

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

September 26, 2024

1. **Call to Order:**

Pres. of Council: It is Thursday, September 26, 2024, and this is our regularly scheduled 7:00 p.m. Council meeting.

2. **Opening Prayer:** Fr. Mike Matusz, Our Lady of Victory Church, Tallmadge.

Pledge of Allegiance:

3. **Roll Call:** Mr. Bollas, Mr. Bozic, Mrs. Epstein, Mrs. Gutman, Mr. Roy, Mr. Rubino – present. Mr. Pavlik was excused.

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

9-12-24 Council Meeting Minutes

Mr. Bollas: I make a motion to approve. Seconded Mr. Rubino. Roll Call: Mr. Bozic, Mrs. Epstein, Mrs. Gutman, Mr. Roy, Mr. Rubino, Mr. Bollas – unanimous. **The 9-12-24 Council meeting minutes were approved by a vote of 6-0.**

Pres. of Council: It is at this point in the meeting that I am going to make a motion to reorder tonight's agenda. We would like to move the Item 8 Agenda Additions, and we will move up Item 7 as well. We will probably start with Item 8 followed by Item 7. We will move that up to Item 5 basically and then we will continue with our agenda as stated. So, I am going to make a motion to reorder the agenda to move Item 8 and Item 7 to Item 6 essentially. Seconded Mr. Bollas. Roll Call: Mrs. Epstein, Mrs. Gutman, Mr. Roy, Mr. Rubino, Mr. Bollas, Mr. Bozic – unanimous. **That passes by a vote of 6-0.**

5. **Financial Reports:**

Pres. of Council: The next item on the agenda is Financial Reports. We have no financial reports. Does the Administration have anything to add? No. Thank you.

Moving on to Item 6 now which is now Community Input. I believe we have a representative here this evening, Vasanthi, if you would like to come and speak about the 10-day Hindu celebration. Not present this evening. Just to let you know it looks like it was going to be taking place on October 3rd, or it will be taking place from October 3rd to October 13th.

Moving onto Item 7 which is now Agenda Additions which will be led by Councilman Roy.

- Councilperson Roy will present Certificate of Appreciation to Tobi Battista.

Mr. Roy: It is my pleasure tonight to introduce one of our superstars from the City of Tallmadge. Her name is Tobi Battista. We are going to give her an Award of Appreciation for the things that she has done over the years. I do have a list of these so be patient; it is long. She moved here in 1957 and has been married to her husband Pete for 68 years. They had 4 children, Debbie, Randal, Mark and Peter.

- She was employed by B.F. Goodrich where believe it or not, she actually wrote the article and ad for the first tubeless tire from B.F. Goodrich.
- She worked to restore Town Hall and made it a National Monument of the State of Ohio.
- She made tree festivals for Children's Hospital.
- She formed a knitting group to make blankets for orphans in Haiti.
- Pete was the President of Tallmadge Little League and Tobi would take all the uniforms home and wash them. Can you imagine somebody doing that today??
- She taught art at Annunciation School.
- She was a volunteer 37 years at Firestone Country Club for the tournament.
- 11 years she sold real estate.
- She was on the City Appearance Committee.
- Trustee of the Tallmadge Library.
- 12 years she was Assistant Editor to the Tallmadge Express writing on 3 articles per year.
- She won 1st place for Creative Writing.
- Lifetime Achievement Award Recipient.
- She is also the recording secretary for the Primetimers.
- Probably what she was most known for was her lemon-lime soft convertible she used to drive around town. I'm sure you guys probably remember that.

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Mr. Roy (Cont'd.) Tonight, I am going to bring up Ellie Breiding who is the President of Primetimers and she is going to read us a poem that Tobi wrote some years ago. Ellie read the poem for everyone's enjoyment. The poem was called, "Reflection by Tobi."

At this time, I would like Tobi to come forward. She did ask if she could have a few minutes to talk about all of her successes here in Tallmadge and how proud she is of this City.

Tobi Battista: I have to say that I am very honored to be here and also very humbled. Volunteering isn't a new thing for me. She explained her early childhood and how she "helped out."

Tallmadge has been a part of my life for 68 years and any contributions that I have made to this City were for one reason only. I love Tallmadge. Tallmadge has been so good to our family, and you have to just think of all the good that Tallmadge has to offer.

Our children went to excellent schools and received a great education. Tallmadge sponsors so many events for the citizens. I've worked with more Mayors than I care to remember, and Councils and of all of these received nothing but all the help that they could possibly give.

Many changes have been made to this City and I will say that all but one of them was a very, very good thing. We'll get to that.

Now we are going to talk about the one thing that I really regret and that was the loss of the Tallmadge Express. Donna Gill was hired as Editor, and I was Co-Editor. For 12 years we produced every Friday, free to every member in Tallmadge, a newspaper that was loaded; every single page of that paper was Tallmadge. We covered sports, historical events, Council; anything that went on in Tallmadge was covered in that paper. Changes were made and the paper was taken over by Associated Press who brought in national news, news from Akron and we were very, very fortunate if you had one little item in that paper about Tallmadge. Ultimately it did go out of business. I regret greatly that that was done.

One of the proudest things that I have ever done in this City was the restoration of the belfry on the Old Town Hall. I was the President of the Historical Society for 8 years and ever since I saw the pictures, the old pictures with the belfry I wanted it back on that building. After going to the Historical Society in Columbus we were able to get a picture that was detailed enough that you could see every little curly-q on that belfry and I brought it back to Tallmadge and I approached the Appearance Commission and I was a member of that commission and they fought me tooth and nail because they said there was no proof that that belfry was ever original to the building. Now that is like waving a red flag in front of a bull because I took off. I recalled that in one of the books in the safe, the ancient books, I had read something about the belfry and so I spent 2 full days at the Town Hall and opened the safe and went through all of the old records and in a secretary's book and the secretary . . . they had the equivalent of your Council and that Council determined that Mr. Ford, who was the contractor on the building would withhold "x" number of dollars because the second coat of paint had not been applied to the belfry. The bell was too heavy for the boards that were holding the bell. At that next meeting I beat it back to that commission and I had the proof. They approved the belfry, and we worked with Mark Gilles who was the architect of Stan Hewet, and he drew up the plans for the belfry. The contract was awarded to Carter Lumber, and it was paid for by the Historical Society.

The day that Hunter Hall brought their enormous crane free of charge and placed it on the building I ended up looking like a racoon with the mascara that ran down my face because of the tears when they put that back up.

Now I am going to ask you to do something for me. You are all powerful. I know that you can accomplish this because you are dedicated people. I'm sure it has happened to you. Many times, I'm sitting in a line on West Avenue approaching the Circle. Last week I was there 14-1/2 minutes before I got to the Circle. During that time, a clown sped down West Avenue, put on his blinkers and somebody left him in. Now you are looking at me and you probably think well she is sort of a nice person. Wrong!! If I am within 2 or 3 cars lengths of that Circle, I don't let anybody in. They

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Tobi Battista (Cont'd.) can sit there until their wheels fall off. The one exception is if I notice that the license is out of state because they have enough problems on that Circle and they don't need me glaring at them.

