

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

June 9, 2022

1. **CALL TO ORDER.** President of Council Loughry called the Council meeting of Thursday, June 9, 2022, to order at 7:00 p.m.
2. **Opening Prayer & Pledge of Allegiance:**
Prayer: Rev. Phil Anderson, Bethel Church of Tallmadge.
Pledge of Allegiance: Zoie Byler, 7th Grader at Tallmadge Middle School.
3. **Roll Call:** Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak – present.
4. **Correcting and Adopting the Previous Meeting Minutes:**
5-26-22 Council Meeting Minutes. Mr. Sisak moved for the adoption of the 5-26-22 Council meeting minutes. Seconded Mrs. Kilway. Roll Call: Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman – unanimous. **The 5-26-22 Council meeting minutes were adopted by a vote of 7-0.**
5. **Financial Reports:**
 - **Fire & EMS Fund Transfer** in the amount of \$130,000, and **Street Maintenance & Repair Fund Transfer** in the amount of \$100,000 to Council on 5-31-22.
 - **Appropriation Report, Fund Report and Revenue Report** for the period ending 5-31-22 to Council on 6-03-22.
 - **May Financial Reports** to Council on 6-03-22.
 - **Tallmadge Recreation Center Profit and Loss Report** for the period ending 5-31-22 to Council on 6-03-22.
 - **Income Tax Comparisons** for the period ending 5-31-22 to Council on 6-03-22.
 - **Consolidated Investment Portfolio** for the period ending 5-31-22 to Council on 6-03-22.
 - **YTD Income Tax by Source** for the period ending 5-31-22 to Council on 6-03-22.
 - **Revenue Comparisons for Major Funds** for the period ending 5-31-22 to Council on 6-03-22.
6. **Public Hearings:** None.
7. **Community Input:**
Pres. of Council: This is the point in the meeting that if anyone in the audience would like to speak to Council on something that is not on our agenda this evening, you can do so at this time. Is there anyone that would like to do that? Seeing none, we will move to Item 8.
8. **Agenda Additions:** This is the first meeting of the month, and this is when we recognize a citizen in the City and this is Mrs. Kilway's month.
 - **Certificate of Appreciation** - Edward Siciliano - Presented by Carol Kilway.
Mrs. Kilway: Thank you very much. Today I am going to honor a long-time Tallmadge resident and without this person's guidance and support, I definitely would not be here doing what I am doing today. He is Ed Siciliano, and he is my father. Dad married mom in 1963 and soon after they built their first home in Tallmadge where they had decided to raise their family. He is the youngest of 10 children to Augustino and Camella Siciliano and is a first-generation U.S. Citizen. He has been married to my mom for almost 59 years and they have 4 children and 11 grandchildren, and you will probably see him driving around town this summer in his 1957 Plymouth Fury. In 1966 he decided to start his own machine shop and so he started Custom Mold and Machine with one of his other brothers. Custom Mold and Machine manufactures molds for the rubber industry, and they were in Kent for 18 years. They successfully grew the business to the point where they could split it between the two families, and he brought his portion of the business and the corporation to Tallmadge in 1984 and named it Circle Mold and Machine and has been in

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Mrs. Kilway (Cont'd.) Tallmadge since 1984. The business has grown and expanded several times, and each expansion and addition has been done by a Tallmadge builder. He has trained and employed hundreds and thousands of machinists over the years and even while struggling with the challenges of a health crisis, he has always remembered to give back to his community. He has been a member of Our Lady of Victory Church for 59 years, the Knights of Columbus and he was a past Eucharistic Minister and when my mom was a PSR teacher and some of us were PSR Aides and some of us were going to PSR, he was the hall monitor and he made sure that we all stayed in our classrooms and so he helped out with the PSR classes as well. He helped with the construction of the museum of the Tallmadge Historical Society and has been a member of the Chamber of Commerce for more years that I can imagine, and he has consistently contributed to many events especially the Circle Fest. He has been a constant financial benefactor for the Tallmadge Little League, Tallmadge Youth Football, Tallmadge High School Football Team, the Tallmadge Athletic Boosters, the Tallmadge Fire Department and the Tallmadge Police Department and he was also a major contributor for the Tallmadge Recreation Center. He is a founding trustee and still a trustee for the Tallmadge Foundation. So, I am very proud to give this Certificate of Appreciation to you dad. Thank you for all that you have done.

