

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

1. **CALL TO ORDER.** Vice President of Council Sisak called the Council meeting of Thursday, May 12, 2022, to order at 7:00 p.m.

2. **Opening Prayer & Pledge of Allegiance:**

Prayer: Pastor Kurran Bishop from SPAN Ministries.

Pledge of Allegiance: Landon Fairfax, 5th grade student from Tallmadge Elementary School.

3. **Roll Call:** Mrs. Allman, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Sisak – present.

4. **Correcting and Adopting the Previous Meeting Minutes:**

4-28-22 Council Meeting Minutes

Mr. Sisak moved to approve the 4-28-22 Council meeting minutes. Seconded Mr. Bozic.

Mr. Sisak: Is there any discussion.

Mayor: On page 2, under Item c. it says, “We have cancelled summer camp this year” when it should say, “We have put a cap on the applications for summer camp this year” . . .

Mrs. Kilway: I make a motion that we correct the discussed item and then we adopt the corrections. Seconded Mr. Bozic. Roll Call: Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Sisak, Mrs. Allman – unanimous. **The 4-28-22 amended Council meeting minutes were adopted by a vote of 5-0.**

5. **Financial Reports:**

- **Fire & EMS Fund Transfer in the amount of \$145,000, Street Maintenance & Repair in the amount of \$600,000, General Infrastructure in the amount of \$30,000, Bond Retirement in the amount of \$100,000, Bond Retirement in the amount of \$39,258.55, and Bond Retirement in the amount of \$64,267.50.**
- **Appropriation Report, Fund Report and Revenue Report for the period ending 4-30-22 to Council on 5-4-22.**
- **April Financial Reports to Council on 5-4-22.**
- **Tallmadge Recreation Center Profit and Loss Report for the period ending 4-30-22 to Council on 5-4-22.**
- **Income Tax Comparisons for the period ending 4-30-22 to Council on 5-4-22.**
- **Revenue Comparisons for the period ending 4-30-22 to Council on 5-4-22.**
- **Consolidated Investment Portfolio for the period ending 4-30-22 to Council on 5-4-22.**
- **YTD Income Tax by Source for the period ending 4-30-22 to Council on 5-4-22.**

Mrs. Kilway moved to accept the Financial Reports as presented. Seconded Mrs. Allman. Roll Call: Mrs. Gutman, Mrs. Kilway, Mr. Sisak, Mrs. Allman, Mr. Bozic – unanimous. **The Financial Reports have been accepted by a vote of 5-0.**

Mr. Sisak: Before the public hearing Mary Gutman would like to do a little presentation and so I will turn it over to her.

Dir. of Law: Is there a motion then to just move that?

Mrs. Kilway: I would move to move Item 8 to right before the public hearing. Seconded Mrs. Allman. Roll Call: Mrs. Gutman, Mrs. Kilway, Mr. Sisak, Mrs. Allman, Mr. Bozic – unanimous. **The matter passes by a vote of 5-0.**

8. **Agenda Additions:**

- **Certificate of Appreciation – Marjorie Louk – Presented by Mary Gutman.**

Mrs. Gutman: I was so excited when it was Teacher Appreciation Week last week that I got to call Marjorie Louk and tell her that I would like to present her with this Certificate of Appreciation on behalf of City Council. Marjorie has spent over 45 years in the classroom, but 40 of that in other schools. Marjorie spent 3 years as the Assistant Principal of David Bacon Elementary and she was also a Tallmadge small business owner. She is a frequent substitute teacher for Tallmadge Elementary School having retired twice now and has come back to the students each time. Marjorie was presented with the certificate.

- **City Department Presentations:** None.

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

6. Public Hearings:

Ord. 2022-45

PLANNING & ZONING

P.H. ON 5-12-22 @ 7:03 p.m.

At 3rd Reading.

Repealing Tallmadge Codified Ordinance Section 1103.06 R-6 Residential Open Space Planned Development Districts and amending the Table of Contents, Code Index, Section 1101.04 and Section 1102.14 to eliminate references thereto.