I had a thought, and I think it will work. You know the Street Department has that stencil for the left turn thing that says, "Only." How about putting one further up the left lane and then just before you get to the Circle, put a left lane only. That will force them to make a left there and we know that they are not going to the ATM because I have watched them head to Northwest Avenue and then speed around the Circle and I am still sitting there mad. So, with all the power you have, I'm sure you can consult and contract with somebody to get me that arrow. That would really make it also worthwhile. Again, thank you for this great honor and you know, even now, when somebody puts out a message for help and that they need volunteers I think I can do that, and then my knees and my back and my brain says, what are you thinking? You know that if you do this you are going to be hurting for the next 5 days. Don't even think about it. So, I think that my volunteering days are pretty much over but thank you for everything you do for the people in Tallmadge and as I say, this is a work of love. Thank you.

Pres. of Council: In my haste to rearrange the agenda, I did forget that we have one other item. Is it too late to try to reorder that. I would like to move Personnel up. It will take another motion. OK, thank you. We will wait until Councilman Roy gets back to do that.

Pres. of Council: I make a motion to move Personnel Committee to Item, I believe that would be Item 8, which would be Personnel and then after Personnel we will roll into our public hearings. So, I make a motion to move Personnel Committee up to the next item on the agenda. Seconded Mr. Bollas. Roll Call: Mrs. Gutman, Mr. Roy, Mr. Rubino, Mr. Bollas, Mr. Bozic, Mrs. Epstein – unanimous. **Motion passes by a vote of 6-0.**

- Pres. of Council Bozic will present Deputy Fire Chief Stasik with a Certificate of Recognition.

c. PERSONNEL

Jonathon Bollas, Chair
Donald Pavlik, Vice Chair

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

i. First Readings of Ordinances and Resolutions.

- A. **Res. 2024-6** – Congratulating and recognizing Deputy Fire Chief Benjamin D. Stasik and providing for immediate enactment.

Sponsor: Council and Administration

Mr. Bollas: I call the Personnel Committee to order. We have Res. 2024-6 before us at 1st Reading. The resolution was read into the record. Just going into this resolution, I just wanted to read through, Mr. President, if you are not opposed, I was going to read . . . just wanted to read through this so everyone understands. Deputy Chief was the recipient of the 2024 "Thirty for the Future Award" presented by the Greater Akron Chamber. This award recognizes professionals aged 25 to 39 who demonstrate exceptional leadership, diversity and dedication to our region. Deputy Chief served our community since November 1, 2006, as a part-time firefighter and since September 3, 2008, as a full-time firefighter and since July 20, 2015, as our Deputy Fire Chief. Congratulations.

Pres. of Council: In addition to the resolution, I am also going to give you a Certificate of Recognition, but I just wanted to tell a quick story about Ben. So, Ben was just newly appointed as Deputy Fire Chief, and I was working at the Tallmadge Recreation Center probably only there for maybe a year or two and Ben and I got to meet each other during a training course through the American Heart Association for Certified First Aid and CPR Instructor course. That was really my first interactions with Ben and Ben was more than knowledgeable in everything and I was very new, and I had been through some first aid CPR training in the military, but I was very new to this and

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Pres. of Council (Cont'd.) Ben kind of took me under his wing and just kind of led me through the training. Over the course of several years, Ben and I worked together on training every single Rec Center employee. We conducted hands only CPR training for the citizens, and we eventually started doing some life saving techniques through a nationwide campaign called, "Stop the Bleed" if I'm not mistaken. So, these were all things that obviously some of those were part of his daily duties, training and coming in for a 6-hour course for Rec Center employees to help train those individuals, I don't think he really had to do it, he just liked to do it. So, from a professional standpoint, Ben was always there for me in training and I cannot even think of a way to measure the impact of that training only to recall that I know for sure that there were several Rec Center employees that were able to provide life-saving techniques to members and if that is just a small number of those lives that you have helped impact, I can't imagine what you are doing within the Fire Department and those individuals you are training there on a daily basis and the impact you are having there and a greater impact you are having on our community. I just gave myself goose bumps just thinking about it because it really does make you sit back and think about you know, even though we were having a great time teaching those courses, how desperately we needed them and how much they really impacted our community. So, obviously we are recognizing Ben tonight for many accomplishments obviously for the accomplishment for 30 for the Future which is an award that is given to professionals in both the public and private sector for people that just stand out and Ben is one of those individuals that stands out. When he walks in a room, you just kind of gravitate towards him and Ben is involved in a lot of things. I believe he has helped coach the Pee Wee Football, he is volunteering, he is a member of the Tallmadge Rotary, and you know Ben, you sir are a true community asset, and we are happy to have you within the City of Tallmadge as well. So, thank you sir.

Mr. Stasik: I can't thank Council enough and especially Council President Bozic enough and I want to thank everybody, and I can't do this without the amazing team that is sitting back there, and I am certainly not going to try to. Mrs. Battista, thank you to her and it is awesome to be here tonight not only to receive this but behind somebody that sets an example like that. So, thank you very much to you guys. I appreciate it so much.

ii. Additional Items: None.

Mr. Bollas: Again, we have Resolution 2024-6. Do I have a motion?

Mr. Bozic: So moved. Seconded Mr. Rubino. Roll Call: Mr. Roy, Mr. Rubino, Mr. Bollas, Mr. Bozic, Mrs. Epstein, Mrs. Gutman – unanimous. **Res. 2024-6 is adopted by a vote of 6-0.**

Mr. Bollas: That is all of the agenda items we have for the Personnel Committee this evening. Does anyone else have any additional items to come before Personnel? Hearing none, I will close committee.

6. Public Hearings:

PLANNING & ZONING

**P.H. on 9-26-24 @ 7:03 P.M.
P&Z Rec. Approval 3-0**

Ord. 2024-54 – Amended 9-12-24 – 2nd Amended.

Amending the zoning map by rezoning the property of applicant, Brady Bissonette for Living City Farms LLC, Scott Myers, owner, located at 683 North Avenue (PN 6000949) and 695 North Avenue (PN 6000803), consisting of approximately 8.03 acres from R-3 Residential District to R-1 Residential District and approving the General Development Plan.

Sponsor: Councilperson Gutman

Scot Silbaugh: Is there a point for community input?

Pres. of Council: At about . . . is it related to the two public hearings?

Mr. Silbaugh: No.

Pres. of Council: So, after we are done with the public hearings, our next item on the agenda will be I believe our community input.

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Mr. Silbaugh: Alright, I wanted to say something, but I've got to pick up my kids and don't have time to wait for that to be over.

Pres. of Council: We can let you . . . yeah, please.

Mr. Silbaugh: Just 2 minutes.

Pres. of Council: By all means sir. Just state your name and address.

