

## REGULAR MEETING

in Council Chambers @ 7:30 p.m.

March 14,

19

1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, March 14, 2019 to order at 7:30 p.m.
2. **PRAYER:** Pastor Doug Walter, First Church of God, Tallmadge.  
**PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:** Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman – present. Also present were Mayor Kline, Dir. of Pub. Service Rorar, Dir. of Econ. Development Weinberg, Dir. of Finance Gilbride, Dir. of Law Raber and Clerk of Council Burton.
4. **MINUTES:** 2-28-19 Regular Meeting minutes.  
Mr. Sisak moved to adopt the Regular Council meeting minutes of 2-18-19. Seconded Mr. Donovan. Voice vote 7-0. **The 2-28-19 Regular Council Meeting minutes were adopted by a vote of 7-0.**
5. **FINANCIAL REPORTS:**

- **Fire & EMS Fund Transfer in the amount of \$125,000 to Council on 2-28-19.**
- **Street Maintenance & Repair Transfer in the amount of \$125,000 to Council on 2-28-19.**
- **General Infrastructure Transfer in the amount of \$30,000 to Council on 2-28-19.**
- **Bond Retirement Transfer in the amount \$75,000 to Council on 2-28-19.**
- **Fire/EMS Capital Fund Transfer in the amount of \$45,000 to Council on 2-28-19.**
- **Appropriation Report, Fund Report, Revenue Report, and Encumber Report for the period ending 2-28-19 to Council on 3-1-19.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 2-28-19 to Council on 3-5-19.**
- **Income Tax Comparisons for the period ending 2-28-19 to Council on 3-5-19.**
- **Revenue Comparisons for the period ending 2-28-19 to Council on 3-5-19.**
- **February Financial Reports to Council on 3-5-19.**
- **Consolidated Investment Portfolio for the period ending 2-28-19 to Council on 3-5-19.**

Mr. Sisak moved to accept the Finance Reports. Seconded Ms. Tricaso. **The Financial Reports submitted by Dir. of Finance Gilbride were accepted by a vote of 7-0.**

6. **PUBLIC HEARINGS:** None.
7. **COMMUNITY INPUT:**

**Pres. of Council:** We have Mr. Cory Kendrick who is the Population Health Director for the Summit County Board of Health and he is going to be speaking today on the Tobacco 21 Initiative. Thank you for coming to Council this evening.

**Mr. Kendrick:** Thank you and thank you members of Council for having me. Mr. Mayor, thanks for having me out. Actually it has been about one year since I have been here last. You may recall that I came last February to represent on the Health in All Policies Initiative, which Council adopted. This is, what I am going to talk about tonight, is a perfect example of Health in All Policies. This is a health policy that can substantially change our local community and have local impact. This is something that we can do at the local level. So, thank you for that.

I passed out a whole bunch of information, but I have managed to consolidate all of it in this top sheet right here. So really this has most of all the relevant information you might need, but there is more information in the following packets. I am going to talk a little bit about Tobacco 21 and why we feel it is important; how it works, and if you want more information, I will be able to answer questions after the presentation and also my contact information is below.

The second document that I passed out are a few letters of support. The first is a joint letter from the hospitals; Children's Hospital, Cleveland Clinic and Summa have been big supporters of this legislation from their CEO's really stand behind this and they would be more than willing to come out and have some of the doctors come out and support this legislation as well.

Second is a letter from the Joint Coalition of the American Cancer Society, the American Heart Association, American Lung Association, and the Coalition for Tobacco Free Kids. There are many, many more, but I didn't want to inundate you with too much paperwork.

So, the problem. Why are we talking about tobacco? Well, tobacco is still the leading cause of preventable premature death in the United States. It kills more people combined than car crashes, suicides, overdoses . . . I could go on and on, but it still kills more people than all of that combined. If you look at the leading causes of death here in Summit County is heart disease, cancer, stroke, COPD; these are things that tobacco plays a primary role in and it increases your risk of.

Ohio ranks very poorly in tobacco. We still have a very high tobacco rate; almost one in five Ohioans still smoke traditional tobacco and our youth smoke about 13% are smoking traditional tobacco still in our schools which has gone down significantly, but unfortunately there is a new epidemic now of vaping, which I will talk about here in a minute.

Our pregnant women in Summit County smoke; especially our young pregnant women smoke at 3 times higher rate than the national average here in Summit County. Overall, our pregnant women smoke it 2 times the national average.

95% of adult smokers began before the age of 21. We know that by raising the age we can prevent many of them from even starting. In addition to this we did a Youth Risk Behavior Survey about 5 years ago in our schools; all of our schools in Summit County with an exception of a few. We just re-administered the survey recently and we are now crunching the data right now and so we will have fresh data on this including new things such as vaping. But we know

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**Mr. Kendrick (Cont'd.)** from that survey how youth are able to obtain tobacco. 37% of them obtain tobacco from a retail store and so a person 17 years or younger; 37% of them can claim that they can walk in and buy a tobacco product right now at a retail establishment.