Sponsor: Council and Administration

P&Z RECOMMENDATION

A motion to recommend to Council to accept Ord. 2022-45 was denied by a vote of 3-2.

Mr. Sisak: Next we have the public hearing on Ord. 2022-45 and there was a motion by Planning & Zoning to recommend to Council to accept Ord. 2022-45 was not passed by a vote of 2-3.

Mr. Sisak read the public hearing ground rules. The ground rules are attached to the end of these Council minutes.

Mr. Sisak: It is now 7:15 p.m. and I call the public hearing open. So, the City is the applicant and so to be clear Ord. 2022-45 is an ordinance which would effectively remove R-6 zoning out of the current zoning code. This is not a review of any specific application, but a determination of whether the text of the zoning code should be amended. Any commentary or input from the Administration?

Mayor: You did see the recommendation from Planning & Zoning by a vote of 3-2.

Mr. Sisak: Alright, so we will go forward with the public comment. We will go through the pre-registered residents and so again, if you pre-registered, I will call your name and if you don't want to speak, then you can just defer. The following are the residents who pre-registered:

- **April Springirth**, 568 Deerwood Drive, Tallmadge was sworn-in and spoke against R-6.
- **Jenna Blatt** – was not present.
- **Kristy Antrobis**, 54 N. Village View, Tallmadge was sworn-in and spoke against R-6.
- **Donna Ganley** – chose not to speak.
- **Pamela Fiume**, 1063 Morningview Ave., Tallmadge was sworn-in and spoke against R-6.
- **Michael Fiume**, 1063 Morningview Ave., Tallmadge was sworn-in and spoke against R-6.
- **Mike Victor**, 809 Locust Drive, Tallmadge was sworn-in and spoke against R-6.
- **William Conley**, 1037 Northeast Ave., Tallmadge was sworn-in and spoke against R-6.

Mayor: Mr. Sisak, just for the record, Mr. Conley handed me that paper prior to Council and asked me to pass that around. Do you have that?

Mr. Sisak: We have that. Thank you.

- **Josh Albrecht**, 1566 Northeast Ave., Tallmadge was sworn-in and spoke against R-6.
- **Vincent Putaturo**, 1435 Northeast Ave., Tallmadge was sworn-in and spoke against R-6.
- **James Futules**, 310 S. Munroe Rd., Tallmadge was sworn-in and spoke against R-6.
- **Cathy Victor**, 809 Locust Dr., Tallmadge was sworn-in and spoke against R-6.
- **Daniel Victor**, 809 Locust Dr., Tallmadge was sworn-in and spoke against R-6.
- **Chris Bauch**, 837 Northeast Ave., Tallmadge stated that all of his statements were already spoken, and he passed from speaking.

Mr. Sisak: Alright, so that is everyone who pre-registered and now we will go to the sign-in sheet.

- **Dean Fygetakes**, 846 N. Munroe Road, Tallmadge, was sworn-in and spoke against R-6.
- **Lorraine Kulig**, 817 Locust Dr., Tallmadge. I pass. Everything I had to say has been spoken.
- **Jim O'Connor**, Pulte Homes of Ohio, 387 Medina Rd., Medina, was sworn-in and spoke in favor of R-6 Development. Talked about the new Zoning Code update and how R-6 would make an impact for the future.
- **Grace Clum 867 Locust St., Tallmadge.** Passed.