9. Reports of Administrative Officers:

- a. **Mayor/Director of Safety:** I have a pretty lengthy list.
- Let's start off with last Sunday there was a **car versus pole on West Avenue**. A vehicle traveling from the Circle hit a telephone pole right in front of Kill Joys Tattoo Parlor across from A&W and sheered the pole off. Edison really did a great job getting power back on for the residents. The entire pole had to be replaced the next morning, so hats off to Ohio Edison and the safety forces working on that.
 - Some of you may have heard or saw that there was a **fire on West Avenue**. It was right behind the Man Cave. There was a residential structure and it started on the 2nd floor, and it is still unknown what caused the fire, but there was a resident living on the 1st floor, and he was notified. The upstairs tenant did show up after the fact and it was called in from across the street from the Mexican restaurant. They saw flames coming out of a window and the fire department got there extremely fast and were able to control it and put it out and so hats off to the safety forces for doing a fantastic job. There was no damage to the Man Cave.
 - Also on Wednesday, **Civil Service certified the Lieutenant's test**. There were 7 applicants who took the test. All 7 passed and now they are at the state of interviews and those interviews will be conducted in the next couple weeks. There are 6 positions open and all 7 did pass.
 - The **fire station** as you can see, the entire main roof structure is completed. The only thing that is not is the tower in the back. They will be working on that. The main structure roof is watertight, and the shingles are all done. The inside business area: the plumber finished his testing today and should have the final for the rough-in so they can go ahead and start drywalling the business side. All of these panels right here are the floor system for the heating in the garage bay area. They put the heating system pipes throughout those panels and then they will pour the concrete floor over it.
 - The **concrete on Tallmadge Circle**, you can see that being done. The main stamped concrete was completed today, and they still have to put the glazing on top of it and then they have to do some new concrete connection between the new concrete and the old sidewalk and that will be temporary until the next phase happens, but the Service Department has done an excellent job getting that done. There will be a lot of landscaping meaning backfill of the concrete.

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Mayor (Cont'd.) Maca Pool is going along extremely well. Unfortunately, all the pools in the surrounding areas have closed which makes Maca Pool very desirable and we did have to close off daily registrations over the last weekend because we hit maximum capacity.

- On the economic development side, **Dr. David Dawson, the Family Eye Care** was approved on Metric Drive right next to Dr. Sisco. So, they are going to move their eye care business from the plaza on East Avenue, the Carol Martin Plaza; he is moving his new business over there and so now we will get constructions drawings for that and so we are excited to see another business moving in the Metric Drive area.
- **Aldi's broke ground last week out in the JEDD.** That is right beside Just Cricket and the driveway going back into the Maplecrest Development. There is a Lube Shop on the other side of the car wash. They are laying out the footprint.
- Last week you saw in the paper that the **TIFF going into the Maplecrest Drive**, which is strictly through Portage County Development offering the TIFF and it has nothing to do with the City of Tallmadge. Martin Wheel will be building their new facility back on the back 9 if you are familiar with Maplecrest Golf Course. I am meeting with Brimfield quite often on the development out there and so things are moving along very well.
- The **Zoning Code** that Helene has in the "k" drive and so you are welcome to go into the "k" drive. It has been cleaned up and so if you need to find anything on the "k" drive it was cleaned up to remove the R-6 Zoning and the titles are also on there.
- I would ask for the **adoption of 2022-53.** That is the fireworks legislation. Before I close my report, I would like to wish Chief Passarelli and Patti a happy 49th anniversary today and they wanted to spend it with Tallmadge City Council. End of report.

Mr. Sisak: I have one question about the TIFF for Martin Wheel. Is that what you referenced?

Mayor: Yes, that is in the Maplecrest Golf Course and so Martin Wheel is moving from Northeast Avenue back into the back.

Mr. Sisak: Is there any interaction with the JEDD?

Mayor: Well, yes that is the JEDD.

Dir. of Finance: The TIFF is on the property taxes and so we don't get any of the property taxes.

Mayor: We are strictly income tax.

b. Director of Administration: Good evening, everyone. I will just say I have no report this evening, but I would be happy to answer any questions.

c. Director of Public Service: Mike was not present, but the Mayor gave his report.

d. Director of Economic Development: The Mayor also gave the economic development report.

e. Director of Finance: Good evening. I have submitted my monthly financial reports and if anybody has any questions on those I will be glad to answer them, but I did want to report that I did receive . . . annually RITA does a reconciliation of the costs of collections and rebates us money and I was really happy to see the numbers this year and to report to Council that the cost of collections for income tax for the City of Tallmadge income tax was just 1.26% of total collections and then actually the cost of collections in the JEDD was .96% and so I am real pleased with the efficiencies that we are able to gain. I know that not everybody likes RITA and I know people aren't happy when they call them and tell them that they have money due, but they really do offer a service to our residents allowing for on-line filing and all of the services that are our residents can use through RITA that we

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Dir. of Finance (Cont'd.) would not be able to offer especially at that kind of cost of collection rate. So, if anybody has any further questions, I will be glad to answer them.