There are 25% that say they can get it from a friend or someone in their social circle. These are the two main reasons I will talk about here in a minute that I want you to remember.

As I mentioned before, the vaping, or E-cigarette use in high schools and middle schools has become an epidemic level. We are seeing rates that have been previously erased. So, pretty much all of the progress in the last 20 years of the decline in tobacco use has been completely erased in this last year by the rise in this vaping epidemic. There has been in just one year a 78% increase nationwide. One in five high school students now vapes regularly. That is our adult smoking rate now. On top of that we are approaching one in two students nationally have tried a vape product or an E-cigarette product.

A lot of teens and parents think this is safe. There is a lot of misconception out there that this is a safe alternative to tobacco use, but it is not. There are multiple cancer-causing chemicals in these products. There are heavy metals that have been identified through the devices and recent studies are now coming out saying that it causes inflammation and oral problems just as bad if not worse than traditional tobacco products. So, unfortunately our current generation of students are going to be the ones in 20 to 30 years who find out about the long-term effects of what vaping will do to the lungs.

Students who vape are 7 times more likely to try traditional tobacco products the following school year. So, it is a one-way street to traditional tobacco products. It doesn't work the same way. This isn't something they are using to quit; this is something that the tobacco industry is using to get a future generation of people hooked to tobacco products.

So, how does this work; why does this work? 21; it is not a magic number. Although alcohol may be 21 and gambling may be 21 and purchasing some of these other things are 21; there is a lot of research that was done as to why this number is valid and this has shown that if you move it to 21 it is highly likely that it is out of the social circle of a middle schooler or a high schooler and it makes it also harder to identify . . . easier to identify those students when they go into a Convenience store because to identify between a 17 year old and 18 year old is a lot harder than a 17 year old and a 21 year old.

The second reason why this works is, as I mentioned before, there is really not much enforcement going on at the retail level. 37% of students can just walk in and purchase tobacco products right now. The retailers are not doing a very good job at policing their own policies. We know that; we know that there is about a 30% failure rate at retailers selling to kids. But these checks aren't being done; they are not being done for a variety of reasons; mostly because of funding and the ability of who can do that. Right now, only the Police Department has the ability to fine the seller in a Convenient store or gas station. Police Departments don't have the time or resources to do so. Certain grant dollars are available which we help streamline, but it only covers a very small amount of checks over the County. So, for instance, in 2016 only about 20 retailers out of the 460 in Summit County had a tobacco check. So, there is no consequence; there is no checking being done. So, this piece of legislation is that it empowers the Health Department to be allowed to license and fine retailers who don't comply with the law. I want to make one point too that it is the retailers that the fines go to; not the seller or the buyer.

This works; we know it works and in Needham, MA, one of the first places who adopted Tobacco 21; they were a little community and they adopted it as almost a symbolic gesture; they didn't think it was going to make much of a difference, but they wanted to do something in the smoking rates. All the communities around them did not pass it. Over the next 3 years they administered youth risk behavior surveys to the schools in Needham and the surrounding schools. Over those next three years there was a 50% reduction in youth adoption rate and smoking. So, it decreased by 50%.

So this legislation and this idea is designed to stop the future generations of middle schoolers and high schoolers from ever starting and it has proven to do so even when surrounding communities do not pass similar legislation, which is counter intuitive; right? You would think that you just go across the street and literally in that case study, you could have done that, but it still had a dramatic effect. This has been seen in Chicago and California and other places this has passed.

So, how does this work; well, an ordinance needs to be passed locally. Every village and city needs to pass an ordinance and the townships don't have the ability to do so, so that would have to come from the County. That is the first step. The other piece in the legislation is hiring the Health Department to issue a Certificate of Compliance; there is a one-time \$150 fee which is the lowest fee being charged anywhere throughout the State of Ohio and we are the only ones doing it one time. It is a one-time fee. That is so businesses can write it off. We did this because we didn't want this to be cost prohibitive. The Health Department is not a money maker for us. I want that to be clear. That is a big point that people try to bring up that this is something that we can make money off of. I want to be clear that we are not making any money off of this. In fact, we are probably contributing Internal Revenue dollars to this because we are only charging that one-time fee. We know the results of this legislation are impactful and for this moment, that is what we put in for the Health Department and it well worth to us to do so.

If a retailer is caught selling to a minor through our undercover inspections; first it is a warning; the second time it is a \$500 fine and third time and all subsequent times is a \$1,000 fine. Again, the fines are to the retailer not the purchaser.

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**Mr. Kendrick (Cont'd.)** Economic Impact; how does this affect the retailers? We did a little bit of an assessment over all the 18 and 20-year-olds in Summit County; how many retailers there are; cost of a pack of cigarettes; tax that goes into that and we've determined that it is about \$3.73 a day per pack if evenly distributed across all the retailers for our smokers here in Summit County. So about \$3.73 loss a day to each retailer. Now that is revenue; that is not profit. We talked to a lot of local businesses and we did this in Akron, especially the mom and pop shops; they don't make anything on a pack of cigarettes. In fact, if a customer uses a credit card, they often times lose a couple of cents per transaction, but the customers expect them to have it; they have to have it; it is something they carry, but this is not a profit maker for these businesses. So, it is a modest loss to them. However, it costs each Ohioan about \$1,000 a year in Federal and State taxes for the cost of those who smoke through Medicare/Medicaid costs and other illness related costs due to smoking.