Scot Silbaugh, 835 Penn Wood. I wanted to comment about the people next door to me at 825 Penn Wood. I talked to Council probably a month ago at this point and they are still there. When we met, Council was very interested in being proactive and helping resolve this situation. The police presence kicked up and we saw the activity there of visitors and stuff stop. That police presence has ended. I'm not seeing additional police presence at the property for a good 2 weeks at this point. Every time I think we are getting close to a resolution something happens. They had the hearing scheduled, the eviction hearing, was scheduled and Open Door's attorney pushed it back. She was too busy to make a 3-minute on-line court appearance. So that was pushed back a week. They show up and find them . . . order the next step to happen and Open Door is dragging their feet again and days go by before they take the next step and pay for the writ to be served. I am following Open Door. I am e-mailing Open Door, and the neighbors are calling and e-mailing Open Door and asking what is going on. Why isn't this happening? It finally happens and we thought great, next step and the bailiff posts this on the door. Days go by; nothing. Called the courthouse and ask what is going on and was told they would be there soon. I e-mailed the Assistant Law Director today and asked hey, could you check on this for me. I know you have contacts. I have had communications with her before and I don't hear anything and one of the neighbors contacts the courthouse and the writ got lost and they haven't . . . the judge will try to get the judge to sign that tomorrow and then get posted hopefully early next week and then it will be a week after that before they are out. So, it is just constant. Every time I start to think I can relax and not have these criminals next door to me; this guy that is accused of rape that assaulted people with a gun and they found stolen guns on their property. I am ready for these guys to be gone, and I don't feel like the Council has been there to help us like they indicated they would be. I don't get the impression that Council is taking action to make sure that Open Door is taking the next step. That the courthouse doesn't lose the paperwork. So, those were my comments, and I would like to know why the police presence has stopped and I know that is what is within the control of Council.

Pres. of Council: Thank you sir for your comments. To answer your question, it was to the best of my knowledge and I am sure most of Council that the eviction went through the process within the courts as unfortunate as it was that it did get pushed back a week and that is no control of ours; that is in the court system. As far as the police presence I think that is better suited for the Administration to speak of so does that answer your question?

Mr. Silbaugh: I was not aware that the writ got lost. It took the citizens calling to find that out.

Pres. of Council: Sure. So, I mean, I don't want to make excuses for others, but things do happen, but I think now that at least I am aware of it we will continue to push to get this resolved.

Mr. Bollas: I just wanted to add that I was also not aware that in the last update that I got on this was just a few days ago and it was saying the magistrate granted the eviction. So, but . . .

Mr. Silbaugh: That was over a week ago and the next step hadn't happened yet.

Dir. of Law: Again, just to reiterate that is all . . . the court has their process that they go through so that is all court stuff that the City does not have any involvement in.

Mr. Silbaugh: I understand that it is just that we the citizens elected, have elected people to represent us to look out for our best interest and look out for the safety of our citizens. We are the ones that are having to do that advocacy completely. Every time I take my foot off the gas, something gets messed up and it gets delayed. So, I am doing everything I can to keep my foot on the gas and I'm not happy that it is me having to do it.

Mayor: I am sorry sir that you are feeling like this. I cannot even imagine what you are going through and I am very sorry for this. I do know that the police they still have their presence, but they are not overly conspicuous at this point in time, but I will I . . .

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Mr. Silbaugh (Cont'd.): Conspicuousness is what keeps the activity from happening. I don't know they are there. These people don't know . . . I don't want them to get caught doing something. I don't want them to do anything to hurt my family.

Mayor: Right and we will have had that discussion, and we will get that increased again. So, thank you for letting me know how you are feeling, and we will get that worked on. OK?

Mr. Silbaugh: Thank you. I appreciate you giving me the opportunity to speak. I appreciate it.

Pres. of Council: Yes sir. Thank you for coming in. Going back to our agenda, our public hearings, Councilwoman Gutman.

Mrs. Gutman: I will call Planning & Zoning to order. We have before us tonight Ord. 2024-54 Amended on 9-12-24. It is at 3rd Reading this evening. The ordinance was read into the record. It is 7:42 p.m. and I will open the public hearing for Ord. 2024-54. Is there anyone in the audience who would like to speak in favor of amended Ord. 2024-54? If so, please come to the podium and state your name and address for the record. Seeing none, is there anyone who would like to speak against Ord. 2024-54? Hearing none, then for the second time is there anyone who would like to speak in favor of Ord. 2024-54? Hearing none, is there anyone who would like to speak against Ord. 2024-54? Hearing none, is there anyone who would like to speak for or against Ord. 2024-54? Ok. Thank you. It is 7:43 p.m. and I will call the public hearing for Ord. 2024-54 closed. Then, has everyone had the opportunity to review the criteria for the zoning change and is there any further discussion regarding that from Council?

I would say for myself that I have nothing further to add to my comments from the previous meeting.

Mrs. Epstein: Seeing all the materials that have been provided to us I have no additional comments.

Pres. of Council: Yes, so I have just a couple of quick questions. In doing some, I don't want to use the word, recognizance, but just driving around and looking at the area and looking at the street on Craig Drive, I have been doing some research on-line as well and in my research I came across some things that I was just kind of wondering why these things were the way they were. So, I have some photos so in doing some research on-line these are pictures basically from like Google Maps the street view. So, this is Beachler which is a dead-end street, and we have several poles with the red triangles at the end of the streets. There is another one at the end of Strecker and you can see the address there and the end of the street has one which is understandable because half of it is a driveway that goes into the property there and I believe that is another property as well. Here is one on North Village View Road and one right in the center. This one is actually it looks like a fence of some sort, and this is the north end of Craig Drive and this I found interesting. So, this is on the south end of Craig Drive but in Google Maps they give you a Google Street View and they have an archive of previous maps, and this is from July of 2014. You can see that there are barricades that go all the way across the end of Craig Drive as early as July 2014, so about 10 years ago. If you were on a live view of Google Maps, you could scroll to the left and you would see a property over here where there is currently a home sitting and that home is being built at this time so there is no home over here at all to the left. Honestly, I didn't scroll to the right, but I believe that house was already there.

So, my question is between July of 2014 and where it stands currently, which . . . well, for some reason I didn't get that last picture. But where it stands currently there is one barricade, or I am sorry 2 of those red signs very far off to the left and at the end of that road has now access with a gravel driveway at the end of that road onto that property. So, and I am glad we have Helene here because I have a question regarding driveways and procedures on how, as a resident, on my property, how I can put in a driveway. What steps do I need to take?

Zoning Manager: I was wondering where you were going with this. First of all, my name is Helene (pronounced Helene), not Helene, I am not a hurricane, but all kidding aside to get a driveway you need a right-of-way permit. It is a simple matter of making an application, getting the approval from the Service Department which includes the Street Department and then there are inspections done and the driveway can be installed, and the approach can be installed. For this situation, Scot

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Zoning Manager (Cont'd.) Myers and Living City Farms applied for an approach off of Craig Drive, a public road onto their property, was permitted to install this approach to the back area of the land. So, that is pretty much it and that was in 2022. So that is when that changed. Does that answer your question?

Pres. of Council: Yes. So, in 2022, there was a right-of-way request, and the permit was granted by the Planning & Zoning Commission to give them access to the back of their property; is that correct?

Zoning Manager: Correct.

Pres. of Council: Thank you. So, my concern still stands as we had addressed at the last meeting with deliveries down a residential area onto the back side of this property. I feel that North Avenue is more than adequate for the deliveries, and I feel that that is better suited for this property. I don't think that we should be allowing deliveries down Craig Drive gaining access obviously they went through the right steps to get the right-of-way and everything like that, that is great to hear, and I am glad that is the report that we are hearing tonight. So, yes. I just want to go on the record as saying that I think that is something that we should not be allowing these deliveries on Craig Drive. I know . . . I would certainly like to hear from Councilman Roy because I know this is in your ward and I would certainly like to hear your opinion of that as well sir.

