that it does not fit the surrounding areas and it is not compatible. Yes, it's a residential area, but we're also here to evaluate whether we want to change the zoning and that's the whole basis of this so, it's from R-1 to R-6, which obviously has that frontage. So, I agree that it does not fit and is not compatible.

Mrs. Kilway: Thank you. The next standard is:

- Does the proposed amendment follow lot lines or centerlines of streets, railroads, or other rights-of-way?

Mrs. Kilway: I would have to say yes it does.

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Mrs. Allman: I agree it does.

Mr. Bollas: I would agree.

Mrs. Gutman: I agree.

Mr. Sisak: I agree.

Pres. of Council: Yes.

Mr. Bozic: I would question the other rights-of-way. I guess that would depend on whether we're talking about turning lanes into the development or anything of that nature, I guess I would probably need more further clarification on that. But I would say it does not. Thank you.

Mrs. Kilway: The next standard is:

- Is there adequate utility, sewer and water facilities and all other needed public services that exist or can be provided or serve the uses that would be permitted on a property if it were reclassified?

Mrs. Kilway: I think there's a lot of questions here. I know that the applicant has not done a complete analysis of the sanitary or stormwater or utilities, it's just been in general. I know that there was a question from the city engineer about providing calculations to confirm if the existing syphon has capacity to accept the additional sanitary flow from this development, and I believe that the applicant did say that it's only going to take up 4% of the available capacity, so I think that's been met, but as they had said, they did not have enough of a detailed study yet and that's something that would be more in the final development plan and so I just would question this myself.

Mrs. Allman: I don't have anything additional to add, thank you

Mr. Bollas: Based on the various plans and studies you know; I would have questions on this one. We heard a lot and see it's a lot about the you know, the sewer and water concerns. So, right now I would say it does not.

Mrs. Gutman: This is a written condition of the final approval and given what we've heard so far, I'm fine saying that I agree with this.

Mr. Sisak: I think there's still some questions on stormwater management and I will say no, it does not provide enough if it were to be permitted on this property.

Pres. of Council: I would say that it's premature to answer that at this time, however, I've not seen any red flags from any of the utility providers. So, at this time I would say that yes, it does meet the criteria.

Mr. Bozic: I think that there's some definite questions that exist out there. As we heard, Mr. O'Connor had mentioned they have some general numbers in mind as to potential cost. I mean, being that we've had Planning and Zoning and we're now here on our Council public hearing I would have hoped that this numbers would have been brought forward, so I'm going to say that there's not adequate service available at the moment.

Mrs. Kilway: OK, thank you. The next item is:

- Is the proposed amendment not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife and vegetation or such impacts will be substantially mitigated.

Mrs. Kilway: I do believe that there is an issue with the storm water management system. Most of the open space is wetlands or wet ponds. For the storm water management, we're going to be adding approximately 100 acres of impervious service to this property. The park is already saturated due to the nature of the wetlands. To sell off the water retention ponds or wet ponds where is all this additional stormwater going to go? There's also additional runoff from rain and snow. That's going to filtrate the already saturated lands there. We've already had one piece of property that FEMA had to purchase over at Atwood Drive last year because of excessive flooding and you know, as everyone knows, water runs downhill. Atwood Drive and Locust Drive are going to run right into this property, and I just think it's just kind of going to be the perfect storm of a storm water management mess and that's my opinion. Like I said, I did drive by there while it was raining, and it looked like a pond.

Mrs. Allman: I agree with Mrs. Kilway on all of those.

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Mr. Bollas: I would agree with those statements. I agree with you Mrs. Kilway, and I'd also like to add that I'm concerned that the storm water management ponds as well as some of those are on private property, and I don't know that it's been resolved. I mean, you've addressed some of that, but I'm not comfortable with how that will be handled and dealt with in the future if there are problems, so, I disagree with this one.

Mr. Sisak: Oh, I don't agree.

Pres. of Council: I struggle with the definition of the word, significant, but I think it's a given when you have 125 acres that is vacant and you're talking about putting the 240 homes on it or whatever, you're definitely going to impact the natural environment. So, I would say that there would be adverse impacts on the property.