Pres. of Council: I would just ask because we are halfway through the year and I know we can look and study the individual reports, but overall, do you think things are where you thought they would be?

Dir. of Finance: I feel like we are a little bit in a better place than I expected us to be with income tax, but I am starting to see some slowdowns. There were some large, as I explained in my reports, some large payments that I wasn't anticipating that we would get in the withholding category, but I do see that our net profit this year is behind, but I did anticipate most of that so I think overall, I think we are in a little better shape income tax-wise than I was anticipating. I need to be cautiously optimistic.

f. **Director of Law:** Thank you. I have no report this evening.

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

a. Planning and Zoning

Carol Kilway, Chair

Rebecca Allman, Vice Chair

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

i. Second Readings of Ordinances and Resolutions

A. Ord. 2022-54 – Amended - P&Z Rec. approval 3-0 - Approving and granting a conditional zoning certificate to applicant, Individual Outcomes LLC, on behalf of owner, SNP Management LLC, for an adult day care/vocational habilitation facility that serves individuals with developmental disabilities at 143 Northwest Avenue.

Sponsor: Councilperson Carol Kilway.

Mrs. Kilway: I will call the Planning & Zoning Committee to order. We have Ord. 2022-54 and it is at 2nd Reading. We did amend it at the last meeting. The ordinance was read into the record. I misspoke. We did not amend this at the last meeting. We do have the recommendation of Planning & Zoning and it is going to be a great use of the facility. Does anyone have any other additional conversation on this?

Mayor: Just that Planning & Zoning did approve it. There were 3 members present. They approved it 3-0.

Mrs. Kilway: We do need a motion to amend and accept P&Z's recommendations.

Mr. Loughry: So moved. Seconded Mr. Sisak. Roll Call: Mrs. Gutman, Mrs. Kilway, Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic – unanimous. **Ord. 2022-54 is amended by a vote of 7-0.**

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 would like to call the Finance Committee to order. We currently do not have any legislation before us at this time. Does anyone have anything for the Finance Committee? I just have one question. I think there is only one other similar organization in Northeast Ohio that collects income tax like RITA does. Is it central?

Dir. of Finance: Yes, it is a central collection agency. It goes by CCA. It is actually run out of the City of Cleveland and so it's in the City of Cleveland.

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Mr. Sisak: So, there are really two people in the business. I think RITA does an exceptional job compared to the other from what I have heard. Anything else to come before Finance at this time? Hearing none, I close 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.

Mr. Bollas: I call the Personnel Committee to order. We are all present this evening and we have no legislation this evening. Does anybody have anything before Personnel Committee? I just had one question for an update. Last meeting, we discussed an ordinance on the Dir. of Administration and the Safety Director. Is there any update on the filling of those positions as well as we had discussed the Economic Developer tasks being potentially absorbed into the Dir. of Administration for the year 2022 and then reassessed during the budget workshops and what is not going into 2023? Just looking for an update on that.

Mayor: There is no update at this time.

Mr. Bollas: Anything else before Personnel? Hearing none, I close committee.

i. **Additional Items:** None.

d. **Community Issues**

Mary Gutman, Chair
Carol Kilway, Vice Chair

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

Mrs. Gutman: I will call Community Issues to order. We have nothing before us tonight. Does anyone have anything for Community Issues?

Mr. Loughry: I have an update Mrs. Gutman. I was able to secure another golf cart for us to use at the Circle Fest. So, those of you with decorating skills can now plan to decorate two golf carts.

Mayor: Last weekend was the **Memorial Day Parade** and I thought it went extremely well. Hats off to the committee that put the parade together and the ceremony in the Circle. I thought it was very well done and very well attended. The Chamber Pancake Breakfast: I heard they served 331.

