

Warren, Ohio
MINUTES
REGULAR MEETING
WARREN CITY COUNCIL

April 22, 2015

CALL TO ORDER

The regular meeting of Warren City Council was called to order by President of Council James Graham in Warren City Council Chambers at 7:00 PM, 141 South St. SE, Warren, Ohio.

JAMES VALESKY: This evening I'd like to take a few moments to remember a dear friend of ours; Mr. James Economos. I don't believe there's anybody in this room that did not interact with this man. His smile was infectious, his hospitality was continuous for all of us. He was a great friend and myself and the rest of the folks in this room I know we will miss him dearly. So if we could please bow our heads for a few moments of silence for this great icon for the City of Warren. Thank you.

This evening I'm going to do something a little bit different. Considering all of the craziness in the world we need to be with our Lord and Savior more than ever. So at this time I'd like us all to join together with our brothers and sisters in reciting the Lord's Prayer with me please.

(Everyone recited the Lord's Prayer)

PLEDGE/ INVOCATION

James Valesky, Councilman at Large opened the meeting with prayer followed by the Pledge of Allegiance.

PRESIDENT GRAHAM: Just a few words. Mr. Economos passed away a few days ago. His arrangements are going to be this Friday. And as Jim told you we lost a man that would help anybody at any time. And Warren is going to miss him dearly. And I know the Mayor and Jimmy were close. I grew up with Jimmy. Even though he was ten years older than me and I've known him since I was about fourteen years old. He was a beautiful man, he was a gentleman and he was just one of the center pieces of Warren, Ohio. And here's a man that could have been anywhere in the country but he chose to stay in our city because he loved our city that much. And we're going to miss him and our thoughts and prayers go to his family.

ROLL CALL

MEMBERS PRESENT: Valesky, Sferra, Rucker, Larson, Novak, Brown, Bartholomew, Flask, Saffold, Colbert, Graham.

**MOTION-ACCEPT
PREVIOUS MINUTES**

Motion Valesky, second Novak to accept previous minutes as recorded by our Council Clerk and to dispense with the reading of the same.

Viva voice 10 YES, 0 NO. Motion passed.

OFFICIALS

PRESENT: Mayor Franklin, Director Cantalamessa, Law Director Hicks, Auditor Griffing, Treasurer Homlitas

**DEPARTMENT
HEADS**

PRESENT: Chief Merkel, Chief Nussel, Bob Davis, Bob Pinti, Mike Keys, LeeAnn O'Brien, Paul Makosky, Ed Haller

ABSENT: Brian Massucci, James Black, Tom Gaffney,

PRESIDENT GRAHAM: Reports. Before we start with the Mayor I was given this evening the Packard Park Greenhouse. They are going to have their annual plant sale Saturday May 9th through the 16th. So if you haven't been down there they have all kinds of tomatoes, peppers and flowers. So I would encourage you to go down there. Again, that's between May 9th through the 16th.

REPORTS

MAYOR

MAYOR FRANKLIN: Thank you Mr. President for letting me follow flowers.

I'd also like to just echo the sentiments of everyone that spoke on behalf of Mr. Economos and what he meant to our city. It was a big loss for our community. Thank God he left a legacy for which everyone should be thankful for. I made my last appointment actually to the Packard Board and he really took that job seriously. So we're going to miss him. And his family; as Mr. President said is in our thoughts and prayers.

Starting my report I'd like to give the Operations Department and the Sanitation Department and the Health Department and Water Pollution Control workers kudos and thanks. Part of the job but we reassigned some people this week because of the enormous problem with illegal dumping and particularly tires in our city. So they sort of pulled resources together and the numbers although we collected I think three hundred and sixty-four tires and there's probably just that many out there left to get. So I'm asking citizens to be on the lookout, give us any information that you can. We had a real positive conversation about surveillance strategies that we're going to be implementing. But we also want to in date the help of the public and to help us catch these criminals and successfully prosecute them.

Also, a lot of those wards there – it's a problem in every ward throughout the city but particularly the 7th, 6th and the 4th it's getting really bad.

