

Warren, Ohio

MINUTES

REGULAR MEETING WARREN CITY COUNCIL

JULY 22, 2009

- CALL TO ORDER** The regular meeting of Warren City Council was called to order by President of Council Robert A. Marchese in Warren City Council Chambers at 7:30 PM, 141 South St. SE, Warren, Ohio.
- INVOCATION/PLEDGE** The meeting opened with prayer lead by Councilman at Large Helen Rucker and was followed by the Pledge of Allegiance.
- ROLL CALL** MEMBERS PRESENT: Rucker, Dean, Dippolito, Novak, Barkley, Morn, Flask, Pugh, Hartman, Crouse
- OFFICIALS PRESENT** Mayor O'Brien, Law Director Hicks, Treasurer Homlitas, Director Franklin
- DEPARTMENT HEADS** Capt Tim Bowers, Gary McBride for Chief Nussle, Gary Cicero, Bob Davis, Bob Pinti, Jim Wilden for Tom Angelo, Bill Totten, Renee Cicero, Lisa Mazzochi, Mike Keys
ABSENT: Bob Davis, Chris Stephenson, Tom Gaffney
- MOTION-ACCEPT PREVIOUS MINUTES** Motion Dean, second Novak to accept the minutes of the last meeting but dispense with reading of the same. VIVA VOCE: Yes; 0 No. Motion passed.

PRESIDENT MARCHESE: I want to take a minute to thank Mr. Dean who for the last ninety days has acted in my place. To all of you, many, almost all of Council stopped by and brought some nice gifts and some other things that I can't talk about. The lay up has not been that bad in the box of chocolates. I saw the doctor today and am well on the way to healing and hopefully I'll (inaudible). I'm getting used to having steel in my body which is a new thing and I can't wait till the next time I go through an airport terminal. So it should be, but to all of you for your kindness and your understanding and the things and if I may, to the city workers who either called or sent cards and I humbly say many of them I don't even know. I was very touched by this through this illness of mine. So I appreciate it. It's good to be back with everybody.

REPORTS

- MAYOR** MAYOR O'BRIEN: Thank you Mr. President. It's great to have you back Mr. President. No report.
- LAW** ATTORNEY HICKS: Thank you Mr. President. No report this evening.
- AUDITOR** MR. GRIFFING: Thank you Mr. President. No report this evening.
- TREASURER** MR. HOMLITAS: Thank you Mr. President. No report.
- DIRECTOR** MR. FRANKLIN: Thank you Mr. President. I guess I have to break the streak. First of all I'd like to thank Deputy Health Director Bob Pinti and Law Director Hicks, the Police Department and the Water Department under its Director Bob Davis for helping with a long standing nuisance on the north end, 710 Rex Boulevard. Those residents were, probably two months ago, with some collaborative effort we were able to this week evict that problem and restore some stability and peace to the neighborhood. I'd like to thank all of those departments that were involved.

Secondly, like to announce the street closings from Sunday, July 26th, 8 AM through August 1st for 8 PM for the music-art event. That would be Mahoning Avenue, west side of the courthouse from West Market Street to High Street and detour signs will be posted. Thank you Mr. President.

DEPARTMENT HEAD REPORTS

No reports.

July 22, 2009

SUMMARY OF CORRESPONDENCE

THERE IS NO NEW CORRESPONDENCE FOR THIS EVENING.

THIS CORRESPONDENCE IS ON FILE IN THE CLERK OF COUNCIL OFFICE.

STANDING COMMITTEE REPORTS

POLICE & FIRE

MRS. HARTMAN: No report, but as a reminder, we do have a meeting scheduled for tomorrow.

WATER/WATER POLLUTION CONTROL

MR. CROUSE: Thank you Mr. President. Water Pollution Control committee met and minutes are on file and the two pieces of legislation are coming up from that. Thank you.

FINANCE

MR. NOVAK: Thank you Mr. President. Finance Committee met yesterday to review the agenda for today's meeting. There were no recommendations made for any of those for passage, but I will say that I'm very glad with Mr. Totten's work and his department and other folks here in the city that us being awarded those additional funds for doing the street repairs. I think it's something that is badly needed and that will definitely make a difference in some neighborhoods.

Also, too, our clerk is going to make a copy of that information that Mr. Cicero brought for the caucus meeting today.

And I know that August is usually a recess for us, but I think that with our situation that we're in, I do intend to call some Finance Committee meetings during August, cause I think we are in a situation where we just can't shut the door and disappear for a whole month. We know we're going to have to start looking at our 2010 budget and we know we're going to have to look at some things that we've never even thought we'd be looking at. Be prepared, I'm going to try to contact everybody, make sure everybody's available. But we have to keep, keep moving and keep meeting on this and be prepared for what we're going to have to do for 2010. And we know there's going to be even less money. It's not going to be an easy thing. Thank you Mr. President.

SPECIAL COMMITTEE REPORTS

STRATEGIC PLANNING

MR. BARKLEY: Thank you Mr. President. The Strategic Planning Committee met last Wednesday and Thursday. We've started the process now with council of reviewing the final draft of the strategic plan and we did cover some grounds in those two meetings and we think that we can conclude the process, at least the committee review process in another meeting. I would like to try to see if we can

schedule something for next week although if that's not possible since Mr. Novak is going to have finance meetings, maybe what I could do is schedule one of those meetings as a piggyback meeting maybe on one of the shorter meetings and we could have a meeting back to back in August. My intention is to have a resolution ready to adopt the plan ready for our first council meeting after break along with several resolutions that I've been discussion over the last year to accompany that strategic plan as far as committee assignments and other things to help move the implementation of the plan along. So that probably will take some time to have that drafted by the Law Department. So my intention is to ask for adoption of the plan in that first meeting, but I'll, I'll see what we can work out as a meeting date and I'll maybe coordinate that with Mr. Novak's. Thank you.

PACKARD MUSIC HALL MR. FLASK: Thank you Mr. President. The Packard Music Hall Committee met on this past Monday, July 20th and minutes are on file in the clerk's office and there will also be a Packard Music Hall committee meeting this Monday, July 27th at 4 PM regarding management of the hall and Attorney Jim Floyd who constructed or was a part of the agreement with the Covelli Centre in Youngstown will be there to answer questions for Council. Thank you.