Mr. Roy: Obviously this is new evidence on this situation that we weren't aware of. I mean they were approved and to me this definitely changes the whole situation I would think. I'm not an attorney but they were awarded to be able to do that and they were given permission to do that, and I don't think anybody here on Council was aware of it or it would have come up. But if they got approval to do that, I think it is a . . . I think we may have to relook at this. I think as the Ward 1 Councilman, we are being told that these are smaller trucks and my worry for my residents in my ward is that bigger trucks are going to come through early, late, who know what if they have permission to do that and they are going to upset the residents and it is always a tricky situation when you have a business right in the middle of a residential area. My vote was to make sure I protected my citizens and the people in my ward and that is how I voted, but to me this definitely puts a big twist in it because they were given permission and now we are going to take the permission away from them once they were already given that. I don't know. That is a tough one guys. We might need to open that back up again.

Mr. Rubino: I think that where I am still sort of lingering on this is it is great that they got permission to put that driveway in and that they continue to do things properly. That driveway was approved as R-3 Zoning; correct? Now they are reapplying to R-1 which changes it to more of a commercial, agricultural zoning.

Dir. of Law: So, it is not commercial at all so . . . they have to limit it to just agricultural use or the residential use.

Zoning Manager: If I could answer that as well is that rights-of-way are determined on districts. The right-of-way is an infrastructure that is put on a property. I think Public Service Director Rorar could probably echo that as well. So, a driveway approach is a driveway approach. For the record as well, we have never received any complaints off of Craig Drive. These deliveries have been made and so no complaints have ever been received. So, I just wanted to put that on the record as well.

Dir. of Law: Additionally, I think when it was discussed with Planning & Zoning, the reason why that condition never showed up on that at all was because for the same reason they didn't want it to grow or become more prevalent than it had been and so that is why you know, they put that condition in there for the intermittent deliveries was to just try to make sure there is some check and balance on that so that it is not increasing beyond pretty much what it is exactly now.

Mr. Bollas: I just wanted to also add in that I had a chance to meet with the Law Director and Ms. Hussing Friday on this in a little bit more detail and just a point of order as well, so at the last meeting we did vote to amend the ordinance and so if there are any changes to that it would require 4 votes to remove the amendment from the original recommendation and then it would take a

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Mr. Bollas (Cont'd.) supermajority of 5 votes to change the recommendation again. Did I say that correctly?

Dir. of Law: Right, if it doesn't match what the Planning & Zoning . . . what came out of Planning & Zoning you have to have 5 votes.

Mr. Bollas: As of the last meeting, the amendment was to allow intermittent deliveries by exception and review from the Planning & Zoning Commission?

Dir. of Law: Well, just Planning & Zoning so it would be the Planning & Zoning Administrator because there is really not a mechanism for the commission to be able to do that.

Mr. Bollas: Yes, so again just reiterating that so all of Council understands the process that we are considering here.

Mrs. Gutman: Thank you for that clarification, Mr. Bollas. I would also like to add that I just would like to make sure that we are consistent with other requirements for other R-1 properties within Tallmadge that don't have such a requirement and I understand that you know, this is within an R-3 but I think we want to make sure that we are not creating a precedence or doing things that down the road we will be opening a can of worms we don't want to get into. So, I personally think that the compromise that we came up with at the last meeting, I am satisfied with myself especially given that we have not had complaints or concerns from the residents.

Pres. of Council: Madame Chair, I just have one question. So, during a right-of-way permit can you walk us through the approval process for that and what steps that goes through in order for that to be granted?

Dir. of Pub. Service: To be able to meet our City's standards, they had to put in a pretty good size base drive, and we went out and inspected that when that was done and they met all of our inspections, so they were good.

Pres. of Council: So, there is no . . . there is no Council approval, there is no Planning & Zoning Commission recommendations, not any of that?

Dir. of Pub. Service: Nope. We would be doing this every week.

Mr. Bozic: Sure. Right. So, I guess, I mean it puts us in a tight spot honestly because you know, and this isn't obviously we want it that, we don't want to be approving right-of-ways here in Council but when a request goes through for a right-of-way and it is granted, and then this is brought up to us later for a change, just as Councilwoman Gutman said, you know, we don't want to set a precedence and I also don't want to set a precedence that we end up creating this issue elsewhere in the City. There are several other dead-end streets that . . .

Dir. of Pub. Service: Already have driveways on them.

Mr. Bozic: That do have some driveways on them but . . .

Dir. of Pub. Service: Martindale, Lewis Lane . . . I mean.

Mr. Bozic: There are a couple on there that I could see it becoming an issue with it being a . . .

Dir. of Pub. Service: Strecker, I mean it goes . . .

Pres. of Council: We made non-residential is what I am referring to. So, a non-residential driveway for instance there is a farm in town that abuts several dead-end streets that may or may not eventually want access to that and they may or may not be getting deliveries at some point for purposes of their agricultural use of their land and so that is my only . . . I . . . there are a lot of "what ifs" in there but just as you stated, you know you don't want to set a precedence, and I also don't want to create a potential issue in the future.

Mrs. Gutman: I would just guess that the people who want to create agricultural uses on their property is probably fewer rather than more. It is not going to be very common to deal with this. That might just be something that we cross that bridge when we come to it if it happens again. I don't know that this meeting is where we can resolve that though. I understand your point but and to hear it now as far as this ordinance goes, I feel like we have a good solution for it. Any other thoughts on that aspect?

Mr. Roy: I've got to agree. They can still, with permission, get the runs and do what they need to do right because of what we added at the end about they have to get approval to be able to come

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Mr. Roy (Cont'd.) in and do that. So, as long as they get approval, we added that in, right? So, they should be able to you know . . . it keeps them under control like I said because my worry is they start bringing bigger trucks in but right now they have permission, they just have to let the City know that they are going to be coming in there and doing that. Right? So, we should be good with where we are at.

Pres. of Council: I have one question for our Law Department. In doing this, putting a restriction, the City has granted a right-of-way so they can access their property however we are not putting a restriction on that essentially. From a legal stance are we creating a bigger problem than you know we need to?

Dir. of Law: I mean you are allowed to put a condition on that as part of the rezoning process. They have to have the general development plan, so it is part of the general development plan. You are approving both like together and so they are allowed to access that drive, but it will be with permission and a limited capacity.

Mrs. Gutman: OK then. Seeing no further discussion, could I have a motion to pass Ord. 2024-54?

Mr. Roy: I will make the motion. Seconded Mrs. Epstein.

Dir. of Law: Can you please state a motion to approve . . .

Mrs. Gutman: To approve Ord. 2024-54. We have a motion and a second.

Pres. of Council: Point of order. Ms. Raber, can you walk through the approval process; how many votes and everything like that for us?

Dir. of Law: Because you have deviated from the initial recommendation from Planning & Zoning, you will need 5 votes to approve it tonight. If you don't get the 5 votes, then it will remain on the agenda, or you could take another vote this evening if you wanted to do that as well. The alternative would be to potentially . . . I mean there are a lot of different routes that we can go so . . .

Mr. Bollas: I was just going to ask if the property owner had any input since last meeting in all of the various discussions on the imminent deliveries and you know hopes to expand the business if that were to have any impacts on this flow of deliveries or any alterations to that plan. Since the last discussion we had, there is a lot of debate if you want to call it that. So, I appreciate you being here again. I would just like to get your take on this since the last meeting.

