

REGULAR MEETING

in Council Chambers @ 7:30 p.m.

April 25,

19

1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, April 25, 2019 to order at 7:30 p.m.
2. **PRAYER:** Rev. Josh Deeter, 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 Administration Cooper, Dir. of Econ. Development Weinberg, Dir. of Finance Gilbride, Dir. of Law Raber and Clerk of Council Burton.
4. **MINUTES:** 4-11-19 Regular Meeting minutes.
Mr. Sisak moved to adopt the Regular Council meeting minutes of 4-11-19. Seconded Ms. Tricaso. Donovan. Voice vote 7-0. **The 4-11-19 Regular Council Meeting minutes were adopted by a vote of 7-0.**
5. **FINANCIAL REPORTS:** March Financial Reports given to Council on April 12, 2019.
Mr. Sisak moved to approve the March Financial Reports. Seconded Mr. Donovan. Voice vote 7-0. **The March 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: Tallmadge City Council meets on the second and fourth Thursdays of the month with the Council Committee meetings starting at 7:00 p.m. followed by the Regular Council meeting. At the Committee Meetings legislation is discussed thoroughly with Council deciding to adopt, amend, reject, hold or table the legislation. We do allow time for community input at this point in the meeting. Is there anyone who would like to address Council; please come forward and state your name and address for the record. We have no takers this evening.
8. **ANNOUNCEMENTS:** None.
9. **REPORTS OF SPECIAL COMMITTEES:**
Mayor: Madame Chair, just to inform Council, we have been meeting regularly for the Fire Department Study. We had a meeting actually today and we are meeting weekly and we will have something coming forth to Council; I am pretty confident of that; I think; maybe not. I left the meeting early. Before I left, we were having a meeting. Coming soon!
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: Thank you very much. Don't forget this Sunday at 5:00 p.m. is the **Tallmadge Little League Parade** starting at Our Lady of Victory Church down to the Circle and back down to Mack Burleson Field for a little ceremony down there. The weather . . . it is supposed to rain, but maybe it won't and so I hope to see some of you there. Outside of that, end of report.
Dir. of Pub. Service: Good evening. First off; Councilman Donovan asked a question about the **noise on I-76** and if there was anything that could be done about it. I did contact ODOT and they do not perform any noise studies of existing highways unless they alter something on that highway. So, the resident that was complaining; there is nothing that ODOT is going to do to verify anything about the noise. So, I did get back on that.
Councilman Loughry did ask a question about when the **Master Plan** would be done and according to . . . they said by mid-May and so I would expect it early June. So, we will look at that at that time.
Mr. Loughry: Thank you.
Dir. of Pub. Service: Moving on; **OHM Advisors** went through and keep in mind that is an unbiased look at our roads. They went through and graded everything. The nice thing is that we have no red or purple roads. Most of our roads are in that green area as you can see. The blue roads are the best and the orange and yellow ones are the ones you have to be concerned about and so the roads that we are proposing to be paved all met that yellow and orange criteria. Those are the roads that we are proposing; the recreation parking lot is not part of the pavement budget; that actually came out of the Rec Center Budget this year and so that did not . . . that was not part of the \$500,000 that we have allocated. Then if everything comes in well; we have those alternates down there that we would like to add. By next Tuesday we should have the bid opening.
Mr. Sisak: Can we get a copy of the map?
Dir. of Pub. Service: Sure; absolutely.
The **concrete streets**; that bid opening was on April 4th. These are the concrete streets that are having work on and there again, that is based on that map that we went back and looked at. These are the yellow and orange sections of the map. So that is it.
The next slide should be the **sidewalks** and those are the areas where we are doing the sidewalk repair. It is about 3,000 square feet less than we did last year. Last year we had a big push on sidewalks and this year we don't have that. Any questions on the paving?
Pres. of Council: I have a quick question. I noticed that you had South Avenue on for sidewalk repairs; is that primarily closest to the Circle where the trees are causing them to buckle up all over the place?
Dir. of Pub. Service: I think that mostly has to do with the handicapped ramps because we are paving and so when we pave, we are trying to get those handicapped ramps and I think that is mostly that area on South Avenue.

REGULAR MEETING

in Council Chambers @ 7:30 p.m.

April 25,

19

Pres. of Council: So, we are not doing anything about the buckled pavement?

Dir. of Pub. Service: I will have to get back to you on that. The handicapped ramps seem to be the things that come to mind on that portion of it.

Pres. of Council: OK. Thank you.

