

REGULAR MEETING

in Council Chambers @ 7:30 p.m.

May 23,

19

1. **CALL TO ORDER.** President of Council Kilway called the Regular Council meeting of Thursday, May 23, 2019 to order at 7:31 p.m.
2. **PRAYER:** Rev. Kyle Walsh, Bethel Church AG, Youth Pastor, 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 Finance Gilbride, Dir. of Law Raber and Clerk of Council Burton.
4. **MINUTES:** 5-9-19 Regular Meeting minutes.
Mr. Donovan moved to adopt the Regular Council meeting minutes of 5-9-19. Seconded Mr. Sisak. Voice vote 7-0. **The 5-9-19 Regular Council Meeting minutes were adopted by a vote of 7-0.**
5. **FINANCIAL REPORTS:** None.
6. **PUBLIC HEARINGS:** None.
7. **COMMUNITY INPUT:**
Pres. of Council: Is there anyone here for community input at this time? No one responded.
8. **ANNOUNCEMENTS:** The only announcement that I would have is to remind everyone about the Memorial Day parade and we will be walking in the parade with the rest of the administration. So please be at Our Lady of Victory Church before 10:00 a.m. on Memorial Day.
9. **REPORTS OF SPECIAL COMMITTEES:** None.
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 madame chair. **Zoning Code updates** are going along OK. It is a lot of work and a lot of effort put in by a lot of people for the Zoning Code update. There will be a joint meeting between Council and Zoning coming up towards the end of the month. It is the 26th. **Maca Pool** opens tomorrow, so nice job to the staff out there in getting the pool ready. We were experiencing some water loss at the beginning when we opened it up; we actually lost 12 inches of water over a 4-day weekend, but it is holding steady right now and so we will keep an eye on that. It is not showing anywhere, so it is going somewhere. Hopefully it has plugged itself up. Next Thursday at **Tallmadge High School; they are playing Cleveland Benedictine at 2:00 p.m. up in Hudson.** I plan to make it there. Good luck to the Tallmadge Blue Devils.
Wednesday, June 5th at the Community Center is the Employee Appreciation Awards Banquet. So, if you have not put your name in to Sue; please do that and then Karen will get the update from her. That is coming up.
As the President has stated, this weekend is the **Memorial Day weekend.** It is a very busy weekend. The committee has done a great job scheduling things. Saturday, May 25th from 6:00-8:30 p.m. is a **concert up at the high school.** That is Lady Liberty; it is a musical. It is a trio and they are doing a lot of stuff there and it is followed by an ice cream social. Sunday from noon-4:00 p.m. in the Circle; **there is an encampment in the Circle from the Civil War times; the 82nd and 29th Ohio Volunteer Infantry** is doing what they would do in a camp during the civil war. Then on Monday at 8:00 a.m. is the **pancake breakfast** and if you want to do the **5K run** before that; I'm not running, but . . .
Clara Barton is on Sunday and she will be there in the Circle from noon to 4:00 p.m. Then the parade starts off at 10:00 a.m. and Frank Chaff is doing an excellent job putting this **little program together in the cemetery** and so our little introduction; our speech will be very short, but he has Civil War people that are identifying who is buried in our Tallmadge Cemetery; our own monument at the Circle. End of report.
Dir. of Pub. Service: I have no report this evening, but I would like to request that Item 17, Ord. 52-2019 is passed at 1st Reading.
Dir. of Administration: Good evening everyone. I just have quickly to report that the IFF negotiations; we had scheduled fact finding as we have previously reported, and it remains on the 3rd of June. We have, however, made with the FOP, some progress through mediation and so we have . . . we are rescheduling our previously scheduled fact finding for some time in the future so we can continue to meet and make additional progress. End of report. Thank you.
Mr. Loughry: Maybe things are different, but traditionally, if my memory serves me correctly, it doesn't matter when the unions settle with us because we make their pay retro back to the end of the contract; is that correct? So, there is no sense of urgency. This could take 6 months, 7 months, 8 months, 9 months and then they will get paid going back to January 1st.
Dir. of Administration: Well, two things; one is historically I believe you are correct that the City has always granted retroactivity during negotiations, but that is a negotiated item and so it could be withheld or modified, but in this case with the IFF that has not been settled and with the FOP it has. They will be getting retroactive pay to the beginning of the year and so yes, that does take off some time pressure.
Mr. Loughry: Again, I just wanted to make sure that we are all on the same page. I would rather have a good contract for both sides than one that they rushed into over I guess, a gun pointed at them, so to speak, but at the same time . . . because we only have about 15 full-timers right; firefighters?