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

- **Joe Kulig**, 817 Locust Drive, Tallmadge. I agree with my neighbors.
- **Trina Carter**, 892 E. Howe Rd., Tallmadge was sworn-in and spoke against the repealing of R-6.
- **Neil Bevere**, 847 Locust Drive, Tallmadge. Passed.
- **Nancy Bevere**, 847 Locust Drive, Tallmadge. Passed.
- **Rick Sweet**, 1021 Southeast Avenue, Tallmadge was sworn-in and spoke against R-6.
- **Jim Frey, 827**, Premiera Drive, Tallmadge – Agreed with what everyone had said.
- **Joel Christian**, 807 King Cross, Tallmadge – Passed.
- **Anna Davis**, 1070 Northeast Avenue, Tallmadge was sworn-in and spoke against R-6.
- **Jim McCourtie**, 1085 Lawndale Drive, Tallmadge – Passed.
- **Richard Cozar**, 1464 Northeast Avenue, Tallmadge – Absent.
- **John Keen Sr.** - Passed
- **John Carlson**, 847 Atwood Drive, Tallmadge – Passed.
- **Betty Dunton**, 678 N. Ridgecliff St., Tallmadge – Agreed with previous speakers.
- **Betty Kaiser**, 641 Atwood Drive, Tallmadge – Absent
- **John Kaiser**, 641 Atwood Drive, Tallmadge – Passed.
- **Susan Smith**, 633 Northeast Avenue, Tallmadge – Agreed with previous speakers.
- **Lori Toth**, 947 Northeast Avenue, Tallmadge – Agreed with previous speakers.
- **Debbie Quintrell**, 129 Nottingham Street, Tallmadge – Agreed with previous speakers.
- **Jessica Gartrell** – I pass. I agree to repeal R-6.
- **Phil Gartrell** – I pass. I agree with everything spoken.
- **Mike Ward**, 802 Bentley Place, Tallmadge I agree with the others.
- **Jenna Blatt**, 926 N. Munroe Road, Tallmadge was sworn-in and spoke against R-6.

Mr. Sisak: This will be the final opportunity for anyone in the audience to speak. It looks like we have a couple latecomers. I have a lady here on the left; you can come on up.

- **Linda Putaturo**, 1435 Northeast Avenue, Tallmadge was sworn-in and spoke against R-6. Felt that this piece of property is not conducive to any type of building because of the traffic.
- **William McCauley**, 69 S. Munroe Rd., Tallmadge was sworn-in and spoke against R-6.

Mr. Sisak: Alright, so I am going to go ahead and **close the public hearing. The time is 8:03 p.m.** and I would like to recognize the Chair of the Planning & Zoning Committee; Mrs. Kilway.

Mrs. Kilway: I call the Planning & Zoning Committee to order. So, we are here to discuss just this ordinance, 2022-45 which is repealing the Codified Ord. Section in reference to the R-6. The first thing that I want to say is that you know, there has been a lot of conversation and a lot of about how R-6 has been on the books since 2011. It started with when we were re-doing the Comprehensive Plan and a lot of time and money, and consideration was put into this, and I think what . . . and I think Mr. McCauley just nailed it with your last comment is that the reason was communication to the public. So, a lot of things have changed since 2011. I know the City has increased their social media information and are putting a lot more things out and Facebook seems to be a huge communication thing for Tallmadge and so I know the City has done a great job in the last several year putting more communication out and so I just think that is just something that we are going to have to deal with going forward, so I want to thank you very much for that. Basically we need to decide whether “The proposed amendment is consistent with adopted City plans and the stated purposes of the Code.”

In my opinion, yes, as stated by the proposed legislation in front of us we do know that we are going to have to go back to that Comprehensive Plan and we have to review it and revamp that section of it. Does anyone on Council have any comment as to that criterion?

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Mrs. Allman: I will just echo what you said. I do think we need to go back to the Comprehensive Plan and review that again.

Mrs. Gutman: I would just like to say that I acknowledge all of the work that went into revising the Code and I don't think right now when we look at the criteria; it is not necessarily voting against the concepts that R-6 represents, as much as the changing social conditions and acknowledging that communication could be better and social media is a beast, but it is also an asset to us. We need the Tallmadge residents moving together and not fighting with each other to move our City forward and acknowledge that landowners here have rights too and so I guess that is where I want it. That's it.

Mrs. Kilway: The next criteria that we need to consider is "Is this proposed amendment, is it necessary or desirable because of changing conditions, new planning concepts or other social economic conditions." Obviously, the biggest thing is the social conditions. Our community has very clearly stated that this type of a zoning code overlay is not palpable, and we have seen a lot of active community involvement on this subject, and it stretches all throughout the City of Tallmadge.