Mr. Bozic: I feel that there are significant adverse impacts on several of the items listed.

Mrs. Kilway: The next standard is:

- The proposed amendment will not constitute an instance where special treatment is given to a particular property or property owner that would not be applicable to a similar property under the same circumstances.

Mrs. Kilway: Now this, according to our code R-6 is only for 100 continuous acres. It doesn't have to be just one property owner, so you can have five or six property owners that together have 100 acres and they could put them all together and so this would not constitute an instance where special treatments given to one particular property owner, because this is given to everybody throughout the city that has open land available.

Mr. Allman: I believe it meets the criteria.

Mr. Bollas: I guess I'm just questioning the definition of special treatment as it's written. On the surface, I would say no, but again, it's not a clear definition. I agree with everything you said.

Mrs. Gutman: I agree.

Mr. Sisak: I would concur.

Pres. of Council: They said this amendment would not constitute an instance where special treatment will be given because this is a rezoning and we do have a block of land that are 100 acres or greater owned by other entities and they would need to be rezoned. But then they would need to go through probably a dual process and I'm just thinking out loud with the Summit County Fairgrounds, that would be an instance that comes to mind to me. So, there would need to be a purchase and acquisition and a rezoning, but they would not be treated different.

Mr. Bozic: I'm going to have to agree with Mr. Bollas. I think on the surface I would question the whole special treatment. So, thank you.

Mrs. Kilway: The next standard is:

- The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity.

Mrs. Kilway: Back again to Planning and Zoning Commission, they did not find that there was adequate evidence that this would not be a significant adverse effect upon the property in the vicinity again. Where's the storm water going to go? Potential to flood the neighbors. The 50-foot frontage lots are not compatible with the surrounding homes, and this may result in adverse impact to the other properties in the vicinity. Those are just my opinions on this. That's how I'm reading into it.

Mrs. Allman: I too would be concerned about the flooding. I had a resident that lives up that way show me pictures after the rain and there was a lot of water and of course water goes downhill, and it gathers down there.

Mr. Bollas: I would agree with the previous comments.

Mrs. Gutman: My disagreement with this one is because of the unresolved traffic issues. I just think there's no way we can say that traffic is not going to get worse with this development going in and I don't know that we don't have a solution.

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Mr. Sisak: I would agree that this amendment is likely to cause adverse impacts upon the property in the vicinity of the area.

Pres. of Council: I agree. This development, whether it's R-6 or R-1 the impact of residential development on this site will always have an adverse impact on those residents that live in the outward Locust and Westvue area.

Mr. Bozic: I agree with what Mr. Loughry just stated.

Mrs. Kilway:

- The proposed amendment would correct an error in the application of this Planning and Zoning code as it applies to the subject property.

Mrs. Kilway: I think that's like not applicable in this state.

Mrs. Allman: In this instance, I agree.

Mr. Bollas: I would agree in that instance.

Mrs. Gutman: I agree it's not applicable.

Mr. Sisak: I concur.

Pres. of Council: I agree.

Mr. Bozic: I agree.

Mrs. Kilway: The next one is:

- The general development plan meets the standards set forth in the application as determined by the zoning administration administrator.

Mrs. Kilway: I would just say, based on all the comments that have been made today, that I agree. I really don't think that it does. There's been a lot of discussion and I just don't think that it meets that.

Mrs. Allman: I agree with Mrs. Kilway.

Mr. Bollas: No, I would also agree with you on that, and I just think that there needs to be some items addressed.

Mrs. Gutman: I guess I'll just defer to my previous comments on items one through 10, but it definitely is not meeting all of them.

Mr. Sisak: I agree it does not meet all the standards set forth.

Pres. of Council: I believe that it does meet the standard, but I believe that's exactly why we have a rezoning process for R-6 because I think each site is unique, each set of circumstances is unique and then you also weigh in resident input of what they want. But that doesn't mean in my mind that the applicant made a bad application.