I'd also like to thank the volunteers of the Rust Belt Grinders who hosted a cleanup along the Mahoning River this weekend and to thank them for their efforts. Unfortunately, there were some people who we did donate a dumpster to that and it was brought to my attention that there was an individual who was taking trash out of the dumpster, piling it up, taking a picture of it and posting it and talking about what a bad job the city of Warren does. So we have those types of people who are out there who just want to make people look bad. But to those who participated in the cleanup I want to thank you.

And also of course; I hope I'm not stealing your report Mr. Valesky but the Friends of the Kinsman House the same day – the same weekend I should say did a fantastic job at the Kinsman House and I just wanted to thank Jim's wife Jan and her sister, Kay Fisher and all of the Friends of the Kinsman House and the Warren Family Mission and NEOCAP were also volunteers along with the Warren Rotary Club who offered some money and joining on the clean up so kudos to those groups.

Lastly, I'd like to invite all of the Council Members and the Public to a Good Morning Warren Breakfast this Friday, 7:30 in the morning where you're going to hear some snippets or a condensed version of the State of the City Speech. So you're all invited and I got the tab.

So since this is the last Council Meeting before the election I would like to just wish all of the Candidates in the upcoming primary election on May 5th best wishes. Thank you Mr. President.

COUNCILWOMAN RUCKER: Where did you say?

MAYOR FRANKLIN: Oh, excuse me. At the Hippodrome.

LAW DIRECTOR

MR. HICKS: Thank you Mr. President. No report.

AUDITOR

MR. GRIFFING: Thank you Mr. President. No report this evening.

TREASURER

MR. HOMLITAS: Thank you Mr. President. As of this morning our Tax collections are one hundred and eighty-five thousand dollars ahead of our budget and a quarter of a million dollars behind last year's collections. Thank you.

DIRECTOR

MR. CANTALAMESSA: Thank you Mr. President. It was discussed back in Caucus with respects to the street sweeping contract that has been awarded already to Everbrite the prospect of adding to that contract in the form of adding the unimproved streets or the non-curbed streets to that contract in addition to what's already in place. We are going to make every effort to examine the prospect of being able to do that and finding the additional monies to give to move forward with that. Back in the Caucus Room Mr. Makosky from the Engineering Department asked all Council Members if they would pay particular attention to some of the worst streets in our respective wards with respects to where the aggregate is the greatest problem if you will. So I would ask and specifically instruct members of Council that if you are engaging in that activity in the coming days to please make your findings known to either myself or Mr. Makosky for purposes of exploring whether that additional sum to sweep the rest of the streets can be shaved down a bit so that you know we're not wasting money sweeping streets that might not need it. I would also ask Council's support on the appropriation of those funds when the time comes. Thank you Mr. President.

SUMMARY OF CORRESPONDENCE

C-07-15

Received April 17, 2015 from Engineering, Planning & Building:

Results from the Board of Appeals meeting held on April 16, 2015 for a request for a conditional use variance for 917 North Road (Tiny Tots Daycare).

Four members voted in favor of the variance; one member was absent.

Ref: All Council Members

4-22-2015

C-08-15 Received April 22, 2015 from Warren Municipal Court:

2014 Annual Report

Ref: All Council Members

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

PUBLIC SPEAKING

MAUREEN ZAMARELLI, 418 Main Street, Warren 44481. She spoke about Access Health Mahoning Valley.

BOB WETZEL, 1133 Raymond St., Warren 44485. He wanted to thank the Mayor, Safety Service Director and Councilman Eddie Colbert for sitting down and getting a solution to ambulance response time.

ELIZABETH BALINT, 1081 Kenmore SE, Warren 44484. She spoke regarding problems with the 1st Step Recovery on Youngstown Road and signage.

PIERSON BUTCHER JR., 1194 Adelaide Ave. SE Unit A, Warren 44484. He spoke regarding the bike trail, street sweeping and police on Adelaide.

BRET HURST, 755 Hazelwood Ave. SE Warren,44484. He spoke on problems at Pit Stop on Youngstown Road.

PLEASE NOTE THAT THE COMPLETE CONTEXT OF THE ABOVE SPEAKERS AND ANY COMMENTS THAT WERE MADE ARE ON TAPE ON FILE IN THE CLERK OF COUNCIL'S OFFICE

STANDING COMMITTEE REPORTS

TRAFFIC & SAFETY MR. LARSON: Thank you Mr. Chairman. No report this evening.