MRS. RUCKER: Thank you Mr. President. The skate park committee had a second meeting and we just had a general conversation about the type of skate park we were looking at and the type of, a little bit about the type of equipment and the cost of construction.

However, I'd like to call a third meeting for July 27th at 3 PM. I'll try to narrow that down to some citizen participation and the type of equipment and the and some concrete plans about the skate park.

PRESIDENT MARCHESE: Mr. Barkley I was going to ask if you would, could you call a committee meeting with the school board and I'd probably like to do that some time in, you know the next two weeks or three. I think there's a number of and it came up in caucus, a number of people who wanted to just have an update with them.

MR. BARKLEY: I appreciate that Mr. President and I'll do that because I also agree that we've got a lapse here where we need to sit down and settle communications with the school board on several issues, so I'll do that. I'll try to call a meeting within the next two weeks and possibly maybe we can piggyback off a second finance or something. But I'll make an announcement through the clerk's office. Thank you.

MR. NOVAK: Thank you Mr. President. I have been in contact with Mr. Paglia from the chamber and would like to possibly in September we would have a COG meeting and one of those things that we would like to discuss is the possibility of looking at the combination and combining of some services between cities, villages, and townships especially safety forces. And he is going to get back with me. We may have some speakers coming possibly from the City of Akron and Summit County on the process that they're going through. And I think this will be a learning experience for us and we might be able to utilize what they've done over there to start in initiating their creation of their metro police force in the City of Akron and Summit County. Thank you Mr. President.

PRESIDENT MARCHESE: We have a number of speakers this evening and I remind our speakers that you're limited to three meetings, sorry, three minutes, vicodin is kicking in, and we will enforce that three minute rule starting with our first speaker this evening.

PUBLIC SPEAKING 7:41 PM

CHESTER EVANS, 1358 Larchmont NE, Warren, Ohio: Good evening. On July 9th, Thursday approximately 8 PM police were called by a neighbor Carrie (inaudible) after an altercation behind my garage in which I was verbally assaulted.

MR. PUGH: Name and address for the record.

Name is Chester Evans, 1358 Larchmont NE. I was verbally assaulted by the neighbor and her daughter living at 1441 Elm Road, them being verbally abusive toward me, I just kept watering my grass. Police officers Sherry McMahan and Melanie Gambill came to my residence on 1358 Larchmont NE. Officer McMahan told me there was not anything I could do about neighbor's dogs barking excessively and constantly. The officer's dog was barking at the time and she said, 'that happens'. I ask her if she was going to let her dog bark for an hour and she said 'no'. She advised me not to spray water on the dogs and to talk with the Law Director which I did. I told her I was watering my grass, I could not believe there was nothing I couldn't do about dogs barking excessively between 7 AM and 11 PM. The barking dog ordinance; what city ordinance applies? Aren't there an ordinance for disturbing the peace, being a public nuisance? I'm a taxpayer and resident for over forty years. I never had any problems with police. The woman as asked at least six times, different times to keep her dogs quiet. She did not, stating her dogs could bark when they wanted to between 7 AM and 11 PM. I don't believe her dogs are either licensed or have had the shots. Her dogs bark about 20 yards from my windows. Other neighbors ask me how I could stand the barking. My wife has been taking radiation for the last several weeks after being diagnosed with breast cancer. She is very tired during the day and cannot get any sleep because of the dogs barking. Any help from council would be very appreciated.

PRESIDENT MARCHESE: Mr. Evans what we'll do is after the meeting ask the acting police chief to meet with you. Chief, you'll be here after the meeting, correct?

ACTING CHIEF BOWERS: I'll be here after the meeting, but it sounds like he's already been advised on the action to take.

PRESIDENT MARCHESE: Well let's meeting with him to make sure he gets some advise.

ACTING CHIEF BOWERS: That will be fine.

PRESIDENT MARCHESE: Will that be okay, Mr. Evans?

MR. EVANS: To meet with him?

PRESIDENT MARCHESE: Yeah.

LARRY DUEBER, 1747 Estabrook NW, Warren, Ohio: Good evening Mr. President. My name is Larry Dueber. I live at 1747 Estabrook on the northwest side. I'm speaking tonight as trustee and also secretary of the Northwest Neighborhood Association. I want to announce two events that we're sponsoring. I've already let Council know this, but I'm announcing it publicly. This Saturday we'll have a clean-up. We're gonna be cleaning up Lovers Lane. It's pretty bad down that stretch. We're going to be cleaning up not only trash along the riverbank but also trimming bushes and trees. It's obviously becoming a dumping sight also. People are dumping lumber along the road. It's interesting we've got an environmental, two environmental offices coming to our August meeting to talk about dumping. So ah, but we'll be meeting 8:34 at the Grace United Methodist Church, the corner of Drexel and Moncrest to ride together so we don't have too many vehicles going down to the beginning of Parkman Road and Lovers Lane, that intersection there is where we're going to start weather permitting.

My second announcement is: we're going to have another candidate's forum. We're going to be doing this on Monday, September 14th at Grace United

Methodist Church where we normally meet. This will be a 6 to 8 program. We'll open at 5:30. Council people, also Mr. Homlitas and he's unopposed, is welcome. We also have two school board positions that are open this year and all school board candidates will be invited to attend. We would like RSVP's so we know how many people to seat up front. The public is invited but we do have limited space. Maybe 75 to 80 people can sit in the social hall where we meet, first come, first serve.

I want to assure all candidates school board and city council alike that you will be respected. We will not tolerate any attacks from the audience. No heckling. Questions will be asked of you. You'll be able to make statements and many of you were at our spring one and it went well. We've done this before. This is a chance for people to hear what you have to say and to have an opportunity to ask a few questions, but it will not be an attack session. Anybody who does that will be removed from the building. We want you to know that. So we welcome you to come and please let us know if you're able to make it.

Mr. President, I do want to welcome you back. Mr. Dean running the caucus meetings, they were too short. Thank you Mr. President.