Brady Bissonette: I actually brought my manager to in greater detail answer everything revolving around Craig Drive since he has been the one facilitating will we need access there; what do we have. So, I would like to invite him up to answer this in greater detail more than I understand it.

Richard Johnson, 2755 Mull Avenue: As Brady stated earlier, we have very infrequent deliveries that come there and one of the other big concerns that might not have been thought about is that the traffic is very bad on North Avenue. Our parking lot or our driveway is about 50' up from where there is a soccer field where they have parking and a lot of times people don't stop or won't stop if we are trying to have deliveries get pulled in there and now you cause more congestion on North Avenue. So that was the main reason why it was recommended that we have that passage made in the back of the property. We have about 4 to 6 deliveries and maybe say 2 to 3 in May and then maybe 2 or 3 in August. That is the pattern of what deliveries we will have, and we will not be looking to have bigger vehicles because obviously the space will not be able to accommodate a bigger vehicle. So, that is pretty much what we have to say.

Mrs. Gutman: Thank you. Are there any questions?

Dan Sarvis for Mr. Myers: I am a friend of Scott Myers; the property owner and he asked me to read two statements to Council tonight. If I may, on his behalf. Dan and I have been friends for more than a decade. I am Dan. We resonate with each other on what makes a good place for an organization and we both completed Permaculture Design courses, and we love preserving historic buildings, especially the Western Reserve era. Great revival buildings. I am a long-time board member of Cascade Locks Park Association who manages and cares for the Mustill Store and house. Two beautiful Greek Revival gems on the Towpath Trail near downtown Akron. I asked Dan to read a statement from me about the Living City Farms property and any answers that he

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Dan Sarvis for Scott Myers (Cont'd.): has to any of your questions. I trust him implicitly. That is generous of Scott. I loved my years living at 695 North Avenue with my daughters. They love exploring our 5-acre back yard and barn with their friends. I love being absorbed by the land as I trim the front hedges with hand-held hedge clippers and mow the yard in the front and way back with a walk behind mower. We had 5 now 6 acres of both open and wooded space inside the City limits; 5 minutes from Chapel Hill and 5 from Tallmadge Circle depending on the time of the day. I decided that I always wanted it to remain open and wooded green space and to be used as a demonstration of regenerative agriculture in a suburban setting. I had no idea how to accomplish this since I was not a gardener let alone a farmer. Years later I was able to persuade Living City Farms to bring their regenerative agricultural practice to this property. This work fulfills a dream I've had since the late 1990's. I hope our Council members are just as excited as I am to have a small working regenerative farm albeit small, inside the City limits and fronted by an 1840's farmhouse from the Western Reserve Era beautifully restored by Paino and Associates to Historic District standards. I hope some day Living City Farms will be seen as one of the very cool features of our City. In closing, I would ask you to approve our zoning change request so that we can work so that our work can continue. Thank you.

Mrs. Gutman: Is there any further discussion? Hearing none, please call the roll.

Roll Call: Mr. Roy, Mr. Rubino, Mr. Bollas, Mr. Bozic, Mrs. Epstein, Mrs. Gutman – unanimous.

Ord. 2024-54 is adopted by a vote of 6-0.

P.H. on 9-26-24 @ 7:05 P.M.

Ord. 2024-55 ~ Exhibit A

**Amended 9-12-24 -Amended Tracked Exhibit A –
2nd Amended~Exhibit A – 2nd Amended Tracked Exhibit A.**

P&Z Rec. Approval 3-0

Amending and supplementing Part Eleven, Planning and Zoning Code, Section 1104.05 Use Regulation Tables, Section 1104.07 E2.1 "Use Regulations: Adult Use Cannabis and/or Medical Marijuana Operators", and Appendix A of the Tallmadge Codified Ordinance and repealing Tallmadge Codified Ordinance Chapter 766, Medical Marijuana Cultivation, Processing and Retail Dispensing.

Sponsor: Councilpersons Gutman, Pavlik and Roy

Mrs. Gutman: Moving on. We also have Ord. 2024-55 amended on 9-12-24 at 3rd Reading this evening. The ordinance was read into the record. It is now 8:08 p.m. and I will open the public hearing for Ord. 2024-55. Is there anyone in the audience who would like to speak in favor of amended Ord. 2024-55? If so, please come to the podium and state your name and address for the record. Is there anyone who would like to speak against Ord. 2024-55? Hearing none, second time; is there anyone who would like to speak in favor of Ord. 2024-55? No. Is there anyone who would like to speak against Ord. 2024-55? Hearing none, third and final time, is there anyone who would like to speak for or against Ord. 2024-55? It is now 8:09 p.m. and I will call the public hearing for Ord. 2024-55 closed.

Once again if everyone on Council has had time to review the criteria for the zoning changes, would anyone have any additional feedback or comments or questions?

I do not have anything myself beyond the discussion from the last meeting.

Pres. of Council: Madame Chair, I just had one . . . in reviewing the tracked version, and I didn't know if this would be necessary because I think we all know what the Fire, Police Department and City Hall is but if that needs to be listed out in the definitions section of the . . . of the code.

Dir. of Law: I think we can use the plain meaning of it to ascertain where those locations are.

Mrs. Gutman: OK, then I guess I need a motion to approve Ord. 2024-55 as amended.

Mr. Bollas: So moved. Seconded Mr. Bozic. Roll Call: Mr. Rubino, Mr. Bollas, Mr. Bozic, Mrs. Epstein, Mrs. Gutman, Mr. Roy – unanimous. **Ord. 2024-55 is adopted by a vote of 6-0.**

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Mrs. Gutman: Is there anything further for Planning & Zoning? Hearing none, I will close committee.

9. Reports of Administrative Officers:

a. Mayor/Dir. of Pub. Safety:

- I just wanted to make Council aware that as I have stated in the past, the City of Tallmadge has partnered with **Eastern Power and Gas which is called Eastern PNG** as the new supplier in Ohio for our gas aggregation. They will provide gas services to the City and the natural gas aggregation program will be charged at a fixed rate of **3.85 per mcf**. So, it is a slight increase from what we are enjoying right now at 3.73 per mcf. This rate will last for 24 months starting in November of 2024 which would be the December billing, and it will go through October of 2026. Rates are very volatile right now and we were able to lock this in pretty early in order to keep that rate down.
- You may have read in the paper this week the **Enbridge Gas recently asked the PUCO for a 16% increase** in their distribution charge. This is a separate increase from the 3.85 per mcf from Eastern PNG so Eastern PNG, the 3.85 per mcf; that is for the actual charge of the gas, but Enbridge has a distribution or transportation charge. So, Enbridge is asking the PUCO for an increase in that. 16% in my opinion seems pretty high. I don't know where it is going to end up, but it could be about another \$10 more per month than what we are enjoying right now. So, just to let everyone be aware that that transportation charge that distribution charge, is separate from the aggregate. That is not something that the City can control at all. But we are able to keep the actual cost of the gas pretty low for our City.
- **The West Avenue public engagement meeting** was a success.
- Feedback from the on-line survey has been extremely positive for the overlay and a limited neighborhood overlay on the north side of West Avenue where the commercial property is adjacent to residentially zoned areas. The on-line survey closes Tuesday, October 1st. If you want to find that page, you can go to our website and go to the Planning & Zoning section, or you could just search Tallmadge West Avenue Overlay, and it will take you right to it. I would ask you to go ahead and do that as soon as possible.
- **Tallmadge's Annual Electronic Recycling** event is scheduled for Saturday, October 19th from 10:00 a.m. to 2:00 p.m. at the Tallmadge Rec Center.
- **Trick or Treat is scheduled for Thursday, October 31st at 5:30 p.m. until 7:00 p.m.** and residents are asked to turn their porch lights on if they are participating in Trick or Treat.
- This morning, I attended the **Annual State of the Zoo Address**. There are a lot of exciting things coming to our area from the Akron Zoo and as everyone should know that the month of September is Summit County Community Appreciation Days and so it is a special invitation to residents of Summit County to enjoy the zoo for free. So, there are a couple more days left and please take advantage of that. That is the end of the report for me. Does anyone have any questions?