OPERATIONS MR. NOVAK: Thank you Mr. President. No report this evening.

**STRATEGIC PLANNING/
ECONOMIC DEVELOPMENT** MR. BROWN: Thank you Mr. President. We will have a cleanup on the central portion of the Bike Trail this Saturday at 10 AM. We will meet in the parking lot of – right below the trestle; what's the business called – the sign business.

COUNCILMAN FLASK: Mahoning Lighting.

MR. BROWN: Mahoning Lighting. Thank you. We have permission to park there at Mahoning Lighting so if anyone could come and help join us on this important piece of the Economic Development tools for the city. I will put a broom in their hand and a garbage bag and we'll see how far we can go. But we'll go from Woodland down to Market Street at least. And possibly south from there. Thank you Mr. President.

(Someone asked what day was it).

MR. BROWN: That's Saturday April 25th at 10 PM. AM. I'm sorry. Thank you.

4-22-2015

ENGINEERING

MR. BARTHOLOMEW: Thank you Mr. President. A section of the retaining wall at the City Mahoning side property fell during the week of April 6th. The Engineering Department has consulted with the Community Development Department and also two engineering firms to outline the process for addressing the matter. The Engineering Department will work with Environmental Design Group; the design consultant for the Mahoning side project to review options and costs of addressing the work needed on the wall. And an engineering agreement with the Environmental Design Group for the design work has been approved by ODOT and submitted to the city Board of Control the week of April 20th. The Riverwalk Grant will provide funds at 100 percent for improvements at the property. Thank you.

LEGISLATIVE

MR. FLASK: Thank you Mr. President. Draft 3512 – Council met on this prior to the last meeting. The minutes are in the Clerk’s office. I would however like to ask the Law Director for a clarification. If this passes in first reading will it be thirty days before it becomes a city law?

LAW DIRECTOR HICKS: Which one are we talking about Vince?

VINCE FLASK? Draft 3512 – Fire Opening burning.

LAW DIRECTOR HICKS: If you pass this as an emergency upon the Mayors signature it will go into effect.

MR. FLASK: Thank you. Thank you Mr. President.

**COMMUNITY
DEVELOPMENT**

MISS SAFFOLD: Thank you Mr. President. I just want to preface my report with I didn’t know that Mr. Economos had passed. I just truly loved him. I’m very saddened by that.

The Community Development Committee met prior to Council’s meeting tonight and the Director laid out the plan regarding surveillance cameras. I would like to thank him and the Administration for delivering the cameras that we have been working on for the past two years. And hopefully we will be moving forward with the plan. Thank you.

FINANCE

MR. COLBERT: Thank you Mr. President. Finance Committee met on Monday April 20th to discuss the legislation before us. The one key item to that was discussed by the Administration tonight in reference to 3513; additional funds for the additional street sweeping of the unimproved streets. I would just ask the Auditor and the Administration whether it’s a consultation with myself or just between you two entities as soon as you come up with something please let me know and I will immediately come down and sign so that we can get that in front of Council in order to get those funds moving forward.

I would ask my colleagues support on Draft 3513 as well as 3514.

POLICE & FIRE

In reference to Draft 3505. If you have not seen it we will have a Police and Fire committee meeting scheduled for tomorrow at 3:00 PM. That meeting will be in this room and it will address the Draft sample that we have been given for the 911 contract. Thank you Mr. President.

**PUBLIC
UTILITIES**

MR. VALESKY: Thank you Mr. President. No report this evening.

WATER/WPC

MR. SFERRA: Thank you Mr. President. No report.

**HEALTH &
WELFARE**

MRS. RUCKER: Thank you Mr. President. No report.

DEPARTMENT HEAD REPORTS

No reports.

SUB-COMMITTEES

**NEIGHBORHOOD
LIASON**

MR. NOVAK: No report this evening Mr. President. But if I could ask a question. I had my hand up during the Finance report.

PRESIDENT GRAHAM: Oh. I apologize. I didn't see you. Go ahead.

MR. NOVAK: I just had a quick question to ask Auditor Griffing. Do we have any plans to follow along with the State and placed by our State Treasurer who has started Mahoning County and other counties have followed by putting the Check Book on the City Website showing our expenditures and bringing Revenue in and whatever is available to the Public?