Mr. Bozic: I would agree with the fact that it does not meet the guidelines. I mean, the adoption of such an amendment is in the public interest and not solely in the interest of the applicant, and I feel we don't need that. Thank you very much.

Mrs. Kilway: So, on this next section is:

- Planning and Zoning Commission and Council shall only approve a general or final development plan when it is determined to be in compliance with the following criteria:

There are seven more items. Some of these do not apply because we do not have a final development plan yet. So, we're just going to go through them quickly.

- Each part of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained.

Mrs. Kilway: In my opinion the neighborhoods with the half acre lots are fine. But the single-family small lots, the 50-foot frontage lots, even though there's something in the HOA's that says you know that they're not rentals, we don't know if someone comes in like you've stated and lived there for a couple of years and got transferred and turn it into a rental. Or, you know, heaven forbid can't afford the house and decide well, we can make more money renting it out and go live someplace else. I mean there's those things that we need to consider on that one.

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Mrs. Allman: Just that I agree. I believe with the half acre lots. I believe they're OK.

Mr. Bollas: I would share the concerns regarding the Reserves, I believe that's what they were called.

Mrs. Gutman: My issue with this one is the sustained desirability phrase because like I've said before, I do think that they are going to be desirable to people, but they are not desirable to the surrounding community. I'm neutral on this.

Mr. Sisak: As I stated before this is a trend in the building industry across the nation. So, yes, I do believe this is desirable and that's it. Sorry, I agree with Mrs. Gutman.

Pres. of Council: And actually Mr. Sisak, it may be a trend, but again, rezonings and R-6 specifically, or site specific, I don't think it's a harmonious with where it's being discussed and that creates some concern about long term stability.

Mr. Bozic: I feel that the criteria that's listed in front of us of those seven points, most of them are applicable and I would say that it's not compliant with the couple criteria.

Mrs. Kilway: On the next one:

- The existing and proposed streets and thoroughfares are suitable and adequate to carry anticipated traffic. The project will not generate traffic in such amounts as to overload the street network outside the district and provide at the intersection the project's entry roads with the existing public street traffic control measures may include the reservation of land for future road widening adjacent to existing public railways.

Mrs. Kilway: I think we've all been beating this horse over and over and its back enough times with the traffic study. I think it's going to have a very negative impact on the traffic. But, like I said, you can't get worse than an F rating. That's why the traffic study says that it will not impact the area. But you know there are going to be extra cars and so forth, and it will affect the network outside the district.

Mrs. Allman: I agree with Mrs. Kilway and that it goes along with what I said earlier about the traffic issues.

Mr. Bollas: I agree with the prior comments.

Mrs. Gutman: I would say that given the limitations that the engineers are placing on what we can do in this area that I would definitely say there's a traffic impact. Negative traffic impact.

Mr. Sisak: Oh, I would agree.

Pres. of Council: I agree. I have big concerns with development of any kind. The classification of Atwood Drive and how it's used and how it's presently engineered I think the impact will be tremendous on that street.

Mr. Bozic: I think that it is going to have a huge impact and one of the points that it lists traffic control measures may include the reservation of land for future road widening adjacent to existing public rights of way. I think part of the R-6 talks about it being 200 feet set back, we end up throwing a turning lane or possibly two turning lanes into this development and we're going to end up with much less area of that set back.

Mrs. Kilway: The next one is:

- The development will result in a harmonious group of buildings, so that the area surrounding said development can be developed in a manner that is substantially compatible with the proposed development.

Mrs. Kilway: I'm just going to say, you know, the Pulte development and products that they do produce are beautiful. They are great quality. I know my sister used to live in one and any type of issues that she had warranty-wise were addressed right away so I do believe that the Pulte group of buildings would be beautiful. But I still keep going back to, as you're calling it, the 55 and up with the retreat. I do not believe that those would be harmonious with the area.

Mrs. Allman: I agree, and I have nothing more to add.

Mr. Bollas: I agree with those comments.