KAREN RADOVIC, 1101 East SE, Warren, Ohio: Karen Radovic, 1101 East Avenue SE. I would like to invite everyone here tonight and pass the word around anyone who is interested to the Trumbull County National Night Out which will be held at Waddell Park on August 1st and 2nd. One of the reasons I wanted to speak at council tonight is we have certain honorees that we honor at the opening at the event on August 1st. It will be at 11 o'clock. The honorees this year for police officer will be Officer Doug Hipple of Warren. For the firemen will be the fourteen firefighters who pulled Officer Hipple and the ladies out of the fire. The EMS is Ronnie Connor of Fowler, Miss Connor is the 911 dispatcher who talked the parents through resuscitating the baby when the baby stopped breathing. Miss Connor is also a Fowler firefighter and she just passed her paramedics national registry. The citizen who is to be honored is Clayton Lowry of Warren who as all of you know has done an awful lot for the City of Warren volunteering his time. I have flyers for anyone who is interested. I would encourage all of you since most of the honorees are from the Warren City to come and honor those who put their life and their time out there for all of us. Thank you.

KATHY LEPRO, 650 Perkins Dr., Warren, Ohio: My name is Kathy Lepro and I live at 650 Perkins Dr. NW and I'm here tonight representing the Historic Perkins Home Neighborhood Association. And I'm here to invite the administration, city council members, department heads and safety service people to our second annual neighborhood picnic which will be a week from this Saturday on Sunday, August 1st from 2 to 4 on Belmont Street NW just off of Mahoning Avenue in a double empty lot, actually owned by Clayton Lowry. Look for the big tent there. There are tough times in the City of Warren, but I'm here to say that because of a lot of hard working people in our neighborhood association as well as generous individuals and community people, business people, this picnic is going to be totally free to the residents within our boundaries which consists of the neighbors from High Street to Summit Street and from Mahoning Avenue including Perkins Drive and then over to North Park.

We have free food. We are going to have two music groups although they are not trivia bands, they do a pretty good job and we have face painting for the children and I believe the fire truck is even going to come and let the children see the fire truck and spray some water on them if it's a nice, hot day. That's at least if all things being considered. Thirty door prizes for children and for adults and we would like to see as many of you there as possible and we do have a rain location. If the weather is inclement it will be at the Higher Praise Covenant Church on the corner of North Park and Atlantic thanks to Reverend Whiteside who is the pastor there.

I have flyers here. I don't know if it's kosher to pass them out, but if it's okay, I'll send one down this way. Take one and pass them down and there is an RSVP number on that, so please call me if you plan to attend and we had about 150 people who attended last year and it was wonderful. So I hope as many of you who can will be with us to enjoy it. Thank you.

MEEGAN DEMAGALL, 2612 Woodland NE, Warren, Ohio: My name is Meegan Demagall. I live at 2612 Woodland St. NE. Thank you for allowing me to speak again tonight and I would like to welcome back Mr. President. Two weeks ago I had an opportunity to address an issue that is of great importance to me and this community. The drilling of natural gas wells in our neighborhood. Tonight you have an opportunity to be leaders in the State of Ohio. Currently Senator Tim Grendell is seeking support for new legislation that could drastically improve Ohio's current laws. The City of Warren can be part of this change. Even the natural gas industry admits that some changes must be made, and I would like to quote William Bennett the President of the Ohio Oil and Gas Association. He states we continue to work cooperatively with the division of mineral resource management also known as the DMRM to upgrade ORC 1509. The statute and corresponding regulations have not been comprehensively reviewed for change since 1965. The primary focus of the rewrite is on the DMRM enforcement mechanism, urban drilling rules, mandatory pulling, idol wells and hydraulic fracturing. With that said tonight I'm asking that you approve this resolution to place a moratorium on the drilling of gas and oil wells in urban areas. A representative can help Senator Grendell change the laws. I also urge you Mr. Doug Franklin and our Mayor Mr. Michael O'Brien to not lease the right of way to Everflow Eastern. I asked all the residents not to sign any leases with the gas company.

I would like to thank Mr. Barkley, Mr. Novak, Miss Rucker and Miss Morn for supporting this resolution, and Mr. Frank Bodor for donating his expertise. On a personal note, I have spent a good portion of my life fighting a battle I hope to win. Yet here I stand a two-time cancer survivor who has now been in remission for two years. I refuse to see our city lose this battle. Now help me take this fight to Columbus. We have to face real safety, health and property value concern. Please, let us all take a stand. Tonight we could be leaders in the State of Ohio instead of followers and that is a change I am proud to be a part of. Thank you.

JOHN BROWN, 711 Oak Knoll NE, Warren, Ohio: Thank you. Thank you Mr. President, Council, Mayor and the administration. My name is John Brown. I wish to speak in favor of resolution 2927 tonight for the suspension of urban drilling in Ohio. I've now seen the majority of the gas wells in Warren, many are rusted, unsightly and in disrepair. I've seen wells with gates missing or unlocked, fences falling down, wellhoods wrapped with rags, tarps covering well hoods, emergency information faded or missing. The one thing the 50 plus wells that I've seen have in common is none of them are in the middle of a neighborhood. None of them are in the middle of a neighborhood of homes. This is not an issue for us to fight amongst ourselves about. This is an issue of home rule. With the passage of this resolution Warren will become a leader in the battle to fight urban drilling in Ohio. Thank you.

JEROME STEPHENS, 454 Butler NE, Warren, Ohio: I'm Jerome Stephens at 454 Butler Rd NE in Warren. I'm speaking about the gas wells. The previous speakers have affectively stated the issue and I simply wish to add this that the resolution item 2927 against the drilling of gas wells is designed to put the state on notice that all of Ohio should come in to line with neighboring Pennsylvania and forbid wells within densely populated areas. They, with 150 years of experience with those things, also call for a difference of 3000 feet between the well and any dwelling. Why should Ohio be so backward in this? Thank you.

FRANK BODOR, 609 Melwood Dr. NE, Warren, Ohio: My name if Frank Bodor. I live at 609 Melwood Dr NE, Warren, Ohio. Mr. President, members of council I have the privilege of representing this body here who is asking for this resolution that you pass this evening. The big issue here is drilling six wells in a highly dense area. It isn't just drilling in the city because there could be some places in the city where it's industrial and perhaps it's okay perhaps to drill where there's no danger. But when you contemplate drilling six wells then you increase the risk by six times. You increase the noise by six times, the dirt by six times, and all the attending problems that come with it. We ask that you pass this as an emergency measure and that we would ask every councilman if you could please with your power to call the legislators and tell them the importance putting a moratorium on gas drilling until this matter can be resolved.