AUDITOR GRIFFING: I did receive a letter from the State Treasurer concerning that issue. I have not discussed that with the Administration to see the concerns on that. But I do have that on the Agenda for the next meeting.

MR. NOVAK: Thank you Auditor Griffing. Thank you Mr. President.

FAIR HOUSING

MISS SAFFOLD: No report. Thank you Mr. President.

EDUCATION

MR. VALESKY: Thank you Mr. President. I wanted to make an announcement about a fairly new business we have in town that's having their grand opening. And that is Bourbon House 45 their grand opening and Kentucky Derby party. It will be on Saturday May 2nd starting at 1:00 PM. They will have events for all ages. Starting at 1:00 PM they will have a Video Express there in the front parking lot for the kids. They will have seven large screen televisions, they will have a derby hat contest, from 5:00 until 6:00 they will have dinner, 6:30 will be post time and the race, the Derby Auction after the race, the band starts at 9:00 PM and tickets are twenty-five dollars for the events and proceeds – a portion of the proceeds of this event I'm very happy to say will go to the Historic Perkins Homestead Neighborhood Association; their neighbors. So thank you Bourbon House 45 and I wish them all the well. And their food is pretty dog gone good; as most of the Council Members can attest to. Thank you.

PRESIDENT GRAHAM: Thank you. Speaking of education we forgot to mention there are some students in the audience that are here to follow City Council. Would you please stand.

Thank you for coming down. Are you getting an eye full? Ok.

4-22-2015

**MAIN STREET/
AMPITHEATRE/
PACKARD MUSIC HALL**

MRS. RUCKER: Thank you Mr. President. No report.

LEGISLATION FOR SUSPENSION AND PASSAGE

**DRAFT 3511
REDISTRICTING
CITY INTO 4 WARDS**

A resolution for the purpose of reducing the number of wards in the City of Warren and subsequently redistricting the City into four wards pursuant to ORC 731.01 (B) and new boundaries established as authorized in ORC 731.06. Mr. Brown requests the clerk to read the title on Draft 3511 and enter into 1st reading.

READ

Clerk reads the same.

Draft 3511 has been placed into 1st Reading and referred to the Legislative Committee.

MR. BROWN: Yes sir. I'd also like to add into my committee also.

President Graham: That will be fine.

MRS. RUCKER: I believe that the Ohio Revised Code requires that this piece goes to the Legislative Committee as the Law Director said. However, with Mr. Browns request to put it into his committee unless he is planning a joint meeting with the Legislative Committee it would be improper.

MR. BROWN: Thank you Mr. President. Actually that would be fine to do it jointly but we're not following the Ohio Revised Code. We're following our rules of Council. And our Rules of Council under the Legislative Committee actually states that Legislation dealing with County State or Federal legislation only is to go to the Legislative Committee. So actually as you have done through Health and Welfare say with the Resolution – I'm just saying that you know it's –

PRESIDENT GRAHAM: Ok. Easy, easy, easy. Everybody take a deep breath.

MR. BROWN: I'm just saying –

PRESIDENT GRAHAM: I think it would be concussive to do it jointly.

MR. BROWN: Thank you.

**DRAFT 3512
OPEN BURNING**

An ordinance for the purpose of repealing and re-enacting Section 1505.06 (“Open Burning”) of Chapter 15 of Codified Ordinances of the City of Warren, and declaring an emergency.

Mr. Flask requests the clerk to read the title on Draft 3512.

READ

Clerk reads the same.

MOTION-SUSPEND

Motion Flask, second Novak to suspend the rule requiring three readings On Draft 3512.

4-22-2015

ROLL CALL

YES: Valesky, Sferra, Rucker, Larson, Novak, Brown, Bartholomew, Flask, Saffold, Colbert, Flask, Saffold

NO: None

MOTION PASSED

10 YES, 0 No. motion passed.

MOTION-PASSAGE

Motion Flask, second Bartholomew to pass Draft 3512 as an emergency.