Mr. Bozic: I would like to comment on the fact that, and I did speak with Mr. Rorar about this, but I was at the parade and I did see that we had large plow trucks out at the spokes of the Circle so thank you for looking into that and addressing that and I think that was a great move to help protect the parade participants and things like that. I believe, in speaking of the ARPA Funds that Deputy Fire Chief Ben Stasik was going to be proposing something that would be in lieu of using the trucks, so I look forward to seeing that and just thank you for addressing that.

Mrs. Gutman: Thank you. Anything further? Hearing none, I will close committee.

i. **Additional Items:** None.

e. **Safety**

Adam Bozic, Chair
Craig Sisak, Vice Chair

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

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i. Third 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: I call the Safety Committee to order. We have one piece of legislation in front of us at 3rd Reading. That is Ord. 2022-53. The ordinance was read into the record. I will open this up for discussion.

Mayor: Mr. Chairman, as I stated in my Mayor's report, I am requesting the adoption of this ordinance. I think it is very good that we keep and maintain our ordinance that we have on the books for the safety and welfare of the residents of the City of Tallmadge. I really think that what we have is working well and we do have Dr. Cooper who is going to talk a little bit here tonight. Both Chiefs are both in favor of us adopting this ordinance and opting out of the House Bill and they are both here to answer any questions or to talk. Let me defer to Mr. Cooper.

Dir. of Administration: I just had a quick couple prepared remarks to convey. First, I have had questions about what does it mean; 1.4G fireworks, so I will just start with communicating that 1.4G is kind of a code for consumer grade fireworks. Consumer grade fireworks include things like firecrackers, bottle rockets, fountains, cones, and other things like that where you can go into a fireworks store and purchase and take home. They use 1.3G in the law, on State Law to describe commercial fireworks. So, 1.4G are consumer grade fireworks is what our ordinance is addressing.

Currently and for some decades, Tallmadge ordinances 1519 as was mentioned have prohibited the discharge of consumer fireworks in the City and State Law has prohibited the same in Ohio. As you are aware, the Ohio Legislature recently passed a law conditionally permitting Ohio residents to possess and discharge 1.4G fireworks under very strictly controlled circumstances with very significant restrictions starting July 1st of this year unless the local jurisdiction, in this case, the City of Tallmadge, decides otherwise.

In my opinion, which is shared by many jurisdictions and public safety professionals across the State, these numerous restrictions will be very difficult to meet by members of the public. Although I and no one in this Administration to whom I have spoken has anything against fireworks, we have an obligation to value public safety over entertainment which is why I fully support this proposed ordinance.

I was prepared to share with you the injury and death statistics related to fireworks especially after the start of the pandemic. I didn't want to seem overly dramatic or take too long this evening. I would like to mention that there was a significant increase in fireworks related injury, deaths and fires across the country including Ohio across the state secondary to an increase in the use of consumer fireworks in the public after many professional firework displays were cancelled in 2020 and 2021. I believe this provides some insight of what will likely be observed in Tallmadge without this ordinance that invokes home rule to protect our residents. This is one reason I support this legislation along with a long-serving Fire Chief and Chief of Police.

I would also like to, or I also could regale you with the litany of widely respected organizations even in the national organizations that recommend that all Americans leave the discharge of fireworks to the professionals at public displays, but a couple of these would include the Consumer Product Safety Commission, the National Fire Protection Association, the American Academy of Pediatrics and even the American Speech Language Hearing Association who report that at a close distance even one loud burst

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Dir. of Administration (Cont'd.) from a firework, including a firecracker, is enough to cause some permanent hearing loss and that is not to mention the impact on pets. If you have one, you know what I mean.

I will stop there, and I appreciate you listening, and I am happy to try to answer any questions you might have.

Mr. Sisak: Does our current ordinance in the City of Tallmadge; does it speak to the 1.3G firework or does it just speak to the 1.4G firework?

Dir. of Law: It has the exception built in for anyone who has the upper licensing to discharge through as a displayer.

Mr. Sisak: Sure. Of course. It would seem like that if you were an individual without a license, you couldn't set off either one.

Dir. of Law: Correct.

Mr. Sisak: I just wanted to make sure that we were covering the 1.3G. I don't want someone come and say that well, I have a 1.3 and not a 1.4 and so you didn't speak to this, but you spoke to this. Alright. Thank you.

Mr. Bozic: Again, if you can recap for us what falls under the 1.4G fireworks?