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Dir. of Administration: Yeah, that is about correct. Yes, full-time firefighters; yes.

Mr. Loughry: Again, and I don't know all the intricacies, but it seems like it is a long time to negotiate with 15 employees but that is just me; that's just me. Thank you.

Mr. Sisak: I have a question along the same lines; are we still doing all of the negotiations ourselves or . . . I remember there was an outside counsel that I think we did talk to or we considered.

Dir. of Administration: Because we are negotiating a number of contracts simultaneously, we needed help and with the IFF; the Mayor and I are the City's negotiation team. With the FOP we do have an outside counsel helping with that negotiation.

Mr. Sisak: That has been from the beginning then; this outside counsel?

Dir. of Administration: Correct; with the FOP yes.

Mr. Sisak: OK, alright.

Mr. Loughry: I just would like to say; don't read anything into that, but when, just like I'm sure Dave gets asked all the time; when you are a Council person and especially when you are out in the community we get asked often. We get asked all kinds of things, but we do get asked about the status of the contracts. That's all.

Mr. Sisak: Did we have a budget for that outside counsel?

Mayor: We are eating into it quite a bit. We have contractual services that we do have in our contract, but it is getting . . . we are using it up.

Dir. of Administration: So, we didn't budget for that specifically . . .

Mr. Sisak: We didn't?

Dir. of Administration: We did not.

Mr. Sisak: OK.

Dir. of Administration: Because we intended actually to start negotiations last year and that just didn't work out. We didn't start until this year.

Mr. Sisak: So, we are going to be getting re-appropriations possibly?

Dir. of Administration: Possibly.

Mayor: It's possible.

Mr. Sisak: If I remember right, I think you guys have the ability to spend up to \$50,000 without our approval? I think that was legislation a couple of years ago.

Mayor: Not for . . .

Dir. of Finance: That doesn't include legal services.

Mr. Sisak: So, I guess what is it; year to date?

Mayor: We can't answer that.

Mr. Sisak: Is that something you can get us then? Thanks.

Mayor: Keep in mind just so you understand, I have never, since I have been Mayor, negotiated a contract that went over a calendar year.

Mr. Sisak: That's fine.

Mayor: So, this is new territory for us.

Mr. Sisak: I just know what lawyers charge and I'm sure it is not cheap, and we are almost six months into it and so I just want to be sensitive to how much we are actually spending.

Mayor: So, do we.

Dir. of Administration: So, I just want to clarify; what information can we provide for you?

Mr. Sisak: How much money we have spent on legal . . .

Dir. of Administration: For outside counsel?

Mr. Sisak: Yes, for negotiations.

Dir. of Administration: OK. Thank you.

Pres. of Council: Rita is not here today; is there anything for Economic Development?

Mayor: No, I gave you the update on the Zoning Code that she is working on directly and scheduling all of the meetings.

Dir. of Finance: Thank you. I have nothing to report at this time, but I would request adoption of Ord. 51-2019 at 1st Reading please.

Dir. of Law: Thank you. No report this evening.