Mr. Donovan: Question on the sidewalks; you had Southwest Avenue up there to Memorial Park; are you planning on extending that?

Dir. of Pub. Service: No, these will just be replacement of bad sections.

Mr. Donovan: No sidewalks beyond my place?

Dir. of Pub. Service: There has to be something out there. I mean there again, it could be the handicapped ramps.

Mayor: It is crazy that when you pave a road you are required by the new laws to provide a handicapped access walkway. There are no sidewalks there, but you still have to provide the curb cut and do some work for the crosswalk and so I am not sure what he is doing there, but it has to have . . .

Dir. of Pub. Service: It might be in front of your place.

Mr. Donovan: That's what I am saying because Memorial Park; there are no sidewalks there.

Dir. of Pub. Service: That might be the only sidewalk that we are replacing is in front of your place.

Mr. Sisak: Do those have to coincide with the bus stops because I know there was discussion previously . . .

Dir. of Pub. Service: No.

Mr. Loughry: Mike, do you have an update on the status of the Thoroughfare Plan and there was a sidewalk study . . . the reason for the question is that the stadium; the new stadium at the high school is going to be in use and more and more people are going to be walking to that facility for athletic events and Barnes . . . you can't walk . . . from Regency you can't walk and from back in the Old Orchard area coming towards East Avenue you can't walk without going into the street and so it is just my opinion that our Thoroughfare Plan will be modified going forward from what it has been in the past because of the school being more of a destination. So that is the reason for the question.

Dir. of Pub. Service: Yeah, I don't have an update on where that is at. But, by the next meeting, I will be happy to get that for you.

Mr. Loughry: Thank you.

Mayor: The plan is being updated as we speak right now. Burgess and Niple has a draft copy of it.

Mr. Loughry: OK, thanks.

Mr. Sisak: Mr. Loughry, I mean if you think it is going to be critical; I mean, would you want estimates on that footage for sidewalk installation or . . .

Mr. Loughry: I just know that we have always had conversations; not always, but the last several . . . within the last ten years a couple different times on Willson and/or Barnes and they are both going to be expensive because of the ditches and the poles and everything, but in my opinion, again, we have to choose one of those streets and make it accessible.

Then I get questions often from people that live on Timothy; that quadrant from Indian Hills in between East Avenue and Munroe; there are no sidewalks anywhere in that allotment area and then we have a neighborhood full of them on the other side of Munroe and so people just don't like not having things that other parts of our community have.

Mayor: I will gladly provide any Councilperson with a petition to carry because it is an assessed project even though the City will pay 50% but trying to get that other 50% from the residents . . . you know when you say I want sidewalks, but then OK, then you are going to have to pay for some of it and then all of a sudden they say, no, we really don't want them.

Mr. Loughry: That's good.

Mayor: No, I would gladly . . . any of you.

Mr. Donovan: That has been a topic for years even when Chris Grimm was Mayor because we have all these sidewalks to nowhere.

Mr. Loughry: Well, we built one all the way down East Avenue that I don't see people using that very much and somehow that got funded. I don't think we assessed that property owner.

Mayor: No; we did not.

Mr. Loughry: So, I mean times change and I get it but people who drive down East Avenue do question you and they say, well why did you build that? I say, well, I don't know. We had money to burn; I don't know!

Mayor: That's not true.

Mr. Loughry: Thanks.

Dir. of Pub. Service: Lastly, we did send out the sidewalk letters and so I'm not sure if anyone is reaching out to you or not. We've gotten bombed with phone calls in the last week.

Mr. Donovan: I have not had complaints. A few people have brought it up with concerns about the trees which we have talked about in the past.

Dir. of Pub. Service: Then that letter does state that if they choose to keep their tree; they pick up 100% of that sidewalk. We did make sure that we did put that in there.

Mr. Donovan: At least they have the option.

Dir. of Pub. Service: Yes, that's correct.

Mr. Donovan: Thank you.

REGULAR MEETING

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April 25,

19

Dir. of Pub. Service: That is the end of my report.

Dir. of Administration: Good evening. Just two quick things to report. We have two unions; the IFF and the FOP have chosen to go to fact finding with the City and we have set dates for those. The FOP fact finding date is on the 16th of May and the IFF is on the 3rd of June. That is all I have.