Dir. of Administration: OK, 1.4G are consumer grade fireworks and they would include firecrackers, bottle rockets . . . these are the four that are included in the general category, cones are one and things that flow out. Also, it is important to note that sparklers and poppers things that sparkle and do things like that are not categorized as fireworks in the State of Ohio. So, they are not included, so the poppers are the things that you throw on the ground and make noise, or sparklers, normal sparklers are not considered fireworks and are not covered by this legislation.

Mr. Bozic: OK. Thank you.

Chief Passarelli: I would like to speak to Council on this issue. I am a little passionate about it. I have been following this since its inception at the State. I've been in the presence of the Fire Marshall of the State of Ohio and his feelings on it. He doesn't support it. It is a problem for him, and it is a problem for enforcement. It is a problem for regulation. I will start with that.

Allowing use of consumer grade fireworks is unsafe. Bottom line: it is unsafe. A whole pile of statistics I have look at as Dr. Cooper has since its inception. There is nothing that is safe about having people that are not trained to set off fireworks to get into that business. Bodily parts injuries, head, eyes, arms, trunk, hands. The second highest is eye injuries in fireworks problems. 44% of them were burns. It doesn't take long to figure out that this is not a good idea. Nationally, the injury rate as Dr. Cooper pointed out went up from 2019 to 2020 almost 5,000 additional injuries. To not support this legislation and the continued ban of discharge of consumer grade fireworks would be irresponsible as far as I'm concerned. We should not put, and I am going to quote the Law Director because her comment in the last meeting we had, "entertainment in front of safety is not a good idea." That is all we are doing here. Questions?

Mr. Bozic: I do have a question for your Chief. Looking back at your number of incidents reports or calls that were placed within the City, how many EMS transports did we take as a City for . . .

Chief Passarelli: Fireworks related?

Mr. Bozic: Yes.

Chief Passarelli: It is not sortable data. I looked hard and long. Short of looking into every traumatic injury in our injury report, that is a section of it, I would have to read every narrative of it. Personally, I have been here in this town, and I have been on this department for a lot of years, and I have seen injuries. I can't tell you how many. We

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Chief Passarelli (Cont'd.) personally had a firefighter lose his eye to a bottle rocket a number of years ago back in 2008. That is a person that I know that impacted his family and his livelihood with a bottle rocket at a 4th of July party. Years and years ago in the City, we had a death of a commercial fireworks display. For a number of years, we would not allow commercial fireworks in the City during John Crossen's time due to a death at the East Drive-In. They are best left to the professionals that do this and even they can get injured. Other questions?

Mrs. Gutman: This isn't so much a question for the Chief, it is just a comment on your question. This is just from my own knowledge as a nurse that many fireworks injuries they don't call EMS. Some of them purposely won't because they are afraid of . . . they know they have broken the law and many of them go to the emergency room on their own. So, I don't think we can use that metric as to who is actually getting injured. I will say that I have seen some really ugly things happen to people's hands and fingers and they never called the squad. They wrapped themselves and went. That is just all I want to say. We can be careful in how we access what the dangers are based on ambulance use.

Mayor: If I may, keep in mind that we are banned now in Tallmadge and so that statistic I would hope was very low. By allowing it to happen, we don't know what that statistic could climb to, so I just want to make sure that we do our best to keep it curtailed and people know it is not supposed to be done and most people abide by that, but yes, we all know you are around town and you hear fireworks shooting off in all of your back yards, but it is a ban currently and if we allowed it, I don't know what that statistic would go to.

Mr. Bozic: So, speaking of that, I know we received some data that Mr. Bollas had collected from the Police Chief about the number of calls, I guess more specifically to this piece of legislation; what would constitute let's say if fireworks were permitted; what would initiate us as a City to go and respond to a call and . . .

Dir. of Law: We have to respond to calls regardless, so we would still have to respond to calls. So if somebody contacted us saying that they think there is an issue with a neighbor discharging or they are not doing it appropriately, we would still be responding to the call and then when responding we would have to assess the situation much more in depth and with training that specifies what we are looking for, analyzing the facts and whether they are under the influence, etc., far more than we do now because now it is just not allowed.

Mr. Bozic: So, under the current ordinance that we have, if Police respond to a call or when they respond to a call and they show up on the scene, do they have to physically . . . do the Police have to physically witness the fireworks in order for that to be cited?

Dir. of Law: No, it can . . . I mean they can have witnesses that can observe it as well, but typically the Police Department is not doing that on a first call. Typically, they will warn people and the Chief of Police is now standing at the podium and I will let him speak further to it, but typically there is a warning, and I don't think that we would necessarily deviate from giving the warning and allowing the people to curtail the issue first. We are not intending to do that, but just still again just warn them and hopefully get that compliance.