Mrs. Gutman: I like the development. I think it does a lot that would be good for Tallmadge, but I am actually going to say this isn't applicable because the area around there is already developed and into the character of the neighborhood that it has. Yeah, so I don't know that this totally applies.

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Mr. Sisak: I don't believe it's harmonious with the neighborhoods.

Pres. of Council: This is absolutely not harmonious with Bentley Place and Shadyside. It's a self-contained site in my mind other than the traffic concerns. I'm looking at aesthetically. It does not fit in between those two allotments.

Mr. Bozic: I would say that it does not result in a harmonious grouping of buildings.

Mrs. Kilway: The next one:

- The maximum possible privacy for adjacent residential properties shall be provided through good design and use of proper landscaping.

Mrs. Kilway: According to the chapter, I believe this is something that goes back to the final development plan. I think we did receive a general landscape plan with it, but I don't think we have a final landscape plan so I don't think this is one that would be applicable for us at this time to use it as criteria.

Mrs. Allman: I agree.

Mr. Bollas: I have no comment on this one.

Mrs. Gutman: I was provided the landscaping plans for The Reserve and told that it's a similar plan for Mindale Farms and so I would say that yes, I believe that would be the result, but since we haven't actually seen the Mindale Farms' Plans I'm going to say right now it's not shown adequately.

Mr. Sisak: I think absolutely they will provide maximum privacy with the buffers and so yes, I believe that they will.

Pres. of Council: I think that with the 200-foot set back that the new R-6 takes care of Northeast Avenue as long as the landscaping is done right, and the trees are big enough. I do not think that this would negatively impact the two abutting neighborhoods, Bentley Place and Shadyside.

Mr. Bozic: I have yet to see a landscape plan in detail, but I feel that the privacy for the adjacent residential properties would be significantly impacted by several of the individuals that live right there on Northeast that are going to be now sandwiched in between both properties that are getting developed.

Mrs. Kilway: The next standard is:

- Adequate provisions are made in the final covenants and restrictions related to the use and development of accessory buildings and structures, fences, pools, playground, play equipment associated with individual dwelling units.

Mrs. Kilway: Again, I think this is something that would be considered after the development would be approved, when we receive a final development plan. We didn't even talk about whether accessory buildings would be allowed, if there's even room for pools or fences and so forth. So, I think at this time that we can't even vote on this.

Mrs. Allman: I agree with you Mrs. Kilway based on reading this specific statement again to more of the senior living area I, I don't know at this time, if that would add here and then to the other area just overall concerns with space, and if that would even be allowed if it was allowed with those lot sizes. I will acknowledge we were provided with a covenant and I'm also going to say that I have not read through all of those yet because I've been focused on other issues, so I'm in agreement that we don't have enough information quite yet to decide.

Mr. Sisak: Ultimately, Pulte can set up the covenants, and then hand it over to an HOA and the HOA a lot of times can change those covenants, and restrictions. So, you know it is kind of a moot question because other than building structures and pools that get approved through the City Building Department you know other things like playgrounds and play equipment and fences are pretty much up to the Homeowners Association after Pulte completes the project.

Pres. of Council: I agree with Mr. Sisak. I also found it interesting that in the development at the Reserve, there's dedicated play space built in for children. In this allotment we have actually more open space, but none set aside for that type of activity.

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Mr. Bozic: I would agree with Mr. Loughry and my echo is concerns about there not being any kind of play space dedicated to children within that area.

Mrs. Kilway: OK, the next one is:

- On-site circulation shall be designed to provide for adequate fire and police protection and safe and effective pedestrian and vehicular circulation.

Mrs. Kilway: I know we did receive the police report, but I do not believe that the fire department had a comment on it yet. At least I was not given it in the staff report that I have. It said at the time that the police did not give any type of, or that fire did not give any comment on it.

Mrs. Allman: I have no comment.

Mr. Bollas: I believe in the last public hearing there were concerns around maneuverability and emergency situations, as well as if there were to be a structural fire. With units that close together, what is the risk factor there plus the mobility?