Dir. of Econ. Development: Good evening. Just a couple quick business news items; **State Farm Insurance** that is located at 16 Southwest Avenue is going to be moving May 1st over to 14 Tallmadge Circle; the site where Re-Max had moved from just about a year ago and Re-Max is moving over to East Avenue and so that is a really positive move for that business. She has been operating out of one of our homes that we purchased on Southwest and so that will leave two of the properties that are in our ownership vacant now and we have to decide what the future of those two buildings will be and only one of them is currently occupied or will remain occupied at least for the near future.

Also, **Herman Machine** over on Northeast; they were looking to expand and find a new location, but they have decided to stay where they are. They purchased the Waltco building and they have already moved one of their other companies in there and they are going to be doing some significant at least cosmetic upgrades interior and exterior and making it look much nicer and improving that building. So those upgrades are in process and more will come. Right now, we have 14 new employees and that number will grow as they bring their other company into town sometime this year. End of report.

Dir. of Finance: Thank you. We are **continuing with our audit**. It is in kind of full swing now. They have finally come on board and so it will be a little later this year due to the auditor's schedule and so it will probably be closer to the end of June before we will see the actual report, which the deadline is June 30th and so they have assured me that it will be done by then.

I would request adoption of Ord. 44-2019 at 1st Reading. That is just for the reimbursement of the Fire Department for a large vehicle insurance claim. End of report.

Dir. of Law: Thank you. My office, in conjunction with the Police Department, conducted a **Police training** all day Wednesday of this week which was very successful and we will be co-hosting the **Drug Take Back on Saturday** so remember to clean out all of your cabinets of all your unused prescriptions or over the counter medications and bring them in to get rid of those and out of harm's way. Thank you.

- 12. Resolution 5-2019
COMMUNITY ISSUES/SAFETY

At 3rd 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.

Mr. Carano moved for the adoption of Res. 5-2019. Seconded Ms. Tricaso.

Mr. Carano: I just have one thing to say and Mrs. Raber, I'm not sure, but I have a list here of about 550 organizations across the country that have signed on to this resolution. I also have . . . not to this resolution, but to some resolution and I also have 200 or I mean . . . this is over 300 resolutions of citizen's initiatives passed by communities throughout the country; 23 of them in Ohio and they all thought this was something pertinent to the communities that they live in and I know that people have probably made their mind up already, but I just want you to be cognizant that this isn't out of the pail. So, thank you.

Dir. of Law: If you want that as part of the record, then you give that to the Clerk of Council, and she can add that as part of the minutes.

Mr. Carano: I wasn't sure if that would delay it until the next meeting.

Roll Call: Mr. Donovan – yes, Mrs. Kilway – no, Mr. Loughry – no, Mr. Sisak – yes, Ms. Tricaso – yes, Mrs. Allman – no, Mr. Carano – yes. **Res. 5-2019 is adopted by a vote of 4-3.**

- 13. Ordinance 34-2019
COMMUNITY ISSUES/SAFETY

At 3rd Reading.

Amending Codified Ordinance 509.12, State of Emergency and providing for immediate enactment.

Mr. Carano moved for the adoption of Ord. 34-2019. Seconded Ms. Tricaso. Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan – unanimous. **Ord. 34-2019 is adopted by a vote of 7-0.**

- 14. Ordinance 36-2019
COMMUNITY ISSUES/SAFETY

At 3rd 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.

REGULAR MEETING

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April 25,

19

Mr. Carano moved for the adoption of Ord. 36-2019. Seconded Ms. Tricaso.

Mr. Loughry: I do have one question. Mrs. Raber, who takes jurisdiction of this in Portage County/Tallmadge?

Dir. of Law: I don't know that we have any stores in Portage County/Tallmadge?

Mr. Loughry: At this time we do not.

Dir. of Law: Correct.

Mr. Loughry: But we could.

Dir. of Law: I don't know that, based on zoning, so right now it would be . . .

Mr. Loughry: All the zoning is industrial, but someone could petition for commercial use in our industrial park.

Dir. of Law: So, at that point we would have to sort that out. We do not . . . this is only Summit County and they only have jurisdiction in Summit County.

Mr. Loughry: Not the JEDD; Portage County, Portage County/Tallmadge.

Dir. of Law: Right. We have no jurisdiction in the JEDD anyway.

Mr. Loughry: Thank you.

Roll Call: Mr. Loughry – yes, Mr. Sisak – yes, Ms. Tricaso – yes, Mrs. Allman – yes, Mr. Carano – yes, Mr. Donovan – no, Mrs. Kilway – yes. **Ord. 36-2019 is adopted by a vote of 6-1.**

15. Ordinance 41-2019
FINANCE

At 1st Reading.