Chief Williams: Would you like me to elaborate on that? So, as far as actually witnessing, it is unusual that we witness it, but we have witnesses present who will usually want to cooperate because they called, but there are other things usually present in addition to the loud sound that people hear. There is usually an odor in the air and there is usually physical evidence on the ground and things like that. I would say that it is rare that we actually see it explode, but we have on occasion.

Mr. Bozic: So, with their currently being a ban I know that we received some data for 2020 I believe you had one arrest and one citation. How does that compare to years previous? Is this something that we would see a large increase of in the future here. I guess kind of walk us through where we have been in the past.

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Chief Williams: In a typical year we will have somewhere between 25 and 35 calls which is not a lot. Every couple of weeks. The bulk of those probably 2/3 are going to be around that week of the 4th of July; most of them on the 4th of July. In 2002 we had a spike. I showed you that we had 52. That is really the volume that we have had. We have not typically enforced. We generally go out and we talk to people, and we try to get their cooperation and most of the time that works.

Mrs. Kilway: I just wanted to state a couple of things. With the new State law that is going to go into effect on July 1st, I do believe that we have had discussion already on the difficulty in enforcing it. I think by keeping our law the way it is now and prohibiting them, I just think that that would be a great and easier way for us to manage this instead of putting more on the Police Department. You guys have probably already heard this in the news, and you know that my son plays hockey and so when he was playing junior hockey in up-state New York, one of his teammates is Manny Legacy. Now Manny's dad is Manny Legacy the 3rd and he is the Goal Tender Coach for the Columbus Blue Jackets, and he had a party for his daughter's wedding celebration up in Michigan and my son's friend, Manny's son was there along with half of the team and they had a fireworks display go off and one of the mortars tipped over by accident and killed a 23-year old NHL player.

As the Fire Chief had mentioned, that happened over at the East Drive-In years ago and I don't want that to happen under my watch and so I am going to support Ord. 2022-53 and I hope I get some support with that as well.

Mr. Bollas: Thank you. I just had a couple questions. So, in today's Tallmadge ordinances is it restricted by a number of days; is there a date range, or is it just across the board for the year?

Dir. of Law: It is just across the board for the year.

Mr. Bollas: OK, so with the State's ruling; what happens to the current ordinance as it stands?

Dir. of Law: That is what we are doing is we are opting out of the State's ordinance which it provides for this purpose and we can decide whether we want to opt-in or opt-out on the discharge and so we are opting out saying no, that in our City we wouldn't be permitting the discharge of those dates.

Mr. Bollas: OK. I have actually two more questions. So, just considering the incidents and I know that 2020 was high obviously because we were in lock-down and everybody was stir crazy I am assuming, but going even further looking at the ordinances were in place and I am in support of public safety and I get that, so if we are looking at this . . . I keep asking myself would this have happened regardless because there is an ordinance in place currently and these instances happen and again, I am just very respectfully trying to ask is this really going to prevent that from occurring in the future and I know that is kind of ominous just trying to understand?

Dir. of Administration: The short answer is no. Of course not. We can't totally control human behavior. However, I do think that we should gain insight and we should learn from the fact that what happened in 2020 and 2021 when there was a clear increase in the public use of consumer fireworks; there was a significant increase in serious injuries and deaths and fires across the country. That is data that we can't ignore. We can expect that there will be an increase in serious injuries, death, and fires may be in Tallmadge if there is an increased use in consumer fireworks. I think that is a fair scientifically based statement.

Mr. Bollas: Thank you and I was just going to make one more point. I had asked the Law Director, and thank you again for your information, I had kind of flipped the scenario and asked if we had a business come into the City could they sell consumer good fireworks in the City limits. So, there are a couple points that I was just going to share and Ms. Raber,

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Mr. Bollas (Cont'd.) do you want to elaborate in just talking through the moratorium right now on at the State on the sale of the licenses that is currently in place correct?

Dir. of Law: Correct. The State has pre-empted municipalities in regulating the licensing of being a wholesaler. So right now, there is a moratorium in place and so no new licenses are going to be granted.

Mr. Bollas: OK. And then I was looking through on your other point on your e-mail and I was looking at the Zoning Code and the only other thing I found on fireworks was around barn events like I am assuming for parties and what not. Is that what you were referring to regarding to the Zoning Code or was there something else?