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Basically in this case six gas wells on a three hundred foot wide strip of land where you put the gas wells right down the middle a hundred feet from or 150 feet from dwellings, it's a very dangerous, dangerous situation and we are exploring more and more and finding more and more of the dangers that are attended with the gas wells. And again we would ask the Safety-Service Director kindly not to give away the rights of the city underneath the streets for this purpose and we hope the legislature will be able to address this thing as soon as possible. And we want to thank you for entertaining this tonight regardless of your vote.

LEGISLATION FOR PASSAGE

**DRAFT 2915
GIRL SCOUTS GOLD
AWARD**

A resolution for the purpose of honoring and commending four Warren recipients of the 2009 Gold Award of the Girl Scouts of north east Ohio.

Mr. Barkley requests the clerk to read the title on Draft 2915.

READ

Clerk reads same.

MOTION FOR PASSAGE

Motion Barkley, second Novak to pass Draft 2915.

REMARKS

MR. BARKLEY: Mr. President, just a point of order to Council, unfortunately the girls that are receiving the Gold Award weren't able to attend tonight. However a representative from the Girl Scouts is here and I gave her copies of the resolutions to pass out. It appears that several of the girls have gone off to college already or have started school early so they were not able to attend, but I wanted just to commend these girls and make it known to everyone that receiving a Gold Award is the highest honor that a Girl Scout can achieve in that age and I think that's very commendable. And these four girls are from the City of Warren and they make us proud by doing that, so I just want for the record commend them for doing that and hope that you will pass on to those girls our accommodations and congratulations to them.

ROLL CALL

YES: Crouse, Rucker, Dean, Dippolito, Novak,
Barkley, Morn, Flask, Pugh, Hartman

NO: None.

PASSED
RES. 4430/09

10 YES; 0 NO. Motion passed. Draft 2915 is now RES. 4430/09.

**DRAFT 2922
ODOT AGREEMENT
HIGH ST NE**

An ordinance for the purpose of authorizing the Director of Public Service and Safety to enter into agreement(s) with the Director of the Ohio Department of Transportation and any other agreement(s) and/or contract(s) which may be necessary or useful for the engineering, planning, construction, reconstruction and resurfacing of High Street NE from Mahoning Avenue NW to Chestnut Avenue NE and declaring an emergency.

Mrs. Morn requests the clerk to read the title on Draft 2922.

READ

Clerk reads same.

MOTION-SUSPEND
THREE READINGS

Motion Morn, second Barkley to suspend the rule requiring three readings on Draft 2922.

ROLL CALL

YES: Rucker, Dean, Dippolito, Novak,
Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed.

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MOTION FOR PASSAGE Motion Morn, second Novak to pass Draft 2922.

REMARKS

None.

ROLL CALL YES: Rucker, Dean, Dippolito, Novak,
Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

PASSED 10 YES; 0 NO. Motion passed. Draft 2922 is now ORD. 12201/09.
ORD. 12201/09

DRAFT 2923 An ordinance for the purpose of authorizing a contract(s) for the project
2009 CITY known as 2009 city resurfacing program and further authorizing the
RESURFACING execution of the project grant agreement and other proper documents
PROGRAM with the State of Ohio Public Works Commission to secure approval
and grant funding or assistance for the project under Sections 2K,
Article VIII of the Constitution of Ohio and Sections 164.01 and
164.13 of the Ohio Revised Code and declaring an emergency.

Mrs. Morn requests the clerk to read the title on Draft 2923.

READ Clerk reads same.

MOTION-SUSPEND Motion Morn, second Barkley to suspend the rule requiring three
THREE READINGS readings on Draft 2923.

ROLL CALL YES: Rucker, Dean, Dippolito, Novak,
Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

MOTION PASSED 10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE Motion Morn, second Novak to pass Draft 2923.

REMARKS

Mayor O'Brien: Thank you Mr. President. Member of Council and granted from the Police Chief to the Fire Chief to the Operations Department, Water Pollution Control, the Health Department, Water Department, Environmental Services, our employees are dedicated to the job that they do. However, I want to single out, this year in particular, from Up A Creek on Old 82 which is in the city contrary to 99.9% of the people that live in the county and jewelry stores that advertise; it's in the City of Warren, to Main Street that resurfacing project. In particular Main and Market, Park and Market, Vine and Market, Elm and Market, Pine and Market, Chestnut and Market and the residential resurfacing from Perkinswood NE to Eastland SE to Willard SE to Central Parkway to Belmont to Tod Avenue, North Park to Nevada and around Western Reserve. That residential resurfacing in upward of two million dollars, these additional streets, all that funding and that coordination of all those projects is done by the Engineers office under the direction of Bill Totten. At a time when all those project and I just summed it up. Some of the projects in those areas are those millions of dollars of street resurfacing and primarily the most traveled street in the city Market Street; not five cents came out of the general fund. Not five cents of those millions and millions of dollars where every ward in this city are probably getting in trouble. Every ward in this city was a recipient of the resurfacing without five cents, under the coordination of Bill Totten. So at a time when we're cutting back; at a time when we're asking more people to do a heck of a lot more with a heck of a lot less, this city has gone through millions of dollars of street resurfacing and every day I'm asked the question, Where does the city come up with this money? And I say I'll direct you

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to Bill Totten. But I want to address because and again our department heads, our employees do a fabulous job and this year in particular, the residential street resurfacing and those major projects were coordinated by our City Engineer Bill Totten. Thank you Mr. President.

ROLL CALL

YES: Rucker, Dean, Dippolito, Novak,
Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

PASSED
ORD. 12202/09

10 YES; 0 NO. Motion passed. Draft 2923 is now ORD. 12202/09.

**DRAFT 2924
MAHONING
INTERCEPTOR
REHAB PROJECT**

An ordinance for the purpose of authorizing a contract(s) for the project funded known as Mahoning Interceptor Rehab Project (ARRA Project #CS396064-01) and further authorizing the execution of the project grant and loan agreements and other proper documents with the State of Ohio Environmental Protection Agency's Division of Environmental and Financial Assistance to secure approval and funding or assistance for the project and declaring an emergency.