It says, broad support . . . as I have given you some letters of support and in addition the Township Association of Summit County unanimously voted to support this for the Townships. So far 6 communities have passed; Akron, Mogadore, Twinsburg, Norton, Richfield and Green and across the nation almost 400 cities and 6 states have passed this. In Ohio about 20 municipalities have passed; 6 of which are in Summit County and it is covering about 20% of the Ohio population thus far. So, it is getting traction quickly.

With that said, this is a lot of information and I would love to take some questions or concerns that you may have.

**Mr. Loughry:** Where do I begin. So, you told us who passed this; who did not adopt this near us?

**Mr. Kendrick:** There are two communities who did not adopt this, and they are Barberton and Stow. Hudson did not pass a resolution to investigate this, but essentially did not want to look into it at this time.

**Mr. Loughry:** So, now I am just going to give you some opinion. Consequences . . . to me this whole issue; not just this, but a lot of issues, is that the consequence to breaking the law is not severe enough and the tax on the initial purchase is not high enough. So, if someone wants to live a lifestyle that is higher risk and impacts us all through health care costs and they are deemed to be an adult; whatever age we determine that to be, now 18 or 21; there should be a significant tax on that product whether it is alcohol or vape or tobacco or whatever it is to offset the health care costs in the future. That would make it cost prohibitive for most. The fee you reference of \$150 one time; why bother? That should be \$1,500 a year. To only fine the seller, the retailer and not the person making the purchase; that's crazy. You have to . . . the person committing . . . the person making the purchase is just as guilty as the retailer. They know whether they are old enough or not, and so you have to punish that individual for making the purchase and what I didn't hear you say is I didn't hear you address the cost for your department to do the, I believe you called it undercover investigation. Where are you going to find that money?

**Mr. Kendrick:** I can address all those issues. First in mentioning the cost for our department; we have estimated that if we brought in the entire County and we budgeted about \$50,000 for the program; the first year of licenses or certificates of compliance will bring in around \$40,000 that's if assuming all businesses pay the \$150 fee. We have actually had two businesses thus far out of hundreds complain about the \$150 fee so for some that was still burdensome to them. So that gap is coming out of our general revenue dollars.

Secondly with the . . . the Health Department doesn't have the authority to file criminal charges and this ordinance that we are proposing would not change State Law so there is still the ability for the Police to, if need be, do a criminal charge, however, we find that that is done very infrequently throughout most communities.

**Mr. Loughry:** Right, so that was my last point. I think you said that presently the law is 18 and the Police Departments are not enforcing it. The fact that you raise the age to 21; why should I think that that means that on the budgets that we have the Police are going to enforce it more? Why will that impact enforcement?

**Mr. Kendrick:** They wouldn't need to because we will be doing the enforcement.

**Mr. Loughry:** So, you will be doing . . . if we raise it to 21; you will be doing what our Police Department is not doing now?

**Mr. Kendrick:** That's not really what I am saying, but we will be looking at inspecting the businesses yearly and then at least every two years doing an undercover inspection. We will be looking at a civil fine and we do not have the ability to do a criminal charge to the individual.

**Mr. Loughry:** I am just going to tell you that if I am a thief and I steal something from a store and you penalize the store, but you don't penalize me; that makes no common sense. So, for us to have a discussion to adopt something that doesn't penalize the perpetrator; I just think is totally wrong.

**Mr. Kendrick:** So, this is something that we can't control so what we've . . . this has come up in different municipalities and we can't control it and we can't enforce it and so really it is up to the community to decide what they would like to do with the criminal enforcement. Now, the City of Akron; they were very opposed, very, very opposed to the person buying getting any sort of charge. Some communities are very opposed to that; some of the communities are very for that; that is something that we can't control, but that could be a separate issue that you guys could look into because that is a different piece of the Code that we have no control over. So, this is something we can enforce; this is something that the evidence shows works; we know it works; it

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**Mr. Kendrick (Cont'd.)** is working in all our municipalities throughout the nation and it is something that we can control at the local level. Now, you can look at your Codified Ordinances and determine stricter regulations and some communities have done that; some have actually loosened the regulations, but that is something that the Health Department can't control.

**Mr. Loughry:** Thank you very much.

**Pres. of Council:** Yes, I just have a quick little question. I need clarification. In reading through the ordinance, several times I have; this ordinance just prohibits the sale of tobacco to anyone under the age of 21; correct?

**Mr. Kendrick:** Yes.

**Pres. of Council:** So, if there was an 18-year-old that is smoking; they are perfectly allowed to smoke if they choose to; correct?