Hearing none, the next criteria we must review is "That the proposed amendment will promote public health, safety, and general welfare." Again, the public sentiment is that they don't want this development. Anything else from Council?

Hearing none, then also "The proposed amendment would correct an error in the application to the Zoning Code." To me this is the big one. Whereas the R-6 Code was intentionally designed to not exceed the underlying density of the proposed district and we can see with the last project that we did not accomplish this. Council was given new information and we cannot blame Planning & Zoning for anything on this because they were never given this information. We received this information at that last public hearing that that piece of property that was being discussed, if it was to go with the underlying code. It would only have been able to give about 180 parcels and the project that was being proposed was about 238 parcels, so the way the Code was applied, did not accomplish what R-6 was for and so a lot of discussion has to go into each parcel that is being discussed.

So, I think that is the key as to why we really need to repeal R-6 as it is written right now and then go back to the drawing board. Does Council have anything to say about this last criterion? No. OK. Is there any other information that the Administration wants to add on this?

Mayor: Yes, thank you. Thanks to the audience for coming in today. Let me just go down a little history lane. I became Mayor in 2010 and we had professionals, Dr. Pascarella and Pat Sauner were on staff and also Dave Hart who is a very renowned person on land development. We created the R-6 with multiple public hearings and the Tallmadge Express was here. It was for 30 acres only that you could put that in and I was the one who would always say on one of those tables, it is 100 acres and so therefore you could put 200 houses on that table, but you could do it on half of the table and leave half of it open and that is what everybody in the City wanted; green open space. The Zoning Code is a little over 400 pages and it took 2 years to do it. R-6 is about 5 to 10 pages of that. We tweaked R-6 because we didn't like some of the things that were going on out at Ripley Farms. If Ripley Farms was not built, you guys would probably not be sitting here, and R-6 would have been adopted. So, we did tweak the R-6. We went from 30 acres to 100 acres so you could keep the open space; at least 30% open space.

Another history item, back in 1990 there was a Councilperson in the 3rd Ward that went against the people to get a development to come in and that development was Summit Racing and that person who was the 3rd Ward Councilman representing those folks who were so mad and I was that person that sponsored the legislation to get Summit Racing at Southeast Avenue and the expressway and that passed, not by a unanimous vote, but that one business in town who has been the heart and soul of this community's finances; we are lucky they came and you are lucky you had a Councilperson that wanted to go out on a limb and think ahead to do something really against some

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Mayor (Cont'd.) of the people. I want to personally and publicly thank the Planning & Zoning Commission. These members are totally volunteer members, and they devote their time and effort and their heart and soul into this community for zero pay.

They have a book; they have a 400-page document that states that this is the Code, and this is what I have to look at and this is the criteria, and they did their job. That was their job to do that and so to say that they are not listening to the people . . . these people who represent you folks have to change that Code. But they have a Code in front of them and it met the criteria of that Code. It is a Code that is in the books and there is no guarantee you are going to get that. You can still develop an R-1 as an R-1. Will there need to be variances on an R-1? Absolutely. Did someone say that Bentley Place did not have variances. They did have variances and they did have to tweak the Code to get Bentley Place in place and if I'm not mistaken, there were 7 variances in Bentley Place to get it to be developed the way it is today. So, to say that there were no variances; there were. My hats off to Council for listening to folks. I understand what you are probably going to do, but I think R-6 has a place in this community. Maybe it needs to be tweaked and it sounds like it does and after 40 years working here, there is room for compromise, and I think it needs to be done.

Mrs. Kilway: Anyone else on the Administration have anything to say. Does Council have anything else that they would like to add to this? Hearing none, at this time I am going to just to make sure it is clear for everyone, in order to adopt Ord. 2022-45, Council must do so with 5 votes and rejecting Ord. 2022-45, Council must do with 4 votes. If neither is obtained, then the ordinance will remain on Council's agenda. So, I am going to make a motion to adopt Ord. 2022-45 which repeals and removes R-6 zoning from the Code. Seconded Mr. Bozic. Roll Call: Mrs. Kilway, Mr. Sisak, Mrs. Allman, Mr. Bozic, Mrs. Gutman – unanimous. **Ord. 2022-45 is adopted by a vote of 5-0.** So, that repeals R-6 the way it is, and I think as everyone has heard, we will make a concerted effort to look at that type of product and come up with a compromise on something that hits all of the buttons instead. Is there anything else for Planning & Zoning at this time? I will close this portion of Planning & Zoning.