Mrs. Gutman: I'm fine agreeing with this based on the police report and that it is a written condition and that it be approved by the fire department for the final plan.

Mr. Sisak: I believe they meet the adequate nature for fire and police and safe and efficient pedestrian vehicular circulation within the development.

Pres. of Council: I believe that our Fire Department, Police Department and Service Department would all make sure that everything met our criteria and I believe we would also solicit input from the school district.

Mr. Bozic: I have absolute faith that this city would do its due diligence in making sure that police and fire and city services are adequate. What I think we all would probably agree on is just the figure circulation in and out of the development. I think that's a concern.

Mrs. Kilway: OK, the last condition the proposed development complies with:

- All other applicable provisions of this chapter and any other applicable standards as set forth by the Zoning Administrator.

Mrs. Kilway: Again, I think this is something that we would vote on or that would be voted on during the final development plan, which we do not have because we do not have all the information.

Mrs. Allman: I agree with you.

Mr. Bollas: I don't believe I have enough information to define all other provisions.

Mrs. Gutman: I agree with the three of you.

Mr. Sisak: I concur.

Pres. of Council: I believe these conflicts with our thoroughfare plan again, especially as it relates to Atwood Drive.

Mr. Bozic: I feel that there obviously are some conflicts that exist with our current city plans as Mr. Loughry stated, not only just the thoroughfare plan, but within the comprehensive plan. Yes, it does call out this specific site.

Mrs. Kilway:

- Thank you OK, so we've gone through all the standards and like I said, well, I think Pulte has a great product. I don't think that this is the proper place for it. As I've said, time and time again, the 55 and up portion with the smaller lot size; I live in an R-4 neighborhood. I'm probably the only one that lives in a R-4 neighborhood and my front yard is I have a pie shaped lot. My front yard is 60' wide and it pines out to about 140 in the back from corner to corner from my neighbor from my house to my next-door neighbor. It's 19 feet and that's close. What's being proposed in that section is 14 feet and 7 feet on each side, and I just I really think that's just too close. I don't think that's Tallmadge. So, that's my opinion, and that's where I'm at on this. I'm going to go and ask each Council member if they have anything they want to add to this and then I'll continue from there. Mrs. Kilway gave additional input.

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Mr. Bollas: I just wanted to thank all of our citizens for reaching out and taking an active role in government. I want to thank everybody here is presenting today. This is a lot of information and also thanking Council for those statements.

- Traffic concerns
- Elementary and Middle School concerns

I think that we as a Council should convene on what would be the best course of action for the future, not just five years down the road. Thank you.

Mrs. Gutman: Thank you, Mrs. Kilway. I think I've talked enough about the issues I have with this development.

- I think R-6 does have a lot of benefits and I think this design was well done. It just does not suit this area.

There was continued input from Mrs. Gutman.

Mr. Sisak: I'd just like to make a couple comments.

- is this really harmonious and is this what we want in the city of Tallmadge?
- Doesn't meet all of the criteria.

I will not be supporting this moving forward. Thank you.

Pres. of Council:

The Commission understands how to interpret our zoning code well. I know them to be very professional people of integrity who love our city.

- I do presently support the single-family development at the Reserve at the current price points as opposed to what the likely alternative would have been.

The following are the most prevalent false statements that I have read in letters emails and social media or have had discussions with residents.

- The city of Tallmadge solicits residential developers to come to town; that is false.
- The city makes money on residential development; that is false.
- The School District Superintendent is deliberately lying regarding student capacity to increase property tax revenue for the district; that is false.
- R-1 means one acre lots; that is false.
- You can build smaller houses on R-6 than you can on R-1; that is false.
- R-6 creates more traffic than R-1; that is false in terms of student capacity R-6 impacts.
- The school district R-6 impacts more so than R-1; that is false.
- R-6 will reduce the property values of the homes in Bentley Place and Shadyside; that is false.
- Our Boards and Commission members and elected city officials and they are accepting bribes and kickbacks; that is false.