**Mr. Kendrick:** Yes. As presented. Now again that is something that municipalities have varying opinions on; do they want to criminalize the underage kid smoking and that is something again that the Health Department can't enforce, and it would be up to the municipality to consider that. The State of Ohio changed theirs to actually . . . from a misdemeanor charge to a referral to a sort of cessation program or something like that and so the State actually changed theirs to a lesser penalty. Now whether it was adopted; I didn't check the codified ordinances in that particular one for Tallmadge, but if you mirror a lot of the State, that may be what you have on the books right now.

**Pres. of Council:** OK, so what this specifically does is it prevents . . .

**Mr. Kendrick:** It prevents access.

**Pres. of Council:** It prevents access; right.

**Mr. Kendrick:** Yeah and the CDC; the FDA; major research organizations have said this is really the best way to stop this teen vaping epidemic.

**Pres. of Council:** Right.

**Mr. Kendrick:** To control access is one of the best ways. There is solid research behind that.

**Mr. Sisak:** Have you spoken with the school districts about this because I mean, there is an article in our local paper that teens are vaping in the classroom and I just wondered what . . . how you go from teens vaping in the classroom to moving the age to 21 and how that correlates as being successful?

**Mr. Kendrick:** Well, the access . . . actually we have talked to a lot of principals and superintendents and some kids too and they are actually getting these devices through their 18-year-old classmates, so again by moving that social circle out; now is this going to be perfect; is everyone going to stop smoking; no. Is this going to work right away; no. But those future generations making it harder to become addicted; it will make it harder for them to get access and do so. The principals and superintendents in every community have been unanimously supportive of this. They have come and testified at almost every municipality we have been to in overwhelming measures.

We have had in Stow, about 15 students came out because it has gotten so bad in the bathrooms that they can't breathe because there is so much vaping and there are a lot of interventions that the schools have done. They have put in harsher penalties; longer suspensions; more and more penalties, but when it comes down to it, these students are addicted to this product and short of getting rid of all of these students that are vaping; there may not be any people in the classes to fill.

**Mr. Sisak:** I know a lot of the colleges and universities have gone to smoke-free and things like which is kind of interesting and its kind of ties into your Tobacco 21 so I appreciate the time. I mean, I think I would like some more information on maybe just the specifics to Tallmadge and the demographics to Tallmadge so we can make a better informed decision if you have data.

**Mr. Kendrick:** We don't have that data yet. We are just finishing up the Behavior Survey, but to get it identified by the school, we would need to actually get permission from the school to look at your particular community and that sort of thing.

**Mr. Sisak:** I am not saying there is not a problem; I just want to be able to make a . . .

**Mr. Kendrick:** What we can do is we can definitely talk to the school principal and superintendent and I haven't found a community yet that hasn't said . . . the Superintendent's Association talking with the President of that; has said that it is the number one discipline issue in every school system right now and that is how bad it has become.

**Mr. Sisak:** I guess from my perspective you know it is more like; where are the kids getting the products? Is it from our local retail and businesses or is it outside? You know maybe just kind of be able to drill down. Yeah; it's a problem but drill down to where we make an impact as a community and as a City Council on our population.

**Mr. Kendrick:** Yeah, we have some evidence that they can just basically . . . if you look at any Circle-K now and any . . . they are all pushing these Juul and that is what they are pushing. So, every gas station now are carrying Juuls and what is interesting actually is Juul came out and put a statement out to the Ohio.com article on the last municipality that they fully support our ordinance because they are struggling so bad with this teen epidemic and you know . . . so the manufacturer themselves is actually supporting this, which is really interesting.

**Mr. Loughry:** Just a point for Council to remember how this may impact some of our retailers and so for instance, the Akron line dissects the CVS store on Eastwood and 91. So we could adopt this, and CVS would only need to move the tobacco product to the front of the store that is in Akron.

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**Mayor:** Akron already adopted it.

**Mr. Loughry:** Akron did adopt it so then . . .

**Mayor:** So now all the Akron kids are coming to CVS.

**Mr. Loughry:** So, they are making the purchase at the rear of the store. The same thing would hold true; that statement . . . I didn't know that Akron adopted it. The same thing would hold true with the Dollar General on Brittain Road because that store is dissected as well.

**Mayor:** We will do a little survey from all of our . . . you know we don't have that many stores in Tallmadge that would be able to sell that, but it will be a nice chore for Economic Development.

**Mr. Loughry:** I do know that Circle-K and Speedway . . .

**Mr. Kendrick:** I can tell you that the major retailers have been very supportive of this. They just want to do what they can to comply. In all the municipalities; I have been to probably 10+ communities now; we have sent out letters to 200+ businesses and we had a day at the Health Department, and we sent out letters to all the vendors; no one showed up. This has really been a non-issue for vendors. Two retailers in all of this have shown up and really, they didn't fight the merits of the ordinance; it was more of the \$150 one-time fee. They supported the ordinance; they just didn't want the one-time fee. So, we have very, very little pushback on this from both local and major retailers.

**Mayor:** If you are done with that, I would be remiss if I didn't recognize Patty Billows; Mrs. Billows from the audience who is actually our Health Department representative. She represents Tallmadge at the Summit County Health Department and so Mrs. Billows, thank you for all your service to our City and keep up the good work.