Dir. of Law: Correct. We are looking at that now since the legislature passed that we are seeing . . . we are looking at whether we need to make any amendments to the Zoning Code as well and look into those issues. We are not alone in that. Other municipalities are all doing that because this is new legislation.

Mayor: Just one thing to make sure that you understand the moratorium. The moratorium is not new, it is 20 years old and every time the moratorium comes up to date, they renew it and they keep the moratorium going on so it's not new. You think it is new because of this ordinance, but it has been out there for over 20 years.

Mr. Loughry: So, Mrs. Raber, help me understand. We are a Charter City and we have home rule. We already have an ordinance on the books that prohibits this, but apparently the State can adopt new rules or laws that supersede or change our home rule or supersede I guess; is that right?

Dir. of Law: Well, . . .

Mr. Loughry: So, we can lose home rule based on what the State does?

Dir. of Law: The State will at times, assert their pre-emption and in lieu of challenging that pre-emption on this one, they provided for municipalities to be able to exercise their home rule authority and opt in or out. So, they specifically carved that out in this legislation so the State Legislature has specifically said that municipalities can decide whether or not they want to allow that or not allow that.

Mr. Loughry: So, this is like the legal workaround.

Dir. of Law: It is carved out in the State Legislation and therefore we do not need to go that next step of looking at the validity of the pre-emption.

Mr. Loughry: I was not aware of how far down in the weeds a pre-emption can go.

Dir. of Law: It can go pretty far down in the weeds. We are just keeping at the upper level on this one again because it was carved out in this legislation.

Mr. Sisak: I would motion to approve or adopt Ord. 2022-53. Seconded Mrs. Kilway.

Mrs. Gutman: I would just like to say something in addition. I am all for making your own safety choices. Fireworks is an issue where you make that choice you are also making it for your neighbors and maybe even neighbors blocks away and so for that reason, I think this is really important for us to enforce because . . . Chief Williams I don't want to put you on the spot in a negative, but I have heard numerous comments that it doesn't matter what we do tonight because you can do fireworks in Tallmadge anyway and everyone looks the other way. You can get warned and next year you can have your fireworks again. I guess I would like to give you a chance to speak to that and talk about hopefully going forward what that is going to look like.

Chief Williams: Enforcement; increased enforcement will be a policy decision that we would make within, but the way that we have done it . . . I started here in 1989 and the way that we do it today is the way we did it then. We go out and we warn someone, and we try not to be heavy handed and if we get called back; sometimes we are stricter. I don't have the information as far as year to year. If we want to see stricter enforcement that is certainly something that we can talk about.

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Mrs. Gutman: I think we have certainly brought light to the issue. I would hope that what we do here is effective though. I don't want anyone saying that we are wasting our time and certainly not saying that about our Police Department either because I support you and you want this to pass, and I will vote that way. I agree with it on my own, but I don't want to hear those comments about us. Thank you.

Pres. of Council: Anymore discussion? Mr. Bozic are you OK with Mrs. Conti calling the roll?

Mr. Bozic: Yes. Before we do that, I just wanted to give one comment. You know, I am much like I think all of us are a little bit torn on it but I think when we sit back and really think about culturally the use of fireworks have been used for many many years, centuries and they are used to bring people together of all ages and used in celebrations, used in making memories and now I think with everything that the City does to protect public safety there is also that personal responsibility of those that are discharging the fireworks and I think we need to take a second to think about that because much like you have made a point Ms. Gutman about the enforcement side of it, if we are taking a stance and we have said and it is all on record now that we show up and give a warning and we are going to continue to have it. If we are going to actually do this and say you know we are prohibiting it again, as we always have, then we better put some teeth to it and actually go out and start giving citations or whatever it is that we would do that would take it one step further because honestly, you are basically saying that we are going to give warnings the first time we show up and you are . . . we are spinning our wheels at this point. There is no point in having this discussion because all we are doing is going out and giving warnings, everybody is going to be shooting off fireworks in three weeks just because of the fact that they want to stick it to the City and they want to show the Administration and show Council and Police and Fire that hey, we can do this no matter what you say because I'm just going to get a warning. So, I think we need to reassess what we are going to do from here on out if this prohibition of fireworks passes, then we should definitely take a harder look at the enforcement side.