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| 12. | Ordinance 46-2019
FINANCE | At 2nd Reading.
Reducing appropriations in the K-9 Unit Donation Fund #792 and providing for immediate enactment. |
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- Mr. Sisak moved for the adoption of Ord. 46-2019. Seconded Mr. Donovan. Roll Call: Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano – unanimous. **Ord. 46-2019 is adopted by a vote of 7-0.**

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- 13. Ordinance 47-2019
PLANNING & ZONING **At 2nd Reading.**
Authorizing the Mayor to enter into a Use Agreement of 35 Southwest Avenue with the American Legion Kneil-Lawrentz Post 255 and providing for immediate enactment.

Mr. Donovan moved for the adoption of Ord. 47-2019. Seconded Mr. Sisak.

Mr. Loughry: I just would like the administration just to verify that they are happy with the wording of this ordinance because there was some brief discussion on maybe some possible amendments. Are you happy with it the way it is?

Mayor: I'm happy with it the way it is.

Mr. Loughry: I'm fine.

Roll Call: Mrs. Kilway, Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan – unanimous. **Ord. 47-2019 is adopted by a vote of 7-0.**

- 14. Ordinance 48-2019
COMMUNITY ISSUES/SAFETY **At 2nd Reading.**
Exhibit A
Authorizing the approval and adoption of the Summit County Hazard Mitigation Plan and providing for immediate enactment.

Mr. Carano moved for the adoption of Ord. 48-2019. Seconded Ms. Tricaso. Roll Call: Mr. Loughry, Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway – unanimous. **Ord. 48-2019 is adopted by a vote of 7-0.**

- 15. Ordinance 50-2019
PERSONNEL **At 2nd Reading.**
P.H. ON 6-13-19 @ 7:33 P.M. **Tracked**
Amending and supplementing Ord. 28-2012 authorizing and directing the Tallmadge Civil Service Commission to adopt rules and regulations that differ from those provided by general law as set forth in Ohio House Bill 153.

Pres. of Council: **Ord. 50-2019 is at 2nd Reading and will remain before the Personnel Committee and there will be a public hearing on 6-13-19 @ 7:33 p.m.**

- 16. Ordinance 51-2019
FINANCE **At 1st Reading.**
Transferring appropriations and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 51-2019. Seconded Mr. Donovan.

Dir. of Finance: Just to explain to Council, we have been having discussions about purchasing a new bus at the Rec Center. Last year, through the budget process and after further exploration and what is kind of available out there, we have determined that we think it would be a better choice this year to go ahead and enter into a contract with Peterman and then they will be responsible for providing the bus and the bus driver for our summer camp.

We will further investigate the remainder of the year what we want to do for next year, but right now, based on the availability of what is out there and what we can afford and what we need, this seems to be a better option right now and so we are just going to transfer some of the money that was down in the capital portion of the budget for the purchase of the bus up into the operating expenses to pay the contract with Peterman.

Mr. Sisak: What is the contracted rate for the summer? Is it three months or six months?

Dir. of Finance: It would be the months of the camp so June through August.

Mr. Sisak: It says \$10,000.

Dir. of Finance: Yes, we are going to move \$10,000 from Capital to Operating to cover the cost. The contracted rate for that is \$50 per hour for the rental and the driver. So, we use a bus driver about six hours a day.

Mr. Sisak: So then with the programming at the Rec Center . . . is that something that we are going to kind of eat this cost because \$50 is probably more than what we pay a bus driver owning our own bus?

Dir. of Finance: Actually Jessica did the cost difference and it is only about a \$2,800 cost difference from what we would have actually paid to employ somebody and pay them to drive the bus and that didn't really factor in any maintenance that we would have to do on the bus throughout the summer. I mean last summer the bus was breaking down and we had to put some major repairs into it and so that \$2,800 additional really is about the equivalent and then we don't have repairs and maintenance. We don't have to worry about down time because our bus breaks down and figuring out where to get a bus and those kinds of items.

Mr. Sisak: So, this year the summer program potentially is not going to make money?

Dir. of Finance: Well, no, the cost of us doing . . . it would almost be the same cost as if we employed the bus driver. So, we won't employ bus drivers and pay them as staff. So, she had estimated that between gas and drivers, we already spend about \$12,000 a year on salaries and gas for the bus.