Mr. Crouse requests the clerk to read the title on Draft 2924.

READ

Clerk reads same.

MOTION-SUSPEND
THREE READINGS

Motion Crouse, second Barkley to suspend the rule requiring three reading on Draft 2924.

ROLL CALL

YES: Rucker, Dean, Dippolito, Novak, Barkley,
Morn, Flask, Pugh, Hartman, Crouse

NO: None.

MOTION PASSED

10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE

Motion Crouse, second Novak to pass Draft 2924.

REMARKS

None.

ROLL CALL

YES: Rucker, Dean, Dippolito, Novak, Barkley,
Morn, Flask, Pugh, Hartman, Crouse

NO: None.

PASSED
ORD. 12203/09

10 YES; 0 NO. Motion passed. Draft 2924 is now ORD. 12203/09

**DRAFT 2925
WWPC HYDRO
ELECTRIC
GENERATOR**

An ordinance for the purpose of authorizing a contract(s) for the project WWPC Hydro Electric Generator (ARRA Project #CS397007-01) and further authorizing the execution of the project grant and loan agreements and other proper documents with the State of Ohio Environmental Protection Agency's Division of Environmental and Financial Assistance to secure approval and funding or assistance for the project and declaring an emergency.

Mr. Crouse requests the clerk to read the title on Draft 2925.

READ

Clerk reads same.

MOTION-SUSPEND
THREE READINGS

Motion Crouse, second Barkley to suspend the rule requiring three readings on Draft 2925.

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ROLL CALL YES: Rucker, Dean, Dippolito, Novak, Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

MOTION PASSED 10 YES: 0 NO. Motion passed.

MOTION FOR PASSAGE Motion Crouse, second Novak to pass Draft 2925.

REMARKS

MAYOR O'BRIEN: Thank you Mr. President. I want to thank Mr. Crouse for sponsoring this legislation and so council knows, you know it was soon after the president took office and he talked about the American Recovery and Reinvestment Act and they talked about (inaudible) projects and I contacted each and every department head and said lets get your projects together, put them on the website and lets get everything entered in to that process. Well these are some of the, some of the projects. We have other projects in the pipeline, but these are two of the projects and the result of 2924 and 2925 as a result to the Water Pollution Control Department. So at a time when you say well what is the City of Warren getting from Washington DC, this is an example of what we are getting from the Federal Government. In particular from the Recovery Act, so I want members of the public and council that's here to know that these are, we, the City of Warren are recipients because of this. Thank you Mr. President.

ROLL CALL YES: Rucker, Dean, Dippolito, Novak, Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

PASSED 10 YES; 0 NO. Motion passed. Draft 2925 is now ORD. 12204/09.
ORD. 12204/09

DRAFT 2926
LEASE PARKING
SPACES An ordinance for the purpose of authorizing the Mayor and Director of Public Service and Safety under ORD Section 721.26 to enter into contract(s) to lease parking spaces to United States Postal Service on city owned property located at 183-191 High Street and declaring an emergency.

Mrs. Morn requests the clerk to read the title on Draft 2926.

READ Clerk reads same.

MOTION-SUSPEND Motion Morn, second Dippolito to suspend the rule requiring three
THREE READINGS readings on Draft 2926.

ROLL CALL YES: Rucker, Dean, Dippolito, Novak, Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

MOTION PASSED 10 YES; 0 NO. Motion passed.

MOTION FOR PASSAGE Motion Morn, second Barkley to pass Draft 2926.

REMARKS

None.

ROLL CALL YES: Rucker, Dean, Dippolito, Novak, Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

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PASSED
ORD. 12205/09

10 YES; 0 NO. Motion passed. Draft 2926 is now ORD. 12205/09.

**DRAFT 2927
MORATORIUM ON
OIL AND GAS
DRILLING**

A resolution for the purpose of requesting representatives of the Ohio State Legislature and the Governor of Ohio to forthwith place a moratorium on the drilling of gas and oil wells in urban areas of the State of Ohio pending reconsideration to amend the laws to prohibit drilling in densely populated areas and/or to authorize permitting by local authorities and declaring an emergency.

Mr. Barkley requests the clerk to read the title on Draft 2927.

READ

Clerk reads same.

MOTION-SUSPEND
THREE READINGS

Motion Barkley, second Novak to suspend the rule requiring three readings on Draft 2927.

ROLL CALL

YES: Rucker, Dean, Dippolito, Novak, Barkley,
Morn, Flask, Pugh, Hartman, Crouse

NO: None.

MOTION PASSED

10 YES: 0 NO. Motion passed.

MOTION FOR PASSAGE

Motion Barkley, second Novak to pass Draft 2927.

REMARKS

MR. BARKLEY: Thank you Mr. President. I just want to reiterate the remarks that I made in caucus for the benefit of all those present. This, this is important for me to say; this isn't about city council versus the school board. I recognize that the school board's decision to drill is the catalyst for this. There are a number of reasons why I agreed to support this resolution, some things that I agree wholeheartedly with. The first premise being that 100 yards from any residential home is inappropriate. To me a hundred or it's just not far enough for me to feel comfortable that there's a safety issue and there's an ascetic issue, but it doesn't matter to me which side of the issue that you support in opposition of this. I think that it needs to be addressed. Mr. Brown stated the other why I take issue with this and that's the home rule issue. I've sat on this council now for just over three years and I've watched in three years the continued erosion of home rule rights for cities like Warren being researched by the state in their infinite wisdom trying to tell the city what's best for us and I don't think anybody should do that expect us. We know what's best for Warren and those rights should stay in Warren and it's, it's those are the primary reasons why I supported this. I am proud to say that we have co-sponsors on this and I'll let them speak to their own reasons for supporting this. But I would like to state for the benefit of all those attending tonight that want to see this supported, Council has agreed as a whole to support this measure or to be placed under it as co-sponsors. So I'm very happy about that but the purpose of course is in the vote. So I'll be quiet now and we'll get on with that process and then we'll see if there's clapping afterwards. So-

MR. DEAN: Thank you Mr. Barkley. I think I mentioned to you back in caucus that I was hoping that all of us would have the privilege of signing on this legislation. I think you once described me as being passionate about something that we were addressing at the time. This is an issue that I think we are all very passionate about and we will go about our business to help in any way we can. Thank you Mr. President.