Pres. of Council (Cont'd.) This proposal directly conflicts with our existing city thoroughfare plan, which was adopted in 2012 as it relates to Atwood Drive. Thank you.

Mr. Bozic: So, there were a couple things that I want to echo obviously as Mrs. Allman so eloquently put about dealings with the constituents.

- We're not against the development, I think it's that the citizens are voicing their concerns in a very professional way. So, I commend you guys for that.

Our community right now is at that point where we need to do some healing and that healing needs to come from the administration. It needs to come from Council and I think our community members need to find a way to heal as a community right now because this is uniting us but we've also created such an environment now that you know, I don't want the animosity of the Administration and Council against the citizens, that's not the Tallmadge that I want. That's not the Tallmadge that I think any of us want. Thank you.

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And then lastly, you know, obviously I appreciate you guys' development plan. I think it's R-6 on a whole, I don't think it makes sense in this particular area and because of this, the wetlands and things of that nature or I would challenge the developers to come back and consider developing that area with something different in mind. I think every community is different and I think talent is so unique that there's really no place like it. So, I do challenge you guys to reconsider. You know submitting a proposal that I think fits that a little better. Thank you.

Mrs. Kilway: OK, so we've had a lot of discussion. I'm going to explain real quick that we do now have to make a motion if the motion is made to approve the ordinance, we must have four yes votes to pass. If it's to approve the ordinance, then we also need five votes for it to fail. OK, now if the motion is to reject, then we must have five yes votes to reject the ordinance. OK, so I'm going to just call on Mrs.

Allman. Would you like to make a motion?

Mrs. Allman: Yes, thank you, Madam Chair. I move to reject Ord. 2022-29. Seconded Mr. Loughry

Mrs. Kilway: Is there any further discussion? Mrs. Burton would you please call the roll? Roll Call: Mrs. Gutman – yes, Mrs. Kilway – yes, Mr. Loughry – yes, Mr. Sisak – yes, Mrs. Allman – yes, Mr. Bollas – yes, Mr. Bozic – yes.

Mrs. Kilway: OK, so **Ordinance 2022-29 has been rejected by a vote of 7-0.** At this time, I will close the Planning and Zoning Committee and we'll get on with the rest of Council.

Pres. of Council: We will take 5 minutes for a break to let the room clear. Is it's 10:17 p.m. and I'll call the meeting back to order?

7. **Community Input:**

Pres. of Council: Is there anybody in the audience that wanted to speak on anything other than R-6. Please state your name and address again.

Mr. Futules: Jim Futules, 310 S Monroe Road. This has to do with Midway Plaza and what is the City planning to do with the property. I know you've condemned it. You know somebody needs to buy the property and develop it and it would be an ideal location for condos. You've already got the infrastructure there. You've got the highways, you've got the utilities are already in place, and electrical power.

Pres. of Council: I will let Mrs. Raber answer.

Dir. of Law: So, Sir, the City of Tallmadge and the County of Summit have initiated litigation against Midway Plaza Realty Company and all of the subsidiary companies that are associated with it to enforce the condemnation order and under that order, they have to either bring it into compliance or demolish the building. There is only partial condemnation which that is through the Summit County Building Department. The Summit County Building Department is the one in charge of that, and then there are multiple zoning code violations, so right now we are in the process of enforcement. We obviously cannot force sale or ownership changes. We can only enforce the code, and so we are in process of doing that.

It will probably take some time, yes.

Mr. Futules: That's all I wanted to know.

8. **Agenda Additions:** City department presentations will be the second meeting of the month, not the first, and again, this was somewhat started to have us all prepare for when we start live streaming.

9. **Reports of Administrative Officers:**

Mayor: I will be very brief. I just wanted to show you a picture of the new fire station. That as was today. The bricks going up. This is the Treat side. The problem with the brick is they ran out of the red brick, which they knew would happen. It is on order from North Carolina.

Hearing none, the director administration is not here this evening do.