**Pres. of Council:** Thank you very much Mrs. Billows.

**Mr. Kendrick:** If you guys have any other questions; on the top sheet is my number and e-mail are on there and I will be happy to get back to you probably the same day with information and would be more than happy to talk to you. So, thank you so much.

8. **ANNOUNCEMENTS:** There will be an Executive Session prior to the adjournment of this evening's Regular Council meeting to discuss Land Acquisition.

9. **REPORTS OF SPECIAL COMMITTEES:**

**Mayor:** The Fire Department Study; we did meet last week and that is part of the Executive Session to talk about potential land acquisition.

10. **AGENDA ADDITIONS:** None.

11. **REPORTS OF ADMINISTRATIVE OFFICERS: MAYOR, DIR. OF PUBLIC SERVICE, DIR. OF ADMINISTRATION, DIR. OF ECONOMIC DEVELOPMENT, DIR. OF FINANCE AND DIR. OF LAW.**

**Mayor:** Very briefly, I want to let you know; I'm sure you have seen that the Tallmadge Rec Center is hosting a **National Wheelchair Basketball Tournament** this weekend and people are coming from all across the United States with help from the Summit County Bureau that Mary is involved with and so thank you for all your efforts Mary. The Rec Center has done a phenomenal job for prepping for this, but the problem is right now is that teams are stuck in Texas. They are actually starting tonight with practice and the tournament starts tomorrow and there are several teams coming from across the United States. The storm and the airplanes that were grounded due to what happened in Europe . . . they are working to get these teams in town, so if you have a chance to stop up to the Rec Center; it is this weekend and then next weekend. End of report.

**Dir. of Pub. Service:** Good evening. I would like to ask that **Ord. 35-2019 and 38-2019 get passed at 1<sup>st</sup> Reading.**

Moving on to the report; after the month of February, the **cemetery had a light month** which is a good thing. We had 2 burials both of which were full. Zoning had 25 permits; 8 of which were zoning certificates.

At the Rec Center, the **new generator was installed.** That was hit by a vehicle last spring and it hasn't functioned well since and that was on an insurance claim from the driver and so that has been replaced. It is up and running and everything seems to be working; knock on wood.

The **new lockers for the women's locker room** were installed.

**Family Fun Night** was held and then as the Mayor mentioned about the **National Wheelchair Basketball**; that is this weekend and the next.

A couple of dates to note; the **Tallmadge Expo is April 6<sup>th</sup> and the Tallmadge Easter Egg Hunt is April 13<sup>th</sup>.**

I have some photos; there are the new locker rooms. The nice thing about those is that those are all plastic lockers; the old ones were metal, and they were rusted out and not the easiest thing to clean. They have a clean look now. This is a much better system than before.

There are a couple of shots from Family Fun Night. That is out on the soccer field obviously.

Moving on, this is a **sewer lining project.** It's the best picture I can get! The **Evergreen sewer lining** is going on and for those folks that don't understand; that is a liner that is actually put through with steam and it goes just about 100 to 200 feet and they cure it in there and then they have to go into each manhole and cut that trough back out so; we do this on sewers that are severely cracked or have infiltration issues coming in and so it is a great system. It is pretty neat, but that is the best picture I can get.

Moving on, we had **6 water breaks.** The nice thing is that there were no sewer back-ups.

Then training; the Itron Meter Reading took place this month as well and so we had 4 guys take place in that.

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**Dir. of Pub. Service (Cont'd.)** The **Northeast Avenue Roundabout**; here is something that we are interested on Council's opinion on. One of the biggest complaints that we have is the double lane turning onto the Northeast Roundabout. Have you guys got that complaint?

**Pres. of Council:** Yes. I've almost gotten killed on it several times.

**Dir. of Pub. Service:** We had an engineer look at this and if you go to the next . . . if we remove the pavement markings, we are proposing to remove the curb lane/turn lane there and we are going to do so using the delineators and we have an example of the delineator over there on the wall. There are 30 of them to be installed and we are going to try to do it with pavement marking and so we are going to eliminate that lane. Are there any thoughts from Council?

**Mr. Sisak:** I have a lot of thoughts about it. How does that affect the two lanes within the Circle between East Howe and Munroe?

**Dir. of Pub. Service:** East Howe and Munroe?

**Mr. Sisak:** Or West Howe and Munroe because now you have two lanes? There is only one lane everywhere else.

**Dir. of Pub. Service:** No, you only have one lane coming in. If we eliminate . . .

**Mr. Sisak:** You have one lane coming in but then it opens.

**Dir. of Pub. Service:** It is no different than anything else. We got rid of the pavement marking; all of that is gone. That will just be one lane.

**Mr. Sisak:** It will be a wide one lane and then I'll argue with people whether or not it is one or two lanes like the Tallmadge Circle. No, I'm kidding.

**Pres. of Council:** I do have a quick question on that. Did you look at maybe instead of eliminating on the curb side, eliminating over on the island side?