7. **Community Input:**

Pres. of Council: We are going to go ahead and resume our meeting. It is 8:26 p.m. Tallmadge City Council meets on the 2nd and 4th Thursday of every month. Please attend and watch us livestream and check Facebook for information, Tallmadge Express, Akron Beacon Journal, social media and our website are going to be the best ways of receiving information.

8. **Agenda Additions:** We already did that. We moved that. So, we will start with reports of Administrative Officers.

9. **Reports of Administrative Officers:**

a. **Mayor/Director of Safety:** Thank you Mr. Chairman. I will start off briefly with showing you a report of some of the **ribbon cuttings** we did this past month. **Big D's Barbecue** that is right there on West Avenue. They did a nice job. If you have not eaten there, drive through and you can pick up some nice barbecue. **Petiti's Garden Center**, if you have not been in there, they have done such a great job taking care of the inside of that. It reminds me of one of our favorite stores back in the day, Donzell's out there and this is better than Donzell's, so nice job for Petiti's.

The **recycle drive** that we just put on last weekend, there were 279 hard drives shredded on-site, 182 e-waste collections, 16,065 lbs. of CRT's were recycled. So, thank you to IT, Justin Delaney, and Scott for organizing that. This was free of charge to the City. It is locked up and we pick that up, but it is down at the Community Center.

This week was the **Senior Give Back**. This started off at Mac Burluson Field. I would just like to thank them for their work around the City parks. You can see them doing a great job painting picnic tables and working down at the cemetery cleaning headstones and so

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Mayor (Cont'd.) hats off to all of the Senior Class and I want to congratulate them on their accomplishments.

Tomorrow is the **Senior Drive, the parade around town**. It starts off at the High School down East Avenue to the Middle School driveway, behind the Middle School, down Elm Drive, down Southeast Avenue, Metric Drive, East Avenue to Community Drive to Northeast Avenue and back to the High School avoiding the Tallmadge Circle.

Then on **Roco's Plaza**. It is slowly coming down, but it is coming down. This picture was taken this week. Joe Scaccio's crew is in there. They are recycling everything that is coming off that site. So, what they do is they take the steel, one pile is rock, and cinders and they take that somewhere else and then the debris is very minimal because they are taking things off-site. We have talked to Mr. Scaccio about safety around the site and he is well aware that he is responsible for that site.

I don't know who allowed this person to climb the scaffolding to put his name on a brick. This picture here, that is the last brick going in on that building. That is right above Chief Passarelli's head. He did climb the ladder and luckily, we had no Worker's Comp claim, but he was up there. So, thank you Chief Passarelli for putting your signature on the building. It is moving along really well. That's the end of my report.

Mr. Bozic: I just wanted to thank the Mayor for the tour the other day. I got a tour of the new fire station. It is incredible. Some really neat training things that are going to be taking place there, so congratulations to Deputy Fire Chief Ben and Chief Passarelli. What a great honor it was to be able to put in those bricks as well and thank you for not falling and what better guy than Chief Passarelli to be the first to do that. So, I commend him and thank you.

b. **Director of Administration:** Excused.

c. **Director of Public Service:** Good evening. Just a couple rundowns. Don't forget that Memorial Day is May 30th and the Chamber breakfast at the Community Center starts at 8:00 a.m. and the parade starts at 10:00 a.m. The service will be immediately following at the cemetery. The speaker this year is Master Sergeant John McClain who is a Tallmadge resident.