b. Director of Administration/Economic Development:

- Good evening, Council and Pres. of Council. Just a few updates tonight. **Farmer's Market** has been a great success this year. There are two Farmer's Markets left: October 3rd and October 10th. So, I would highly recommend for those residents who haven't been out there to take the opportunity to go out there for our last two.
- We continue our **economic development** process not only with the West Avenue Overlay but with business retention, and expansion visits. Since the last meeting we have two. One with Tallmadge Health and Rehab and the Alignment Shop.
- The **budgeting process** continues. First Reading of the ordinance is scheduled for October 24th and the Council Work Session is scheduled on November 6th.

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Dir. of Admin. Econ. Development (Cont'd.) that I sent everyone over a month ago.

- Just a quick update. Our **union negotiations**: we continue to negotiate with Teamsters. Our initial date is set with the International Association of Firefighters, and we have notified . . . we've sent the serve notification to the Fraternal Order of Police, and the Ohio Labor Council for both Patrol Officers and Sergeants and Lieutenants. We have also sent that for the Tallmadge Part-Time Firefighters.
- We are **working with the unions** to set those dates on the ones where we don't have dates. Pending your questions, that completes my report tonight.

Pres. of Council: I have a question in regard to the **economic development**. When we partnered with **inSITE** we had discussed some sort of review of the current real estate market within the City of Tallmadge commercially obviously, and if they were going to create basically like an inventory of vacant spaces within the City and kind of what that looks like for being able to steer businesses into those areas or how do we you know better utilize those spaces. Has that been accomplished yet, or I guess where are we at with that process?

Dir. of Admin./Econ. Development: I'm going to have to go back and talk with inSITE about that. It was something that must have occurred before my arrival. I do know that they have; they keep an ongoing awareness of what is available. For instance, Councilman Bollas asked us about a certain company in Tallmadge down at Six Corners Southwest and we have worked with that company and provided them several options to relocate in Tallmadge based on the database that they have available properties. As far as a providing us a report, I'm not aware of that but I do know that they do have data on that line so I can look into that and get back to you prior to our next Council meeting.

Pres. of Council: I didn't meant to catch you off guard but as you were talking about it it sparked my memory on it and I think there just basically a general question or a request of creating something that is visual for us on Council and the public just to be able to see and say, changeable items, say hey this is a report that they have given us that we can look at and review and say basically what we are getting our money for more or less.

Dir. of Admin./Econ. Development: Well, we are getting our money, Mr. Bozic, for a lot of things. One of those things is absolutely connections. Something that economic developers don't normally have is prior relationships with several builders and other developers. Through the team that we get through inSITE, which is at a considerable savings for an economic developer based on our contract price and looking at what we have to pay a top-notch economic developer and benefits, we are getting a team of 4 different people on a regular basis supporting in different ways. One of those is assisting us with the business development and keeping track of these available parcels not so much in a report; they have worked on a couple of products that were just about ready to launch. After I got here the Mayor, and I talked to them, and we decided to ask for a couple different projects. We are doing a handout when we do business retention and expansion visits which is just general information. That is kind of a one-pager. The business owners for the most part are established or newly established, so they have worked with us in the past. For new businesses, we are going to have a pamphlet, actually it is a small booklet providing information, opportunities, our economic development plans. The ordinance that we have that can support economic development.

There is also one. It is a fact sheet, and we have been toying with this one. It is just kind of a handout multipurpose use on why you want to come to Tallmadge. Believe it or not, that is almost kind of the hardest work because you are trying to put everything in one page that gives you statistics about the community, businesses, transportation and those types of things. So, that might be a little bit longer, but getting back to the relationships, we have had more contact with a business owner on West Avenue where we have a potential for development depending on what happens with the West Avenue Overlay.

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Dir. of Admin./Econ. Dev. (Cont'd.) We have had more discussions this year than in previous administrations. It is not because the previous administrations didn't try, it is all because of prior existing relationships. One of the senior leaders on inSITE's team has been a developer, has been an Executive Director of a non-profit, a major non-profit museum here in the Akron area and has taken that from a very good to a great level in his prior experience there. Part of that is through economic development; developing that property to make it a destination and bring people in. Those are the things that we are working with inSITE on, with Round River Consulting and what we will be doing through our community engagement. So, we are giving a lot more than just one document from inSITE. So, I am pretty passionate about this. I can see a vision among all of the Council members and the Administration where we want to take the City and improve West Avenue and all of Tallmadge. So, thank you for my long-winded answer. I believe the Mayor has a little bit more to say on the document.

Mayor: Yes, so inSITE has gone around through the whole City and they do have a list of vacant commercial properties that are u for sale or lease and they also had somebody go around the City and they said they got a lot of unique looks because they were also just looking for empty buildings that are not currently being listed that they are available. So, they do have a database together with that information so we will make sure that once they . . . I'm sure they have it in a document somewhere and we will make sure that you get a copy of that.

Pres. of Council: That would be great. Thank you. I do know that West Avenue is our biggest area of interest and I just wanted to make you aware, I don't know the last time you have been down through there . . . somebody had mentioned this to me as well just kind of the looks, the status of one of the buildings on West Avenue as you are heading up the hill towards the right. I won't talk about which one it is, but it looks a little unsafe basically. There are some items that are kind of hanging from the front of the building. So, if that narrows it down for you.

Dir. of Admin./Econ. Development: We can talk after the meeting sir. Just one other that you may have seen, ABC Automotive has temporarily closed down. We have reached out to the owner to get the status and to actually inSITE did that at our request and also see what future plans they might have for that building.

Dir. of Law: If I may just interject if there are property maintenance concerns, we do have the Property Maintenance Code does apply to both industrial and commercial as well. So, you can direct those to Planning & Zoning.

c. Director of Public Service:

- Just wanted to bring up a couple things. The **Tallmadge Fall Festival** will be on October 12th from 1:00 to 5:00 p.m. at the Tallmadge Rec Center. I would like to thank the sponsor, Speelman Electric for it.
- Also, we are doing a **Fall Event Survey** and so we always hear that people want us to bring back the Street Dance and we want Trick or Treat on Saturday instead of Thursday night. We always hear all these things, and we have had that survey out since the Circle Fest, and it closes on the 15th of October. I had to encourage everybody to push this out. We would like to know more about what you really feel and what you really think. What do you really want to see. Right now, we only have 200 people that have replied and that is not a lot when you think of the City being 18,000. So, I really can't apply what those 200 people are saying that really merits anything so push this out unless somebody wants to see changes. I personally like the Fall Festival, but that's me. I personally like Trick or Treat on Thursday but that is also me.
- **Perry Road Crossover Replacement.** It started yesterday and we finally got the material and pictured to the left is the old galvanized. Remember we went with a larger crossover, and you can see the saddle there how much larger that is that we are putting in there.