7-22-09

MRS. RUCKER: Thank you Mr. President. As I said in the back that City Council lead the state in keeping our citizens safe as far as drilling gas wells and I think we're doing to do the same thing here tonight and that was my first thought when you folks came to Council last meeting cause it's the right thing to do. And yeah, I was beating at the chomp to get a piece of legislation and get my name on it to support getting home rule back and so I'm asking, requesting that our clerk sends this to the National League of Cities and maybe other cities would jump on board and join us and it will speed the process and this legislation would be passed in the state house as soon as possible. Thank you Mr. President.

ROLL CALL

YES: Rucker, Dean, Dippolito, Novak, Barkley, Morn, Flask, Pugh, Hartman, Crouse

NO: None.

PASSED
RES. 4431/09

10 YES; 0 NO. Motion passed. Draft 2927 is now RES. 4431/09.

THIRD READING

**DRAFT 2919
POLICE SAFETY**

A resolution for the purpose of expressing Warren City Council's desire that the Mayor and Safety Service Director immediately begin Discussions with the Trumbull County Commissioners and Trumbull County Sheriff for the purpose of reducing costs and improving the effectiveness of police safety within the City of Warren.

Mr. Crouse requests the clerk to read the title on Draft 2919.

READ

Clerk reads same.

MOTION FOR PASSAGE

Motion Crouse, second Rucker to pass Draft 2919.

REMARKS

MRS. HARTMAN: I'm not going to support this; not a surprise to anyone I'm sure, but I do believe in communication and I do believe in efficiency in government. My problem is the county approached us and said you know what, I think we can work with you and there are departments we can work with you in. This is not the department that we received a letter on and I have a problem with piece milling this. If the amendment had been made Mrs. Rucker to include all city functions even though I believe the city administration is doing that communication and will continue to do it. I would have supported it. But we are singling out a department and not the department that the county asked us to consider which I don't believe we have done. I will not support this. Thank you.

MRS. RUCKER: Thank you Mr. President. I don't believe we're singling out any department. The wishes of council is pretty well known that we want to review in every department and look at ways and we want to be part of the discussion. We want to know; we want everything above board and so this is one of my reasons for supporting a piece of legislation like this so that Council can be involved in it every step of the way. Sure, the administration could enter in to talks without us, but I think it's important and we do our citizens a justice by knowing how our money is spent; by knowing that there are ways that we can cut costs and save a lot of our employee's jobs. This is another right thing to do and so I am wholeheartedly supporting this.

MR. BARKLEY: Thank you Mr. President. I just want to say as a supporter of this piece and someone who's vocally supported this piece from the day it was introduced, I agree with Mrs. Hartman that we do need to look at all the other departments. I think I said that from the

beginning. Yes, doing it like this does somewhat piece mill the process. It was simply the way the process played out this time. Had we amended it to include all of it; I would have supported it then. Had we had the time to do that and had lengthy discussion on it, I would have supported it and I hope that as a Council when we come back from break that we will sit down and talk about how to remedy that because I think I've heard everyone on this council say that they support looking at every department. This was just of utmost concern and something that wanted, the sponsor wanted to address immediately and I agree with that and I don't see the need to hold it up because it's so-called piece milled. But I want to say for the record because I support that notion. I think everyone here does and I hope we will come back after August and sit down and maybe look at other departments and see where to go next with this process because that is truly regionalizing. It's not looking at one or two departments. It's looking at the city as a whole in comparison to where there are tendencies in the county and other local governments to see where we can save money. That's the ultimate goal here because that serves the city well and it serves our residents. So again I'll be supporting this and I ask my fellow Council Members to support it as well. Thank you.

MR. NOVAK: Thank you Mr. President. I think as we did with 2927 and as the council in the county seat in Trumbull County, we are quickly approaching the end of the first decade in the 21st Century and due to economic situations and the concern about safety services and the safety of our safety employees, we must make this decision and we must push and keep pushing that these things take place. And the regionalization is very important and we know that there's grant money out there that's available for the initial progressive counties and cities that are going to be involved in this. So I think it's going to be something that we must accomplish. It has nothing to do with any of our employees or the jobs that they do. It's strictly a very serious need. Thank you Mr. President.

MAYOR O'BRIEN: Thank you Mr. President. Members of Council, aside from I would say Renee Cicero's department, there's and other environmental departments in the county, I look around and there isn't a department that we don't discuss working with the county with us. Mike Keys and the Planning Commission, whether it's Sal and the Data Processing Department with the county. Whether it's Bill Totten and Dave DeChristofaro; whether it's Tim Bowers and Tom Altieri and Aaron Cook. We collaborate. We'll continue to collaborate. We'll as far as this resolution is concerned is if it's passed the Director and I will continue to have discussions along with the Police Chief and the Sheriff's Department and report back to Council as the resolution asks or asks us to. However, I'm going to go a step further and not limit our collaborative efforts with the county and/or Warren Township and/or Howland Township, and/or Champion Township to just Council requesting me to do something. So we will continue to collaborate with each and everyone of the townships, the county and cities. For instance: Youngstown/Warren/Campbell/Struthers/Lowellville/McDonald and Niles are all joined together for a Neighborhood Stabilization Phase II Grant. We decided to do that a month ago and it wasn't a resolution from Council asking to possibly do that and report back to Council. So we're going to continue to collaborate, appreciate Council's insistence on reporting back to them on progress, but we have mutual aid agreements in the county that exist. We have task force. We have OVI task force arrangements that exist. We have prosecutorial arrangement; prosecute prosecutorial arrangements. I mean started by the prosecutor's office, Dennis Watkins on violent crimes task force and homicide task force. We have these arrangements in the county. We'll continue to have these arrangements in the county. We'll continue to collaborate. We'll be reporting to Council if passed. I'll report to Council anyway if it's passed or not that we will be making progress because we'll all in this together.

There was an editorial in the Vindicator and that editor in the Vindicator once wrote an editorial nine months ago, Warren may be the first but it will not be the last as far as what we're going through with this economy. Thank you Mr. President.