**Dir. of Pub. Service:** Yes, and the engineer came back and said that was no good.

**Pres. of Council:** Really; how come?

**Dir. of Pub. Service:** The reasoning was because it had something to do with the turning radius.

**Pres. of Council:** OK, because to me it just looks like that is a harder turning radius, but I guess that would slow people down then.

**Dir. of Pub. Service:** I believe that it had to do with that because it was too quick of a turn to go back onto Northeast heading back into town. So, this way they can just zip . . . we did look at that and the engineer came back with this being the option.

**Mr. Carano:** I have a question and since Mike Passarella is here; would that create any problems with a fire engine or anything?

**Fire Department Chief:** No, not at all.

**Mr. Sisak:** I guess it would be the most fiscally responsible to start with that and get those torn out and then we could go to more permanent . . .

**Dir. of Pub. Service:** Yeah, there again, there are only 30 of those delineators where the lane starts to shrink down; you have more of them at that part of it and then it starts spacing out to a more gradual. Then if it works; great and we can start talking about a more permanent . . .

**Mr. Sisak:** Would you put up like a flashing arrow for like a week or two ahead of time just to say hey, this lane is closed and then all of a sudden replace it or . . .

**Dir. of Pub. Service:** Yeah, there are actual signs that go out; there are like three signs that are in front of that even before it starts narrowing down, but yeah, we could.

**Dir. of Law:** Mr. Rorar, I was going to ask where the signage starts to warn people about going down to one lane?

**Dir. of Pub. Service:** There again, it is . . . that whole length is like 400 feet and then I think that signage starts about another 200 feet from that point. So, there are three signs that have to get installed in front of that and that tells you that that is being changed.

**Mr. Loughry:** You could also use arrows like they have at the on ramp at Steeles Corners onto to 8 South by the courthouse or on Ridgewood/Miller where it starts as two . . . there is not only signage, but there is actually that white arrow.

**Dir. of Pub. Service:** That directs you over. So, are there any negative thoughts on it? I mean, at the end of the day it is one of the biggest complaints that we get.

**Mr. Sisak:** I think it needs to happen.

**Pres. of Council:** I think it is a great idea.

**Mr. Carano:** Actually I think it is very positive because many times before I complained about it because coming from Kent and swinging around that way with those two lanes for some reason the person in the right lane tends to think they have a right-of-way for some reason and I have had a couple situations where that has occurred to me.

**Pres. of Council:** That is such a small circle that it is hard if you have to go around it a couple of times because you get cut off at . . . well, if you get cut off right there because you want to go to Munroe and you have someone coming in . . . it is harder to make that turn.

**Dir. of Pub. Service:** You will probably see it in May when we start getting into some drier weather with the pavement and the temperatures go up so we can do a good job of lining it.

**Mr. Donovan:** I'm all for it.

**Dir. of Pub. Service:** OK. Super. That ends my report unless there are any questions.

**Mr. Sisak:** I have two questions. It looks like there is a tall snow fence that is orange along 91 and East. Does that have something to do with this relining?

**Dir. of Pub. Service:** No, that is fiber optic line that is being run and they have to find all of the utilities because they will be boring underneath of them.

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**Pres. of Council:** The Dir. of Administration is not here, so Dir. of Econ. Development.

**Dir. of Econ. Development:** Just a quick report on the Zoning Code update. Yesterday we had our first focus group meeting and it was a really productive meeting. It was facilitated by our consultant, OHM Advisors. So, we had some really good discussion and we looked at a number of focus areas throughout the City and they had some exercises for us to look at those and decide what we thought that should be in terms of the kind of uses over time. So, we are beginning this process and it is going to be a really good time.

We are going to be making corrections to the Zoning Code using best practices, updates improving the verbiage and the user ability of the whole document. So, the overriding theme of this is to look to beginning this process by looking at how we want it to be in the end. So, we are keeping the end in mind and I think everyone agreed that it was a pretty productive meeting. End of report.

**Mr. Loughry:** Ms. Weinberg, when you can, no rush, but when you can can you get Council a CRA report and an update on the CIC activity?

**Dir. of Econ. Development:** Oh, OK.

**Mr. Sisak:** Are there any compliance issues with TJ's Drive-in with their colors and stuff?

**Dir. of Law:** They are going to be at Heritage this month.

**Dir. of Finance:** Everyone should have received their financial reports for February. Also, we finally came to our **software conversion**. Today we shut down our old software and the data was taken by our new software provider and they will spend the next week converting all that data and adding it into our new system and so our system will be down this week and that does include on-line payments for utility bills.

We still have the drop box, mail, people can come in in person and then if there is an emergency, they can call on the phone and we will take their credit card payment over the phone, but that has been posted on Facebook and tomorrow that link will be removed from the website and that information will also be contained on the website. I think that is probably going to be the most disruptive thing to people, but we tried to get that information out the best we could and so our new software will go live on March 25<sup>th</sup>.