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Dir. of Pub. Service (Cont'd.) That is an elliptical one instead of a circular one. Two more sticks of pipe need to be put in. Two yesterday and four today. Quite a project. It is pretty deep in the ground. The company is doing a good job, but I don't want to jynx it though. It is moving along unless there are any questions.

Pres. of Council: The fire hydrant at the end on Washburn was taken out several weeks ago and I am assuming we have parts on order or something like that.

Dir. of Pub. Service: No, we were just going to have personnel put it in. I am down 2 people right now in the Utility Department. So, as soon as we get up to snuff, we will put it back but there are fire hydrants that the Fire Department can use and get to. The problem is we are moving it behind the sidewalk. It was hit twice this time.

Pres. of Council: That was going to be my next question.

Dir. of Pub. Service: So, as soon as we get a couple back, we will get the hydrant back in there.

Pres. of Council: Thank you. I appreciate that move because I myself have pulled a 26' trailer and I purposely go as wide as I can because I am in fear of taking that hydrant, so thank you sir for that.

My other question is is the property at Northwest and Howe Road; it used to be a muffler shop that we had approved recently for Council to take possession of. What is the status of the . . . are we razing the building?

Dir. of Pub. Service: Yes. We are applying for grants to take that down.

Pres. of Council: And then in the previous Council meeting you had mentioned the Maca bathrooms and the use of the ARPA money and potentially using that for I think some road improvements. My question would be is it . . . well in your statement you had said something along the lines of not wanting to come to us and ask for additional funds above and beyond what . . . to make up the shortfall basically. Are we short on the road improvement side that that would be . . .

Dir. of Pub. Service: No. So, keep in mind that the ARPA Funds have to be used for something that improves the City throughout. It can't be just an individual . . . road improvements would count. So, it benefits everybody. So, \$450,000 savings on the General Fund is not bad.

Pres. of Council: I guess my next question because of the approval process of those funds does need to go before Council to approve the . . .

Dir. of Pub. Service: Oh yes. The Finance Director is coming back.

Dir. of Law: I think she indicated that she would have that to you in the beginning of October.

Pres. of Council: I, myself would be in favor of meeting the shortfall that we have for the bathrooms rather than go through the process of approving . . . obviously we have shovel-ready projects ready to go. I wouldn't be opposed at all to meeting that shortfall for the restrooms. That is just my opinion.

Mr. Rubino: I agree.

Mrs. Gutman: I have been thinking about it and I feel ever since you brought it up people walking across that parking lot you know to get to the bathrooms; I have been worrying about that being an accident waiting to happen. Having that grant money and knowing that we probably won't put a bathroom there if we don't do it now, I would be in favor of meeting the shortfall as painful as it is to spend the money. I think that it is worthwhile to do so.

Pres. of Council: Something to think about sir.

Dir. of Pub. Service: Maybe something for you folks to think about. I mean at the end of the day if that is the route you want to go, I don't know because at the last Board of Control we . . .

Dir. of Law: We do not . . . we rejected them.

Dir. of Pub. Service: We rejected all the bids. So how does that mean . . .

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Dir. of Law: You would have to go back out to bid.
Dir. of Pub. Service: Therein might be the problem. We are kind of running out of time on that because we have to have that money spent.
Pres. of Council: How many weeks do we need to advertise again?
Dir. of Pub. Service: About a month; yup. I have to have that encumbered.
Pres. of Council: Well, we have 3 months. I think it is achievable.
Dir. of Pub. Service: 3 months, 4 Council meetings. It should be fun.
Pres. of Council: We can call a special one if we need to.
Mayor: Also remember too the only location we can put those bathrooms would be right in between the one pavilion and the baseball field. So, the one pavilion, the view that they would have when they are using that pavilion if they would use it for the baseball fields, they would actually be looking at the restrooms and they couldn't see the ball fields. Just also remember that.
Pres. of Council: There is no way to move that?
Mayor: Not really.
Dir. of Pub. Service: It's hard.
Mrs. Gutman: I don't remember that coming up before.
Dir. of Pub. Service: It will be alright.
Mr. Rubino: I don't think that it is ever going to get any cheaper to put these in. I think that it is a very good betterment for the City and to avoid . . . I don't like the idea that kids have to cross that parking lot. I think that we strike now while the iron is hot and get it done.
Mr. Bollas: Does that require a vote?
Dir. of Law: You will have to have a new ordinance though.
Mr. Bollas: I just mean directionally . . .
Dir. of Law: There will have to be a new ordinance either way.
Pres. of Council: Then I would make sure that we pass that ordinance at 1st Reading. For the next meeting.
Dir. of Law: I don't know, if . . . I don't know if the Finance Director will have both of them available so either one could be passed at 1st Reading if necessary. That might be what we would do.
Pres. of Council: We will do our part to make sure it gets through as quickly as possible. Thank you.

- d. **Director of Finance:** Absent.
- e. **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

Mary Gutman, Chair
 Jessica Epstein, Vice Chair
The Planning & Zoning Committee deals with land use, zoning, conditional uses, planning, economic and community development, and public property.
 i. **Additional Items:**

b. FINANCE

Donald Pavlik, Chair
 Jonathon Bollas, Vice Chair
The Finance Committee deals with budget, appropriations, reappropriations, bonds, franchises, investments, and expenditures.
 i. **Second Readings of Ordinances and Resolutions.**

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- A. Ord. 2024-57** – Authorizing the Mayor to enter into a Memorandum of Understanding with the County of Summit and other political subdivisions for Job Creation, Retention, and Tax Revenue Sharing and providing for immediate enactment.

Sponsor: Mayor Carol A. Kilway

Mr. Bollas: Good evening. I call the Finance Committee to order. Tonight at 2nd Reading we have Ord. 2024-57. Are there any comments or questions from Council or the Administration?

Mayor: This is at 2nd Reading right now. It is something that we have been part of for several years. It is just a tax sharing agreement that we have for job creation and revenue sharing. Mrs. Gilbride did talk about it at the last meeting as well. So, it gives us points when we apply for grants from the Ohio Public Works. So, if you have any questions, that's fine. Like I said, it is at 2nd Reading, and we do have to have it signed before October 1st so we would like 2nd Reading adoption. If not, if you want to talk to the Finance Director about additional items or if you have questions that you feel you need to talk to her about then we could probably go to a 3rd Reading but I think we are ready to go. This is something that we have had for many years.

Mr. Bollas: Yeah, just in looking at this 20-page document and I have read through it a few times, but I still have some questions, and I was planning on scheduling a meeting this week. I apologize that I wasn't able to do that. Before I go into those is there anyone on Council have any additional questions or comments on this one?

Pres. of Council: I just had one comment. I just researched the Memorandum of Understanding that was passed by the County Council and the vote was 10-0. 10 yeses and 0 no's. I'm OK with passing this Memorandum or this ordinance.