MR. FLASK: Thank you Mr. President. I believe that the ten of us look around this room this evening believe in efficient government. I've heard us all talk. I've heard us all speak about it on different issues. I have a strong concern being the chair of Packard Music Hall and what I received on my home phone message wise about the fear that spread by a piece of legislation that was used to jump start conversation. And that fear has now spread to organizations threatening to leave the music hall in full. I'm afraid of what this piece of legislation is going to send to the community about our police department and about what we do and how we care about our safety forces. I don't need this piece of legislation to tell the administration that I would let them have these conversations. I don't need this piece of legislation to know that they are already having conversations and I don't need this piece of legislation to expect them to report back to Council for that. Thank you Mr. President.

MR. PUGH: Thank you Mr. President. I, too don't feel that this legislation was necessary for this administration to do what they've been doing to my knowledge. I have some concerns about our police force to the extent that I truly believe that nobody takes care of you better than you take care of yourself. I want my own police force. I want those officers brought back a.s.a.p. But on the same token, the things that need be addressed that are happening in Youngstown like working with the State Highway Patrol, I made that comment yesterday at the Finance meeting. Just have us work with the State Highway Patrol to relieve them so they could go out and fight the drug problems and there's things like that that we possibly need to research. My ward is crime infested with drugs. All running rampant there so I've got some super concerns. I wasn't satisfied when we had a full police force that I was getting the coverage that I felt my ward deserved. However this administration, is it necessary? I would have hoped that we would have gone in to some more discussion prior to it going to the table to vote. It didn't happen that way and I won't be supporting it for those reasons mentioned. Thank you very much.

ROLL CALL

YES: Rucker, Novak, Barkley, Morn, Crouse

NO: Dean, Dippolito, Flask, Pugh, Hartman

VOTE TIED

5 YES; 5 NO. Tied vote.

YES: Marchese

MOTION PASSED
RES. 4432/09

6 YES; 5 NO. (President Marchese votes to break tie) Draft 2919 is now RES. 4432/09.

MISCELLANEOUS 8:32 PM

PRESIDENT MARCHESE: Before we start miscellaneous I'd like to ask Mr. Dean if you would on Wednesday the 29th would you sit in for me with a Council of a Whole meeting on two issues: one, discussion on, a discussion on going paperless before January 1st. Number two, there's a company that would like to come in and do a presentation on streamlining streets or signals or something. I'll get you the information on that. They've been bugging me and Mr. Novak constantly so I think we want to give them time.

MR. DEAN: What time is that going to be?

PRESIDENT MARCHESE: 4 PM on Wednesday the 29th if you would. I'll be at Hillside so maybe you can speed things up.

MR. DEAN: That meeting will be much shorter since I'll be there and you won't be.

PRESIDENT MARCHESE: I also on behalf of Council want to extend our sorrow for the loss of your father. I remember when you were sworn in. I thought it was a very, very nice thing that your dad was able to come for that evening. What few times I saw him he was always a gentleman to me and somehow remembered me. So I speak on behalf of all of Council. You have our deepest sympathy in the loss of your father.

MR. DIPPOLITO

Thank you Mr. President. Would like to dwell on some of the better news even though we've had some unhappy news, there's a lot of good news this evening. In any event that includes the return of our president. Although things are happening over here, not in the 1st Ward necessarily, but call your attention to Top Shelf Coffee, fantastic approach. Sounds like the big thing and I'm sure it is. We had some good news last week, last meeting about the project out on East, on West Market rather.

Now the other one that is good news to me affects the 1st Ward and the fact that it's a double one you might say. In the past nine or ten months some of my most biggest problems I heard about was street problems. Okay between chuck holes and certain specific streets. The two streets involved; one was Dunstan, okay. The other was and that was repaired in fact, totally redone, mainly the approach to the Dunstan bridge which was like a pegboard. Just yesterday and further confirmed this evening heard about another highly probable difficult street, never been done in maybe some twenty plus years, Norwood. Thanks to again Mr. Totten the engineer they're doing and going to be done in its entirety. I'm sure there will be a lot of happy people over there and I just wish I could say the same thing for I didn't say a thing about the school issue, the drilling naturally. I support the project that we're doing, it's trying to get some reconsideration. But I always wonder how can so few people have such a drastic affect on so many others? Thank you Mr. President.

MR. NOVAK

Thank you Mr. President. Again I would like to thank all of those folks that don't get recognition, don't come down to these meetings that are out cleaning up litter in the neighborhoods and those yards that people wonder how they get mowed. And thank God for them and thank God for our neighborhood groups that are out doing these clean-ups. It makes a big difference in our city.

And as we celebrated the 40th anniversary of the moon landing and with one of our local sons was involved in that and I think we need to also congratulate and again thank someone who's been an activist for many years, Mr. Perich for pushing to get that moon lander module put over there. And one other son of the City of Warren too that we must not forget is the late Doctor, Professor Ron Parish who was also on two different missions on the space program and he brought a lot of notoriety to the city also. So I would hope that that is also mentioned that he was involved with that too.

And again I know that sometimes change is not welcome, but I think as we progress through this year and when we come back from recess and as I said I don't think recess is going to be recess this year, we're going to have to look at things. We're going to have to work with our other governments. We're going to have to bond together cause I think it's survival is what it is and I think we've got to stop looking at boundaries as we remember Bob when you and I first came on Council we were worried about annexing and water and those days are over. Now it's survival. We must all work together and leave our attitudes and our issues at the door. Thank you Mr. President.

7-22-09

MR. BARKLEY

Thank you Mr. President. Just because we have so many folks here tonight that have come because of the gas well issue, I want to announce again as it was said in caucus that there is a meeting tomorrow night at Lincoln School at 6 PM where, this is a public meeting not a school board meeting where (inaudible) and I will be present to I assume to give a presentation and answer questions from residents. So any Council Members or city officials that have an interest in that, it's at 6 PM at Lincoln School tomorrow.

If you know I always said I was the last person to know what goes on in this city and in this case I truly feel like I was the last person to find out about your father's passing Mr. Dean and I want to give you my sympathy's, heartfelt sympathy's. Your, ah I know how much you cared for him and if you are any measure of the man your father was then you have a lot to be proud of and I know that you miss him greatly and I you know I just want to extend that to you and say how sorry I am that you have to bear that loss.