We will have new on-line payment mechanisms for our residents which will include being able to sign up for auto pay; being able to have paperless billing; being able to pay by text; being able to pay with a check on-line, which we did not have before and so I am really excited. I think this new on-line system is going to be very beneficial to our residents and so hopefully they won't get too mad about the week that we don't have anything. End of report.

**Dir. of Law:** Thank you. I am working with the Police Department to do a **legal update in April** and we are **planning another Drug Take Back at the end of April** as well and I will remind Council as it gets closer. Thank you. End of report.

- 12. Ordinance 29-2019  
**PLANNING & ZONING**  
**P&Z REC. APPROVAL 4-0**  
**NO CONDITIONS REQUIRED**

**At 2<sup>nd</sup> Reading.**  
Approving and granting a conditional zoning certificate for special non-residential development to property owner and applicant Tom Bader/1169 Brittain LLC-Home of Lehner Screw Machine for use as the educational institution in addition to the existing manufacturing.

Pres. of Council: **Ord. 29-2019 is at 2<sup>nd</sup> Reading and will remain before the Planning & Zoning Committee.**

- 13. Ordinance 30-2019  
**PLANNING & ZONING**  
**P&Z REC. APPROVAL 4-0**  
**WITH CONDITIONS**

**At 2<sup>nd</sup> Reading.**  
Approving and granting a conditional zoning certificate for special non-residential development to the applicant Alissa Nider and the property owner Amerco Real Estate Company for use as contractor services with material and equipment storage yard at 555 South Avenue.

Mr. Donovan moved to amend Ord. 30-2019. Seconded Mr. Sisak. Roll Call: Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano – unanimous.

**Dir. of Law:** Madame President, if I may just re-address Ord. 29-2019. There is an amendment. The amendment does not reflect any conditions. So, there should have been a link to the amendment, and I would ask that you amend the legislation. It just basically reflects the recommendation of Planning & Zoning.

**Pres. of Council:** So, I will go back to Ord. 30-2019?

**Dir. of Law:** Yes.

Pres. of Council: **Ord. 30-2019 is amended by a vote of 7-0 and it will remain before the Planning & Zoning Committee.**

**Pres. of Council:** If we could go back to Ord. 29-2019.

**Mr. Donovan:** Can I ask the Law Director for clarification.

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**Dir. of Law:** The amendment is in the WHEREAS section; it just says what the Planning & Zoning Commission’s recommendation is, so they recommend approval without conditions by a vote of 4-0. Then the section that had “to be provided” in Section 2 has just been deleted. So, you should have had; did they not have that?

**Clerk of Council:** It wasn’t in the “k” drive.

**Mr. Donovan:** So, are we calling it an amendment?

**Dir. of Law:** Yes.

**Mr. Donovan:** I make a motion to amend Ord. 29-2019 and fill in the blank spaces. Seconded Ms. Tricaso.

**Pres. of Council:** OK, so we do have a motion and a second to amend Ord. 29-2019 to accept the recommendations of Planning & Zoning that there are no additional conditions. Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan – unanimous. **Ord. 29-2019 is amended by a vote of 7-0 and it will remain before Planning & Zoning Committee.**

14. Ordinance 31-2019  
**PLANNING & ZONING  
P&Z REC. APPROVAL 4-0  
WITH CONDITIONS** **At 2<sup>nd</sup> Reading.**  
Approving and granting a conditional zoning certificate to applicant Boss Union Contracting Inc. on behalf of the property owner BGR Warehouse for contractor services with Material and Equipment Storage Yard at 132 Osceola Avenue.

Mr. Donovan moved to amend Ord. 31-2019. Seconded Mr. Sisak. Roll Call: Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway – unanimous. **Ord. 31-2019 is amended by a vote of 7-0 and will remain before the Planning & Zoning Committee.**

15. Resolution 5-2019  
**COMMUNITY ISSUES/SAFETY** **At 2<sup>nd</sup> Reading.**  
A resolution recommending an amendment to the United States Constitution abolishing the rights of corporations to be protected as persons under the United States Constitution and declaring an emergency.

Pres. of Council: **Res. 5-2019 is at 2<sup>nd</sup> Reading and will remain before the Community Issues/Safety Committee.**

16. Ordinance 34-2019  
**COMMUNITY ISSUES/SAFETY** **At 1<sup>st</sup> Reading.**  
Amending Codified Ordinance 509.12, State of Emergency and providing for immediate enactment.

Pres. of Council: **Ord. 34-2019 is at 1<sup>st</sup> Reading and is assigned to the Community Issues/Safety Committee.**

17. Ordinance 35-2019  
**PUBLIC SERVICE** **At 1<sup>st</sup> Reading.**  
Authorizing the Director of Public Service to advertise for bids and the Mayor to enter into a contract for the replacement of waterlines on Knollwood Avenue and providing for immediate enactment.