Maca Pool: Just a couple things. **Lifeguards:** we have all of those positions filled. Members only Night is Friday, May 27th from 3:00 p.m. to 8:00 p.m. Opening day is Saturday, May 28th. Hours of operation are 11:00 a.m. to 7:00 p.m. Monday thru Thursday and 1:00 p.m. thru 8:00 p.m. Friday thru Sunday. Something new over there; the whale slide gave out and we ended up getting the new dolphin slide. There is a naming contest that you can go to the Maca Pool Facebook page and do that. That will be announced on May 27th.

Street Paving: Pavement marking starts May 16th and this work will begin in the evening hours from 7:00 p.m. to 3:00 a.m. weather permitting. The contractor is American Roadway Logistics and keep in mind that it is illegal to drive through fresh pavement marking. That is in the Ohio Revised Code.

Concrete Maintenance: Concrete Maintenance and Repair is scheduled to start May 23rd. Stable Asphalt and Concrete is the contractor for that.

Asphalt Paving Program Is scheduled to start on May 31st. Cardinal Asphalt is the contractor for that.

The **milling and paving of the East Avenue/Washburn Road intersection** is scheduled to start on May 16th. Expect delays. The traffic light will be out and there will be flaggers out there. This will be a grueling two to three days. Just avoid it if you can. Once that is done, it should be wide open.

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Dir. of Pub. Service (Cont'd.) Another thing was the **hydrant flushing**. This has to be a record. We completed the whole City in 9 days, and we only had one hydrant out of place or out of service and keep in mind why we do it is because it is good for the Fire Department across the City and then it is also good to exercise every one of those hydrants to make sure they are working. That's the end of my report.

Mrs. Kilway: I am hearing that there is an age restriction on the swim lessons because there aren't enough Lifeguards. Is that there aren't enough Lifeguards that are certified to teach?

Dir. of Pub. Service: Correct. So, there are not enough Lifeguards that are qualified to teach swim lessons this year. Yeah. we are thankful we got every position filled and so next year with these younger Lifeguards hopefully they become certified to teach.

d. Director of Economic Development: The Mayor reported the Economic Development status.

e. Director of Finance: Thank you. You should have received your April Financial Reports. I don't have anything additional to share, but I will be glad to answer any questions.

Mr. Sisak: Has the City seen any kind of negative impact with the price of gas or . . .

Dir. of Finance: Currently we are not having any issues, but I do anticipate as the year progresses that we will, especially with the price of diesel increasing and the significant amount of diesel we use. I am watching it and I am watching the Vehicle Maintenance accounts knowing that that can become an issue and I will let Council know as we see that.

f. Director of Law: Thank you. I just wanted to thank the Police Department and the Service Department who helps us with the Drug Take Back Program. We did have that on April 30th and we took back 144 pounds of drugs and over 65 pounds of trash and so it was a very good opportunity for people to get rid of things and so we appreciate everybody coming out. Again, I will remind people that we do have the dump box located in the lobby of the Police Department and so if you missed it, you are welcome to dispose of their items anytime. End of report.

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

a. Planning and Zoning

Carol Kilway, Chair

Rebecca Allman, Vice Chair

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

i. Second Readings of Ordinances and Resolutions

A. Ord. 2022-49 – Amended – P&Z Rec. approval 5-0 – Approving and granting a conditional zoning certificate to applicant Nelson Rivera/Iglesia Pentecostal Todavia La Puerta Esta Abierta on behalf of property owner Yajnik Properties, LLC for a religious place of worship located at 23 Erie Road, consisting of 2,592 square feet, being a portion of Parcel 6007037.

Sponsor: Carol Kilway

Mrs. Kilway: Thank you. Today we have in front of us Ord. 2022-49 which is amended and approved by Planning & Zoning. Ord. 2022-49 was read into the record. So, the application did pass 5-0 based on the evidence presented. So, at this point we need to amend it.

Mayor: The applicant is here, and he sat through the whole Council meeting. If you have any questions for them. They knew they did not have to speak tonight because you will just be accepting the amendment. So, you know where this is located, it is at the opposite end of Subway. You have Subway to the south and this new church is directly to the north.