REMARKS

MR. COLBERT: Thank you Mr. President. Just wanted to thank Mr. Flask as well as our Law Department. I think as I've told some of the others our book of ordinances is like six inches thick. None of us would be expected to know everything that's in there and I think that it's a good sign that when the community comes to us with something you know that we show that you know you're voice isn't mute. You come to your representative with something and we'll do what we can to try to address it when we see a wrong; especially with something like this. I think it's – it doesn't help to have laws on the books that no one is following and almost never enforced. And if there's a slippery slope with those who are charged or taxed with enforcement of our laws to kind of in their own head decide what other laws might not make any sense.

So when we see something like this I think it's proper that we act on it. Mr. Flask, the Law Department did a great job. But more importantly to show the citizens that if you come to us with something we'll look at it as valid. We're here to help. And so thank you to the community that came to us and to Flask and the Law Department for getting this done. Thank you.

LAW DIRECTOR HICKS: I just wanted to say Lt. Smith from the Fire Department; special kudos to. He worked tirelessly with our department to help us understand the fire code and the nuances of terminology so that it would be understandable and enforceable by the Fire Department and their people. So again, many thanks to Lt. Smith please.

DIRECTOR CANTALAMESSA: Thank you. And now seeing the Law Department – Law Directors emotion of Captain Smith –

LAW DIRECTOR HICKS: Oh I'm sorry. I apologize.

DIRECTOR CANTALAMESSA: Just wanted to be clear for the record. It's Captain. Thank you.

MAYOR FRANKLIN: Thank you Mr. President. And I'd like to just make a remark on Councilman Colbert and the Law Director regarding all of the work that went into it. Just on a personal note I'm glad that now I'm able to legally use my little fire pit outside.

RUCKER: Mr. President. I just would just ask the Tribune to do a story on this so that our citizens know what the new rules are versus the old rules. I'm just saying you don't want people to violate the code because (inaudible).

RAYMOND SMITH: Yeah.

PRESIDENT GRAHAM: Did you write that down Raymond? No that is a good suggestion.

RAYMOND SMITH: We've already done two. I'll think about it. Thank you.

NOVAK: Thank you Mr. President. I would just like to say that I'm glad that this has been taken care of. Because the gentleman and his wife (inaudible) years. And they're nice people and they made a big difference in their home that they bought here. They wanted to live in the city of Warren and they've done a fantastic job in their neighborhood, bonding with the neighbors and they basically they've turned that house around with what they've done.

But I would hope that Captain Smith could contact our in Howland township. Because unfortunately there's people two blocks from there that because they're in the Township they think they can build these gigantic, big bon fires. I was out doing receiving the other night and there was a fire down on Larchmont that is probably three quarters of a mile away and I could see the flames and see this black smoke blowing out. So and I know by AP rules there's not to be any open burning. But some people say oh I get a permit. But you know there's no permits.

So I would hope that this could be done because this – when we get this especially in the Summer this humid smoke fog goes into the neighborhood and everybody's calling me going who it is. And I called department many times to see where it is and most of the time they said sorry it's outside of the city of Warren. So hopefully we could do that. So please take care of it. Because it's illegal. And I'm sure these are the ones that are throwing tires over there too. Guaranteed. Thank you Mr. President.

BROWN: Thank you Mr. President. You know many times we talk about phone calls. But I have sincerely received more phone calls about this legislation than I have any other piece of legislation past in the last couple of years. And I don't know what the multiplier is on that but I received seven phone calls from people that are concerned that this may loosen the regulations on burning in Warren. And I just want to make sure that you know I've told them that this tightens the regulations. And I want to make sure before I give this my passage that the Fire Chief concurs with that and this will be a tool for the Fire Department.

NUSSLE: Thank you Mr. President. Thank you Councilman Brown. This puts us more in line with the Ohio Fire Code; which does allow some open burning. Ours will still be more stringent than the Ohio Fire Code. And I suppose it is long overdue. You know for a long time our company officers were using discretion. It was ok on Tuesday and then on Wednesday it wasn't. And we got away from that where priority was just extinguish all fires unless it was a legitimate cook out. This will still give – you know it's not going to eliminate the call. The Fire Department will still respond to investigate. But I think it gives the company officer more discretion. And I think it's a win-win for everyone that's involved in this.