Mrs. Allman moved for the adoption of Ord. 35-2019. Seconded Ms. Tricaso.  
**Dir. of Pub. Service:** This is a waterline that has been planned for quite some time. Plans were last looked at was in 2016 and it was about 75% ready to go then and we budgeted for it for this year and so the money is there. The engineering is moving forward and so we are asking to go out to bid.  
Roll Call: Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry – unanimous. **Ord. 35-2019 is adopted by a vote of 7-0.**

18. Ordinance 36-2019  
**COMMUNITY ISSUES/SAFETY** **At 1<sup>st</sup> Reading.**  
Adding Part 5 “General Offenses” Chapter 521, “Health, Safety, and Sanitation” 521.14 “Illegal Distribution of Cigarettes, Tobacco Products, or Tobacco Product Paraphernalia” of the Codified Ordinances of the City of Tallmadge to prohibit the sale of cigarettes, tobacco products, and tobacco product paraphernalia to individuals under the age of twenty-one; authorizing a contract with the Summit County Combined General Health District to implement these provisions through regulations and providing for immediate enactment.

Pres. of Council: **Ord. 36-2019 is at 1<sup>st</sup> Reading and is assigned to the Community Issues/Safety Committee.**

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- 19. Ordinance 37-2019  
**COMMUNITY ISSUES/SAFETY**

**At 1<sup>st</sup> Reading.**  
Adding Part 5 “General Offenses” Chapter 521, “Health, Safety, and Sanitation” 521.13 “Smoking and Tobacco Product use in City Parks and at City-sponsored Events” of the Codified Ordinances of the City of Tallmadge and providing for immediate enactment.

Pres. of Council: **Ord. 37-2019 is at 1<sup>st</sup> Reading and is assigned to the Community Issues/Safety Committee.**

**Mr. Loughry:** I know this is at 1<sup>st</sup> Reading, but are we permitted to ask questions at 1<sup>st</sup> Reading?

**Pres. of Council:** Absolutely.

**Mr. Loughry:** Community Issues is busy and so my question is that if someone is leasing or has a use agreement for our parks and this gets adopted; would they have to follow the guidelines of being tobacco free and who is responsible for enforcing it? Would it be our Policemen just like this tobacco in the drug stores. So, the same Police with no more budget; correct, so Little League would not be responsible for policing this themselves. It is up to us and at Circle Fest; the Chamber is not responsible for Circle Fest; it would be up to us as well. Is that correct?

**Dir. of Law:** That is correct.

**Mr. Loughry:** Thank you.

- 20. Ordinance 38-2019  
**PUBLIC SERVICE**

**At 1<sup>st</sup> Reading.**  
Declaring certain City-owned personal property to be excess/obsolete and authorizing the Director of Public Service to discard or salvage such equipment and providing for immediate enactment.

Mrs. Allman moved for the adoption of Ord. 38-2019 at 1<sup>st</sup> Reading. Seconded Ms. Tricaso.

**Dir. of Pub. Service:** This is scrap parts that are useless to the Water Department. The majority of that is removed meters and there is a little bit of scrap there and instead of housing that, I think you remember last year we had two garage bays filled with that stuff and we are trying to stay on top of it as we get a year’s worth; we want to get that stuff out the door so we are not collecting it again.

**Pres. of Council:** Then correct me; it goes to a scrap yard and does the City get any type of reimbursement?

**Dir. of Pub. Service:** This would be a buyer coming to buy those used meters, so he is ready to come tomorrow actually.

Roll Call: Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak – unanimous. **Ord. 38-2019 is adopted by a vote of 7-0.**

- 21. Resolution 6-2019  
**COMMUNITY ISSUES/SAFETY**

**At 1<sup>st</sup> Reading.**  
Expressing support for the Tallmadge City School District on Issue 4 in Summit County and Issue 7 in Portage County and providing for immediate enactment.

Mr. Carano moved for the adoption of Res. 6-2019 at 1<sup>st</sup> Reading. Seconded Mr. Loughry. Roll Call: Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso – unanimous.

**Res. 6-2019 is adopted by a vote of 7-0.**

- 22. **ADDITIONAL ITEMS:**

**Pres. of Council:** Just a couple of things really quickly; we are going to be going into Executive Session for the purpose of land acquisition in just a minute, but before we do that, I want to thank Mrs. Billows and Mr. Kendrick very much for coming today and discussing the Tobacco 21 Initiative. They even remained for the rest of the Council meeting; I am impressed; thank you.

**Mr. Sisak:** I move to go into Executive Session regarding land acquisition at this time. Seconded Mr. Donovan.

**Mr. Loughry:** Will we be taking action?

**Dir. of Law:** No.

Roll Call: Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman – unanimous. Council went into Executive Session at 8:32 p.m.

**Pres. of Council:** It is 9:08 p.m. and we are back on Council floor. The only other thing I do have is that we do not have a meeting next time because we are on recess. So, our next scheduled Council meeting will be April 11<sup>th</sup>.

- 23. **ADJOURNMENT:** Mr. Sisak moved to adjourn. Seconded Mr. Donovan. Voice vote 7-0. **The Regular Council meeting of 3-14-19 adjourned at 9:08 p.m.**

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Adopted:

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Susan E. Burton, Clerk of Council

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Carol A. Kilway, President of Council