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Mrs. Kilway: Do I have a motion to amend?

Mr. Sisak: So, moved. Seconded Mrs. Allman. Roll Call: Mr. Sisak, Mrs. Allman, Mr. Bozic, Mrs. Gutman, Mrs. Kilway – unanimous. **Ord. 2022-49 is amended by a vote of 5-0.**

ii. **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.

Mr. Sisak: I will go ahead and open the Finance Committee. We do not have any legislation at this time. Is there anything that needs to come before Finance this evening? Hearing none, I will go ahead, and close committee and I will recognize Mr. Bozic in the Personnel Committee.

i. **Additional Items:** None.

c. Personnel

Jonathon Bollas, Chair

Adam Bozic, Vice Chair

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

i. Second Readings of Ordinances and Resolutions

A. Ord. 2022-50 – Tracked – Amended – P.H. on 5-26-22 – Establishing the number of non-collective bargaining employees by department and position pursuant to R.C. 731.08 and providing for immediate enactment.

Sponsor: Mayor Kline

Mr. Bozic: I call the Personnel Committee to order. We have Ord. 2022-50 before us this evening. The ordinance was read into the record. I would like to open this up for any input from Council or the Administration.

Mayor: Civil Service did meet on this last week, and they made their recommendation to accept the amendments that were requested. For the record, I have the ordinance up there. Council will have the public hearing on May 26th. The Director of Public Safety; we are just removing the PT and so I had asked for a full-time Safety Director. The Administrative Assistant in the Police Department is classified, and we are moving that to unclassified. The current Administrative Clerk will remain classified until she retires which is coming up within the next month and also the Public Records Part-time Clerk will go from classified to unclassified and Civil Service agreed on all of those. That's it.

Mr. Bozic: Any other input? Hearing none, we will carry this over to 3rd Reading.

Mr. Sisak: We need to amend it I believe.

Dir. of Law: Mr. Bozic, I know that you are the Vice Chair, but given that you have a conflict of interest on this one, if you want to hand over the chairing of it to one of your fellow Councilpersons who might offer to volunteer.

Mr. Sisak: I will do it. So, we have Ord. 2022-50, and it is amended and tracked and the Mayor just stated that Civil Service made some recommendations and so we need a motion to amend Ord. 2022-50.

Mrs. Kilway: I do move for the amendment of Ord. 2022-50. Seconded Mrs. Allman. Roll Call: Mrs. Allman - yes, Mrs. Gutman - yes, Mrs. Kilway - yes, Mr. Sisak - yes, Mr. Bozic – abstain. **Ord. 2022-50 has been amended by a vote of 4-0 with one abstention.**

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Mr. Bozic: Is there anything further for the Personnel Committee? Hearing none, I will close committee.

ii. **Additional Items:** None.

d. **Community Issues**

Mary Gutman, Chair

Carol Kilway, Vice Chair

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

Mrs. Gutman: I call the Community Issues Committee to order. We have no legislation before us tonight. Is there any input from the Administration or Council? I will just say that the Mayor and Mr. Rorar really did a good job of covering all of the community things that are happening, but I would also like to highlight that the Community Garden registrations are open and you can start gardening May 27th and it is a really cool place if you haven't checked it out. It is a great community feel when other gardeners are there and also great growing conditions. Hearing nothing else, I will close committee.

i. **Additional Items:**

e. **Safety**

Adam Bozic, Chair

Craig Sisak, Vice Chair

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

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

- A. **Ord. 2022-48** – Authorizing the Mayor to enter into a Mutual Aid Agreement with Summit County and the Summit County Sheriff for the Tallmadge Police Department participation in the County of Summit Sheriff's Office Special Weapons and Tactics Team and providing for immediate enactment.

Sponsor: Mayor Kline

Mr. Bozic: I will call the Safety Committee to order. We have Ord. 2022-48 before us this evening. The ordinance was read into the record. I would like to turn it over for discussion.

Mayor: This is at 2nd Reading, and it can go to 3rd Reading. This just authorizes us to enter into that contract for the SWAT Team with Summit County.