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Mr. Sisak: For the summer or for the year?

Dir. of Finance: For the summer. That is just for the summer.

Mr. Sisak: OK, just for three months.

Dir. of Finance: Correct. For the 10 weeks that we run the camp program. So really, this year we are going to . . . it will be about break-even. It will just depend on how much maintenance the bus . . . but if you consider that they would need gas and the employees that would drive the bus that we would employ ourselves, it is really about break-even.

Mr. Sisak: So, the next question is; are we getting rid of our bus? Then did we drop the insurance since we are not using it?

Dir. of Pub. Service: No, not yet. We are going to apply for a diesel grant and so we can't get rid of the bus just yet and we will probably keep it for about a year just through that grant process and see if we score a grant on it.

Mr. Sisak: OK.

Dir. of Pub. Service: The problem with the bus is they need a 52-seater with a handicapped access on it and that is a real odd bus to find. They are out there, but they are just a little costly.

Mr. Sisak: Alright. Thank you.

Roll Call: Mr. Sisak, Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry – unanimous. **Ord. 51-2019 is adopted at 1st Reading by a vote of 7-0.**

17. Ordinance 52-2019
FINANCE

At 1st Reading.

Amending Ord. 1-2019 authorizing the Mayor to enter into an agreement with the County of Summit for pavement maintenance and providing for immediate enactment.

Mr. Sisak moved for the adoption of Ord. 52-2019. Seconded Mr. Donovan.

Dir. of Pub. Service: The reason for the increase is back in January when we did the first ordinance; we just had to give the County some number amount that we were willing to meet and we budgeted \$518,000 and then the parks also budgeted for the paving of their parking lots and so we are up to about \$643,000 that we had for paving this year. We just had to give the County back in January a number and there again; we didn't know what the bids were coming in at and so we felt pretty safe at doing \$400,000 and the bid now to get the parking lot done and the roads done and picking up an alternate is at that \$595,000 number.

Roll Call: Ms. Tricaso, Mrs. Allman, Mr. Carano, Mr. Donovan, Mrs. Kilway, Mr. Loughry, Mr. Sisak – unanimous. **Ord. 52-2019 is adopted by a vote of 7-0.**

18. Ordinance 53-2019
FINANCE

At 1st Reading.

Amending Chapter 182, Income Tax of the Tallmadge Codified Ordinances Sections 182.01, 182.03, and 182.04(A) to increase the income tax rate from two percent (2%) to two and one-quarter percent (2.25%) commencing January 1, 2020, to continue until such time as the electors vote to amend said rate with the additional one-quarter percent (.25%) being used for the purpose of funding Fire/EMS and Police Protection and related safety services and providing for immediate enactment.

Pres. of Council: **Ord. 53-2019 is at 1st Reading and is assigned to the Finance Committee.**

19. Resolution 14-2019
FINANCE

At 1st Reading.

Declaring the necessity of an election on the question of approving the passage of an ordinance to amend Chapter 182, Income Tax, of the Codified Ordinances Sections 182.01, 182.03, and 182.04(A) to increase the income tax rate from two percent (2%) to two and one-quarter percent (2.25%), commencing January 1, 2020, to continue until such time as the electors vote to amend said rate with the additional one-quarter percent (.25%) being used for the purpose of funding Fire/EMS and Police protection and related safety services and providing for immediate enactment.

Pres. of Council: **Res. 14-2019 is at 1st Reading and is assigned to the Finance Committee.**

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- 20. ADDITIONAL ITEMS:** None.
21. ADJOURNMENT: Mr. Donovan moved to adjourn. Seconded Mrs. Allman. Voice vote 7-0.
The Regular Council meeting of 5-23-19 adjourned at 7:56 p.m.

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Adopted:

Susan E. Burton, Clerk of Council

Carol A. Kilway, President of Council