Mr. Bollas: Thank you. Just to add to that, I have 1,000% respect our safety forces and I keep going back to this theme of just you know trusting our citizens and trusting our neighbors to be good neighbors and going back to the theme of issuing warnings, I definitely think we need to look at you know, regardless of enforcement policy, just to kind of looking back in retrospective now and hearing all of this input we should really establish that first before this is voted upon because of just echoing on the theme that we have been talking about. You know if this were to go through then what does that enforcement look like giving the data that we have available to us and again, I keep going back to this theme of is this going to be preventative; you know, we don't know and should we trust people to do the right thing for four to ten days out of the year for the most part, you now probably. I responded to numerous calls for bottle rockets last year on a residents roof and they were issued another warning, but then again I just look at various scenarios like that that I personally responded to and I think that they would have happened regardless and it is very . . . obviously it is more prone around a very specific date range and not year round. So, I just think we need to look at the existing ordinances we have around noise and the community that we live in and trust people to do the right thing. Understandably there will always be the one off in the group who you know will do whatever they choose. Not all neighbors get along. We have a neighbor mediation program that some take advantage of, and some don't for various disputes; this being one of them and so that program is available but in this time of year, coming from a community myself where you know sets off fireworks for about a week out of the year. I think at the end of the day if you trust people to do the right thing when it comes to this specific holiday understanding looking at

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Mr. Bollas (Cont'd.) the data and looking at the risks and whether that is enacted into law or not, would those people still have that party. Would they still have that cookout and give out bottle rockets and give out sparklers. Are kids still going to play with the sparklers, you know, probably yes. I just think we need to look at the execution model if you will of the enforcement first before addressing a potential ordinance that we really can't act upon. Thank you.

Mr. Bozic: Any further discussion?

Mayor: One thing to follow up on. Adam, you said that memories and that . . . we do have a great memory if you look on that board back there showing the Circle Fest with the fireworks going off over the Tallmadge Circle. 20,000 people and memories, but it is done professionally. The Rubber Ducks: every weekend I hear them from my house every night that they are shooting fireworks off. People love going down to watch them, but the key is that they are done by professionals. I love fireworks. I just think you are handed a raw deal from the State Legislators to put this in front of us to make us do this. The lobbyists and the fireworks people are much greater than our ordinance here in the City of Tallmadge and unfortunately, we have to deal with them. So, we are dealing with it. I again ask for your support on that. So, we will do a better job of enforcement.

Mr. Bozic: Just to clarify before we send this to roll, a vote of yes would adopt the ordinance which would prohibit the use of fireworks as it has been in the past and a vote of no would continue to follow House Bill 172 of permitting the use of fireworks.

Dir. of Law: Correct.

Roll Call: Mrs. Kilway – yes, Mr. Loughry – yes, Mr. Sisak – yes, Mrs. Allman – yes, Mr. Bollas – no, Mr. Bozic – no, Mrs. Gutman – yes. **Ord. 2022-53 is adopted by a vote of 5-2.** I will close committee.

ii. **Additional Items:** None.

f. **Public Service**

Rebecca Allman, Chair

Mary Gutman, Vice Chair

The Public Service Committee deals with streets, highways, sidewalks, buildings, and improvements; water, sewer, electricity, gas, energy resources, recycle, waste, and trash.

Mrs. Allman: I call the Public Service Committee to order. We have no legislation before us. Is there anything that anyone wants to bring up for Public Service?

Mrs. Kilway: I just want to thank the Public Service Department specifically the Street Department. Our business had our culvert, because it is 30+ years old, just disintegrated and so the Street Department came out and they were so great to work with and told me exactly what we needed to do, what we needed to get and shipped everything to the Street Department and they came out and fixed it so fast and I just wanted to give kudos to the Public Service Department and the Street Department and thank you for a great job well done. It was fantastic.

Mrs. Allman: Is there anything else? Hearing none, I will close committee.

i. **Additional Items:** None.

11. **Reports of Special Committees:**

a. **Council Operations Committee:**

Pres. of Council: I have no updates on Council Operations.

Mr. Bollas: I just wanted to add that I am still collecting the data on the viewership and am still working with Dove on a few items.

i. **Additional Items:** None.

12. **Announcements:** None.

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- 13. Adjournment:** Mr. Sisak moved to adjourn. Seconded Mrs. Kilway. Roll Call: Mr. Loughry, Mr. Sisak, Mrs. Allman, Mr. Bollas, Mr. Bozic, Mrs. Gutman, Mrs. Kilway – unanimous. **The Council meeting adjourned at 8:09 p.m.**

Adopted:

Susan E. Burton, Clerk of Council

Dennis K. Loughry, President of Council