ROLL CALL

YES: Valesky, Sferra, Rucker, Larson, Novak, Brown, Bartholomew, Flask, Saffold, Colbert, Flask, Saffold

NO: None

4-22-2015

MOTION PASSED 10 YES, 0 No. Motion passed. Draft 3512 is now Ord. 12592/15.
ORD. 12592/15

DRAFT 3513 An ordinance for the purpose of authorizing the payment of specific orders or
PAYMENT OF ORDERS contracts upon receipt of certification of the /fiscal Officer of the sufficiency of
OR CONTRACTS funds for said expenditures, and declaring an emergency.

Mr. Colbert requests the clerk to read the title on Draft 3513.

READ Clerk reads the same.

MOTION-SUSPEND Motion Colbert, second Saffold to suspend the rule requiring three readings
On Draft 3513.

ROLL CALL YES: Valesky, Sferra, Rucker, Larson, Novak, Brown, Bartholomew, Flask,
Saffold, Colbert, Flask, Saffold

NO: None

MOTION PASSED 10 YES, 0 No. motion passed.

MOTION-PASSAGE Motion Colbert, second Saffold to pass Draft 3513 as an emergency.

REMARKS

None.

ROLL CALL YES: Valesky, Sferra, Rucker, Larson, Novak, Brown, Bartholomew, Flask,
Saffold, Colbert, Flask, Saffold

NO: None

MOTION PASSED 10 YES, 0 No. Motion passed. Draft 3513 is now Ord. 12593/15.
ORD. 12593/15

DRAFT 3514 An ordinance for the purpose of appropriating from the unappropriated,
APPROPRIATIONS unencumbered balances of various city funds; and appropriating from the
unappropriated, anticipated receipts of certain city funds; to provide for the usual
daily operation of the City of Warren and declaring an emergency.
Mr. Colbert requests the clerk to read the title on Draft 3514.

READ Clerk reads the same.

MOTION-SUSPEND Motion Colbert, second Bartholomew to suspend the rule requiring three readings
On Draft 3514.

ROLL CALL YES: Valesky, Sferra, Rucker, Larson, Novak, Brown, Bartholomew, Flask,
Saffold, Colbert, Flask, Saffold

NO: None

MOTION PASSED 10 YES, 0 No. motion passed.

4-22-2015

MOTION-PASSAGE Motion Colbert, second Bartholomew to pass Draft 3514 as an emergency.

REMARKS

None.

ROLL CALL YES: Valesky, Sferra, Rucker, Larson, Novak, Brown, Bartholomew, Flask, Saffold, Colbert, Flask, Saffold

NO: None

MOTION PASSED 10 YES, 0 No. Motion passed. Draft 3514 is now Ord. 12594/15.
ORD. 12594/15

DRAFT 3505 An ordinance for the purpose of authorizing the Mayor and Director of Public
AGREEMENT WITH Service and Safety to negotiate and enter into a written agreement with the Board
COMMISSIONERS TO of Commissioners of Trumbull County, Ohio, for the purpose of consolidating the
CONSOLIDATE 911 Emergency Response Program (hereinafter 911), and declaring an emergency.
Mr. Colbert requests the clerk to read the title on Draft 3505 and place it into 2nd
Reading.

READ Clerk reads the same. Draft 3505 has been placed into 2nd reading.

RECOGNITION RESOLUTION

CR-04-2015 PATRIOT A resolution for the purpose of thanking the founders of Patriot Homecare, Inc.
HOME for their continued commitment to Warren, providing local employment
HEALTH opportunities and for their mission to provide high-quality home health-care
CARE services to residents of the city and beyond.

Resolution presented to Patriot Home Health Care by Councilwoman Rucker and Mayor Franklin.

MISCELLANEOUS

MR. VALESKY: Thank you Mr. President. Got a little hurried – kind of a little hurried on the Education Committee. There’s one more thing that I wanted to cover. And that was coming up on May 3rd at the Kinsman House; which will also be the home for the Warren Heritage Center. As (inaudible) by the covenant that we have with the National Park Service the house will be – we’ll be looking to have the house open at least in the beginning at twelve days per year. That will be starting on May 3rd and continuing throughout the year the first Monday of every month until we get the funds where we can keep the doors open. The doors should open about 10:00 and I think will be open until about 4:00 in the afternoon.

ADJOURNMENT – 8:02 PM

Motion Sferra, second Colbert to adjourn the meeting at 8:02 PM.

James Graham, President of Council

Brenda Smith, Clerk of Council