On a lighter note, welcome back Mr. President. You know we missed you. I don't know if it was by coincidence or by design, but the caucus meetings truly were shorter under Mr. Dean than they were under you. I don't know what to tell you. I know there was meeting, I think I ran out for a beer and came back before the Council meeting. I don't know what was going on there, but you know all I can say is that truly is a fact.

PRESIDENT MARCHESE: I truly haven't been the same since those morphine drips wore off.

MR. BARKLEY: With that I wish Council Members a good break although I think we'll be meeting a few times in between. I hope you have a great vacation with a month off and we'll see you in September. Thank you.

MRS. MORN

Thank you Mr. President. It is good to see you back. I'd like to announce that we have a new business opening in the 4th Ward and it's Data Voice Systems Review and DVR was founded in 1997 in Girard, Ohio by a former telephone company executive. They provide complete audits for your telecommunication expenses and they identify areas and opportunities to reduce costs. So if you get a chance to go down and welcome them downtown.

MR. FLASK

Thank you Mr. President. Welcome back with all the jokes that were told while you were gone, you truly were missed. And at the risk of being fined fifty dollars, my cell phone went off on vibrate during the meeting and it happened to be a constituent. And that constituent only calls me when there's a noise problem from a certain bar on Youngstown Road. I'm hoping that maybe we can have another conversation about that. I would like to hopefully speak with the chief and the Director. The Director has at this point been very helpful with that, but this problem continues. It definitely needs to be addressed. Thank you Mr. President.

MR. PUGH

Thank you Mr. President. I'd like to congratulate this activist city that we have in the City of Warren. It takes me back to my good old days when I did such things and not to say that I don't still do such things. To get involved and have a voice or have your voice heard and the changes that you feel are pertinent and important to you is the only answer. So you don't be frustrated and full of anger, but you get your voice out there and hope for the best and change happens. And that's my phone.

PRESIDENT MARCHESE: The Auditor will remove your fine from your check. Thank you Mr. Pugh.

7-22-09

MRS. HARTMAN

Thank you Mr. President. I, too would like to thank Mr. Totten and his department. The amount of money that department gets like every year I think is the only financial thing that we have seen going up, in recent history at least. And it's often hard to explain to our residents why their street can't be done because they're not low income. So Starlight Drive residents are going to be ecstatic to find out that their road which is horrendous is going to be fixed.

Also I'd like to thank our city employees, union, non-union for the negotiations that they did do to help the City of Warren. Everybody knows I'm a union president and I negotiate our contract and I know that when I take our contract back some of our people don't always like the cuts including myself that we have to take in our hospitalization and things like that. Everybody bit the bullet, but in this case none of our city employees had to do a thing. Their contract was already in place and they stepped up to the plate and they helped the City of Warren because of their passion for the city and the residents, so whether they lived here or not they did what they did not need to do to help the City of Warren. I think to answer Mr. Crouse's question at the meeting yesterday, you asked if that made it magnanimous and in my opinion, yes it does.

MR. CROUSE

Thank you Mr. President. Just a couple things quickly, once again getting in to unsung hero types, Mr. Totten, Mr. Keys for what they did, attracting millions of dollars, but Ed Russ who shoved this little thing about hydro electric power under my nose and I went just where in God's name are we going to use that? And he got it, we got the grant for that and to Gary Shaffer, anybody who knows me knows that I'm up at all kinds of bazaar hours on the phone and doing e-mail. I found out there's actually a kindred spirit in the city at some sort of hours that I don't think he's getting paid for. And I really want to thank Gary for the work that he did on this interceptor project and the other things that we're doing with bio-solids and energy and things. It, it's hard to quantify and it certainly isn't glamorous.

I guess I'm still a little confused about the budget versus the fund. I understand the concept of delaying a pay three or four days to put it in a different budget, but if the money's not there to start with, I'm not sure exactly how we're going to get it in there to make that pay in the next year. Twenty-seven years or thirty years of business finances obviously is different than eighteen months of municipal finance, but when it comes all down to it, if the monies not in the checkbook we're gonna have some problems and I'm, I'm very concerned about that. Thank you Mr. President.

MRS. RUCKER

Thank you Mr. President. I'd like to also offer my condolences to Mr. Dean. I knew Bishop Dean for a long time I did not know that was your father, but good man. He will be greatly missed.

So this whole week the Packard Car Museum has been celebrating their tenth year and over a hundred years of Packard car. There's a number of people that are there from all across the county and we used to have this old saying in Trumbull County that if you drink the water, you'll come back, so I'm just urging all Council people to go out there and ask those people for water.

So and also you should go because they really like seeing city officials so to speak, you know. The conversation is really great and one gentleman in particular who comes all the way from Maryland gets a kick out of seeing the 'hood' and so he drives his Packard to the west side and to the east side and he says, you call that a 'hood'? So, thank you Mr. President.

7-22-09

PRESIDENT MARCHESE: And before Mr. Dean, if I can, so this doesn't haunt me the rest of the year, yes it was my attic, it was seventeen feet that I fell. So you can all get it out of your system so you can keep teasing me and no, I'll never get on a ladder let alone go up seventeen feet again.

MR. DEAN

Thank you Mr. President. Thank you very much for mentioning my father and that reminding me that he did the prayer the night that I was sworn in. And I remember that he has never been to a Council meeting so he thought that Council people were around a conference table. So he told me that he walked in here and he looked up and there's this big guy sitting up front and strangers sitting around the tables. So he walked up and he started the prayer and he thought to himself, maybe I should pray with my eyes open. I have learned to appreciate friendship and I looked around today and I saw the Mayor and I saw the Safety-Service Director, the Treasurer. I saw Fiore and I saw Council Member Hartman and I saw Mr. Davis last night and to all of you, I thank you. Thank you Mr. President.

ADJOURNMENT 8:16 PM

MOTION FOR ADJOURNMENT

Motion Dean, second Novak to adjourn the meeting at 8:47 PM.
VIVA VOCE: ALL YES. Meeting is adjourned.

dkn

Robert A. Marchese, President of Council

Darla K. Neugebauer, Clerk of Council, C.M.C.