Mr. Bollas: My questions were more based on the idea of the concept of the departing versus the party receiving the business and getting into some of those thresholds, you know payroll thresholds, work from home thresholds; there is just a lot of granular detail in there and again I apologize I wasn't able to schedule that meeting this week.

Mayor: A lot of these changes that were made were to vet out the work from home; to put some limits on payroll and stuff like that and it cleaned up the document a little bit from where it had been in the past. So, if you would like to schedule an appointment with the Finance Director, you can but it is a good document. It really is.

Mrs. Gutman: You said this should be signed by October 1st.

Mayor: They are asking for it to be done by October 1st; yes.

Mrs. Gutman: What would be the consequence of not doing that?

Dir. of Law: It would be fine. It would be retroactive until October 1st. You are welcome to give it another reading though.

Mr. Bollas: As Vice Chair, this is what I would suggest, and I will get that on the calendars.

Pres. of Council: I just had one question. How does this relate to . . . because this is encompassing Summit County; how does this work for our JEDD considering that it is on the border of both Summit and Portage County.

Mayor: This is in Portage County, so it does not . . .

Pres. of Council: So, it would be any business that moves into there, would not be part of this agreement, correct?

Mayor: Because it is in Portage.

Pres. of Council: Because it is in Portage. Now, any business that moves out of that area . . .

Mayor: It is not an agreement between Summit and Portage Counties. It is just a Summit County agreement.

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Mr. Rubino: Mayor, do you anticipate any shortfalls with the City's plans on the West Avenue Overlay and the growing that you guys are going to try to be accomplishing there that we might lose more than we gain on this just with growing that area that fast or do you think it will pretty much balance out.

Mayor: I don't think that this ordinance will affect anything that we are doing on West Avenue. So, we are trying to attract businesses; that is true, but the development that we are looking at . . . we are not looking to get rid of any of our businesses that are there currently. We are trying to attract businesses, and the businesses would be new businesses and not like from other communities.

Mr. Rubino: Trying to attract businesses; are we worried about sharing that revenue during a big growth period in an area like that or do you think it is all going to balance itself out?

Mayor: It ends up balancing itself out. Like I said, for as long as when I was on Council for the 12 years that I was on Council, I think for the last 10 years we have had this agreement in place at least the last 10 years that I was on Council. I don't know how much it has even affected . . . if you would want to get actual numbers, you would have to talk to the Finance Director as to the actual numbers.

Pres. of Council: I will put the Memorandum of Understanding just as an overview. There are tiers to this. There are tiers for annual payrolls that are more than \$3.5 million and annual payrolls that are less than \$3.5 million and it looks to be a 3-year agreement for the ones that are under \$3.5 million and a 5-year agreement for the ones that are over \$3.5 million and it is tiered such to go for example, the 5 years; 50, 40, 30, 20% and so overall I think it would be better to receive 50% of that revenue in an area that we are receiving nothing for one year and so forth. So, I think overall, it does make sense. We obviously still somewhat benefit if we have a departure from our City but I think our ultimate goal is not to have that and to continue to grow Tallmadge and to continue to bring in more business.

Mayor: Be business friendly.

Pres. of Council: Yes.

Mr. Bollas: Alright, so we will give this a final reading. Are there any other additional items to come before the Finance Committee? Hearing none, I close committee. Thank you.

ii. Additional Items: None.

d. SAFETY

Nicholas Rubino, Chair

Ted Roy, Vice Chair

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

Mr. Rubino: I call the Safety Committee to order. We have no legislation before us this evening. Does anyone have anything for Safety? Hearing none, I will close the Safety Committee.

i. Additional Items: None.

e. COMMUNITY ISSUES

Ted Roy, Chair

Mary Gutman, Vice Chair

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

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

September 12, 2024

Mr. Roy: I would like to open Community Issues tonight. We have no legislation before us this evening. Does anyone have anything for Community Issues? Hearing none, I will close committee.

i. Additional Items: None.

f. PUBLIC SERVICE

Jessica Epstein, Chair

Nicholas Rubino, Vice Chair

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

i. First Readings of Ordinances and Resolutions.

A. Ord. 2024-61 – Authorizing the Mayor to advertise and solicit bids for city-wide trash and recycling collection, to enter into a contract therefore, and providing for immediate enactment.

Sponsor: Dir. of Pub. Service Rorar

Mrs. Epstein: I call the Public Service Committee to order. We have Ord. 2024-61 at 1st Reading. The sponsor is Dir. of Pub. Service Rorar.

Dir. of Pub. Service: It's hard to believe that it has been 5 years next June. The reason why I am asking for this now is because I would like to go out to bid in December and if the trash hauler changes, that will give them ample time to switch out the carts. Then they would have to order those carts and with 6,000 residential places it would be quite a bit so that is why I am asking for it now. It doesn't have to be passed tonight. It can go 3 readings, but I would like to go out to bid by December.

Mrs. Epstein: Alright, is there any other discussion?

Pres. of Council: I would just like to make the comment that I think this would be a welcome change if we decide to select another company or if another company comes in lower. I have received not many complaints, but several over the last 5 years that are less than favorable.

Dir. of Pub. Service: We have received about the same amount as the last hauler. They have drastically dropped off since Covid. That year of Covid was a bad run. What a time to get a contract. So, the last 18 months, I don't know if we have gotten very many. So, we really can't say anything bad about Kimble.

Mrs. Epstein: When we changed over 5 years ago it was because it was a better rate than what we were using before; right?

Dir. of Pub. Service: They were actually the lowest and best bidder.

Mrs. Epstein: OK.

Dir. of Law: The other thing that we are doing differently is the term of the contract has been extended so that I think at one point we had to make the changeover during the holiday season because it was the end of the year with the calendar year and Mr. Rorar very skillfully determined that that wasn't the best thing to do moving forward so this contract goes into that June timeframe so that we will be doing it during the middle of the summer instead of the holidays. Very well thought out there Mr. Rorar.

Mrs. Epstein: Is there a motion or do we want to leave this at 1st Reading?

Pres. of Council: I will make a motion to adopt Ord. 2024-61. Seconded Mrs. Gutman. Roll Call: Mr. Bollas, Mr. Bozic, Mrs. Epstein, Mrs. Gutman, Mr. Roy, Mr. Rubino – unanimous. **Ord. 2024-61 is adopted by a vote of 6-0.**

Mrs. Epstein: Is there anything further for Public Service this evening? Hearing none, I will close committee.

ii. Additional Items: None.

COUNCIL MEETING

Council Chambers @ 7:00 p.m.

September 12, 2024

11. Reports of Special Committees:

a. Council Operations Committee

Mr. Bollas: I have nothing new to report. Just wanted to let the Dir. of Administration know that it is still on my radar to schedule a meeting to review the preparation on the budget. I will get that on your calendar.

Dir. of Administration: If we could sit down afterwards. I can pull my calendar, and we can go through that. It is just with so many different calendars we need to do that in-person or on-line or on the phone. Thank you.

i. Additional Items: None.

12. Announcements: None.

13. Adjournment: Mr. Bollas moved to adjourn. Seconded Mr. Rubino. Roll Call: Mr. Bozic, Mrs. Epstein, Mrs. Gutman, Mr. Roy, Mr. Rubino, Mr. Bollas – unanimous. **The Council meeting of 9-26-24 adjourned at 8:47 p.m.**

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