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

- A. **Ord. 2022-53** – Opting out of H.B. 172 and reaffirming the right of the City of Tallmadge to regulate and prohibit the possession, discharge, ignition and exploding of fireworks as set forth in Tallmadge Codified Ordinances Chapter 1519 and declaring an emergency.

Sponsor: Mayor Kline

Mr. Bozic: Next we have Ord. 2022-53. The ordinance was read into the record.

Mayor: After a lot of debate internally and with surrounding communities we are electing to maintain our current ordinance that is on the books. H.B. 172 allows us to do that internally and so we are just still putting a ban on fireworks in the City of Tallmadge.

Mrs. Kilway: I just want to say that I want to thank the Administration for bringing this ordinance forward. There is a huge safety issue with fireworks, and I know people who have gotten seriously hurt and lost their eyesight from fireworks. If we can deter people from doing it in their back yards, we could probably save some lives. I'm all for this.

Mr. Sisak: Yeah, I just wondered why and how and all of that.

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Dir. of Law: So, the legislature passed H.B. 172 which broadened the sale of fireworks and different things and created different laws with that and also allowed municipalities to choose to either go along with that ordinance which allows various different holidays for the discharge of consumer grade fireworks or opt out and so we looked at what other municipalities are doing and many of them are opting out and it does require some action of Council and that is why we are bringing it to you is that otherwise it will default to the new Ohio Revised Code which has provisions for a long list of holidays and no restriction on time of discharge on those days. So, again, we are exercising our Police authority and in talking with the Fire Chief and the Police Chief, the concern is that it actually becomes a little bit more challenging to regulate because if you get a call, typically what our Police do is warn people and they are not citing people very frequently; they are giving people a chance to comply.

On the Fire Chief's side the concern is that we do have a lot of homes in our community that are in close proximity and there is no provision in the ORC that allows for space requirements and so we can't add that in, we can only add the ability to opt in or out and so because of a concern of the neighborhoods and houses that are close, there is a safety concern there in addition to the fact that that is a huge cause of blindness in children. So, there is a concern there from both of the Chiefs.

Mr. Bozic: If there is no other discussion, I will close committee.

iii. **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.

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

- A. **Ord. 2022-52 – Exhibit A** – An ordinance to approve, adopt and enact the March 2022 replacement pages to the codified ordinances; to repeal ordinances in conflict therewith, to publish the enactment of new matter; and providing for immediate enactment.

Sponsor: Mayor Kline

Mrs. Allman: I call the Public Service Committee to order. We have Ord. 2022-52 before us at 1st Reading. The ordinance was read into the record.

Dir. of Law: Mrs. Allman, this is housekeeping, but I would just ask that you just hold this over. This is our annual codification update but give it a 2nd Reading and I always prefer it to have three readings before it would be adopted.

Mrs. Allman: OK. Thank you. Is there anything else for the Public Service Committee? Hearing none, I will close committee.

ii. **Additional Items:** None.

11. **Reports of Special Committees:**

a. **Council Operations Committee**

Mr. Sisak: There is no report from the Council Operations Committee.

i. **Additional Items:** None.

12. **Announcements:**

Mr. Sisak: I have two things real quick. This is Police Memorial Week and so thank you to the law enforcement individuals who protect us and keep us safe and those who made the ultimate sacrifice.

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

May 12, 2022

Mr. Sisak (Cont'd.) The last announcement we would like to acknowledge the passing of Jerry Feeman who served on City Council, County Council and was a member of our community for a long time and he was President of Council from 2000-2006 and then At-Large from 2006-2008 when he stepped down. Our best to his family and prayers and condolences to them.

13. **Adjournment:** Mrs. Kilway moved to adjourn. Seconded Mrs. Allman. Roll Call: Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Sisak, Mrs. Allman – unanimous. **The Council meeting of 5-12-22 adjourned at 9:03 p.m.**

sb

Adopted:

Susan E. Burton, Clerk of Council

Craig B. Sisak, Vice- President of Council