Just briefly, the reason that Doctor Cooper is not here is that he's actually at his mother-in-law's funeral. Calling hours were tonight and the funeral is tomorrow I think at 11:00 o'clock. And then also since we're talking funerals, Jack Sarver, former Council person here in Tallmadge passed

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Mayor (Cont'd.) away and calling hours are tomorrow at the Donovan Funeral Home from 4:00 p.m. to 7:00 p.m. and the funeral is at 11:00 a.m. at Donovan's on Saturday.

Dir. of Public Service: Good evening, I do not have any report this evening.

Dir. of Economic Development: He is not here.

Dir. of Finance: She is not here.

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

Pres. of Council: We all worked together very well. I appreciate all the help from everybody.

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, public property.

i. **Additional Items:** None.

b. Finance

Craig Sisak, Chair

Jonathon Bollas, Vice Chair

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

i. Second Readings of Resolutions and Ordinances

A. Ord. 2022-38 – Authorizing a one-time special payment to certain non-collective bargaining employees and providing for immediate enactment.

Sponsor: Mayor David G. Kline, Dir. of Finance Gilbride, Dir. of Law Raber

Mr. Sisak: We currently have Ordinance 2022-38 at 2nd reading authorizing a one-time special payment to certain non-collective bargaining employees and providing for immediate enactment. I would recommend that we give this a second reading and have further discussion at our next meeting.

Mr. Bozic: I just have a question on this I figured we could have this discussion now, so we have time to, you know get the information. So, for full-time employees it's \$1500 and part-time employees it's \$500.

Mr. Sisak: Is there any other discussion from Council on this?

Mr. Bozic: So, then I move to amend Ord. 2022-38.

Pres. of Council: Well, I don't mind the amendment but typically I would not make a financial decision that could wait until we meet again even if the payment would be retroactive without having Council of our Finance Director here to tell me what the impact is.

Mr. Sisak: It's just going back to second reading, so for clarification we have to amend it. Someone had said and maybe it was Mr. Bozic said that they were ready to adopt this tonight. Oh, you meant to adopt the amendment Mr. Bozic.

Mr. Bozic: Actually, I'm comfortable with the amendment and I'm comfortable with adopting this ordinance this evening.

Pres. of Council: Yeah, I just don't like to make financial decisions. Mrs. Gilbride had sent out in an e-mail with the amounts of what it would be at its current level, and it is just shy of I believe \$100,000. So, we're talking about a slight increase of \$250 per part-time employee. I don't know the total number off the top of my head, but I'm comfortable with adopting this ordinance this evening.

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Mr. Sisak: So, we have a motion, and a second to amend Ordinance 2022-38. Is there any further discussion?

Pres. of Council: It's a good idea just to give this a reading and just weigh that out.

Mr. Sisak: So, presently we have a motion and a second and we've discussed putting an amendment on it; correct?

Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman –unanimous. **Ord. 2022-38 is amended by a vote of 7-0.** I will go ahead and close the Finance Committee. Thank you.

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.

Mr. Bollas: I call the Personnel Committee to order. We have no legislation before us. Is there anything for the Personnel Committee? Hearing none, I will close committee.

i. **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 Rec. Board and intergovernmental affairs.

Mrs. Gutman: I call the Community Issues Committee to order. We have no legislation before us this evening. Is there anything for the Community Issues Committee this evening? Hearing none, 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 have legislation before us. Are there any questions for the Safety Committee? Hearing none, I will close committee.

i. **Additional Items:** None.

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 the Public Service Committee to order. We have no legislation before us this evening. Does anyone have anything for Public Service? Hearing none, I will close committee.

i. **Additional Items:** None.

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11. Reports of Special Committees:

- a. Council Operations Committee:** There was discussion regarding the status with Dove Audio in regard to the April 14th Council meeting being live streamed.

i. Additional Items: None.

12. Announcements: None.

- 13. Adjournment:** Mr. Sisak moved to adjourn. Seconded Mrs. Kilway. Roll Call: Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **The Council meeting of 3-10-22 adjourned at 10:35 p.m.**

Adopted:

Susan E. Burton, Clerk of Council

Dennis K. Loughry, President of Council