Accepting a donation from the family of Carroll Eugene ("Gene") Stalnaker to purchase and install the Living Tree Memorial and providing for immediate enactment.

Pres. of Council: **Ord. 41-2019 is at 1st Reading and is assigned to the Finance Committee.**

16. Ordinance 42-2019
FINANCE

At 1st Reading.

Authorizing the Mayor to solicit proposals and award a five (5) year contract for beverage services for the Parks and Recreation Department and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 42-2019. Seconded Mr. Donovan.

Mayor: Thank you. Our current contract is due to expire in May and so this will allow us to go out and seek either staying with the same vendor or get other proposals for that and that is strictly at the Rec Center and Maca Park.

Roll Call: Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry – unanimous. **Ord. 42-2019 is adopted by a vote of 7-0.**

17. Ordinance 43-2019
FINANCE

At 1st Reading.

Authorizing the expenditure of certain sums for the 2019 Memorial Day Celebration in the City of Tallmadge and providing for immediate enactment.

Pres. of Council: **Ord. 43-2019 is at 1st Reading and is assigned to the Finance Committee.**

18. Ordinance 44-2019
FINANCE

At 1st Reading.

Appropriating additional amounts and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 44-2019. Seconded Mr. Donovan.

Dir. of Finance: This is just to replenish . . . there was some significant damage for an insurance claim to one of the fire apparatus and it was more than their budget could handle at any given period and so we are going to go ahead and ask to re-appropriate that. It was reimbursed by insurance proceeds.

Mr. Sisak: Did we meet the deductible or . . .

Dir. of Finance: I did not include the deductible. They had to take that out of their own budget. It was \$500.

Roll Call: Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak – unanimous. **Ord. 44-2019 is adopted by a vote of 7-0.**

19. Ordinance 45-2019
FINANCE

At 1st Reading.

Authorizing the Mayor to apply for the Natureworks Grant Program and providing for immediate enactment.

Pres. of Council: **Ord. 45-2019 is at 1st Reading and is assigned to the Finance Committee.**

REGULAR MEETING

in Council Chambers @ 7:30 p.m.

April 25,

19

20 Resolution 9-2019

At 1st Reading.
Congratulating Micah Herndon and providing for immediate enactment.

Mr. Sisak moved for the adoption of Res. 9-2019. Seconded Ms. Tricaso.

Mr. Loughry: Question; did we invite him and give him an opportunity to come tonight?

Mayor: I did not.

Mr. Loughry: I would hold it . . . if we didn't do that then I would recommend that we hold it and invite him between now and our next meeting.

Pres. of Council: I think that would be a good idea.

Dir. of Law: Mr. Loughry, if I might suggest though it may be nice to potentially adopt it tonight and then present it to him at the following meeting and that way he wouldn't necessarily have to sit through the whole meeting. I know everyone loves to sit through all the meetings, but just in case.

Mr. Loughry: That's a good idea. I'm fine. That's good.

Voice vote 7-0. **Res. 9-2019 is adopted by a vote of 7-0.**

21. **ADDITIONAL ITEMS:**

Mr. Loughry: I have one for the Finance Director that I meant to ask during her report, but I forgot. Just because I'm not exactly sure of how we operate here in Tallmadge, but down in Green, the City of Green, they have a big issue now more that the media is making it an issue in that the Finance Director chose to go with a different vendor on their investments. Whoever the Finance Director is, moved \$20,000,000 or \$40,000,000; a big sum and didn't need Council's permission or even notify Council to do that. So, I just don't know what we would do here in Tallmadge?

Dir. of Finance: Here in the City of Tallmadge, we have an Investment Board that is comprised of the Law Director, the Mayor and the President of Council. So, they need to be informed of all money and investments that I have. We do have part of our funds . . . I the majority of our funds; we do have a small part of our funds that I do have under investment management of about \$5 million; the remaining \$10 million I manage myself. That went through the Advisement Board and they approved the firm and so for me to use anybody else that would also have to go through that advisory board and so it doesn't go to Council, but there is oversight in the form of that advisory board.

Mr. Loughry: Thank you.

22. **ADJOURNMENT:** Mr. Donovan moved to adjourn. Seconded Mr. Sisak. Voice vote 7-0.

The Regular Council meeting of 4-25-19 adjourned at 7:59 p.m.

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Adopted:

Susan E. Burton, Clerk of Council

Carol A. Kilway, President of Council